



**AGENDA  
BELOIT CITY COUNCIL  
100 State Street, Beloit WI 53511  
City Hall Forum – 7:00 p.m.  
Monday, April 3, 2017**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Proclamation recognizing National Library Week April 9-15, 2017 (Leavy)
  - b. Proclamation recognizing April 21, 2017, as Roy Chapman Andrews Day (Leavy)
  - c. Proclamation recognizing April as National Fair Housing Month (Leavy)
4. PUBLIC HEARINGS
  - a. Resolution authorizing a Conditional Use Permit to allow a drive-through use and outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road (Christensen) Plan Commission recommendation for approval 7-0
  - b. Resolution authorizing an Exception to the Architectural Review and Landscape Code for property located at 2787 Milwaukee Road (Christensen) Plan recommendation for approval 7-0
  - c. Resolution authorizing a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District-Core, for the property located at 310 State Street (Christensen) Plan Commission recommendation for approval 6-0
  - d. Resolution authorizing a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue (Christensen) Plan Commission recommendation for approval 7-0
5. PUBLIC COMMENTS
6. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.

  - a. Approval of the Minutes of the Regular and Special meeting of March 20, 2017 (Stottler)
  - b. Application for an Electric Line Easement for Eagles Ridge Park property at 3731 Golden Eagle Drive (Christensen) Refer to Plan Commission
  - c. Application for a Class "B" Beer License for Los Corrales Restaurant, LLC, d/b/a Los Corrales Restaurant, located at 946 Wisconsin Avenue, Karla P. Robledo Merdoza (Stottler) Refer to ABLCC

- d. Resolution approving a Relocation order to acquire a Highway Easement and a Temporary Limited Easement over portions of the properties located at 810, 830, & 850 Pleasant Street (Christensen)

7. ORDINANCES

- a. Proposed Ordinance to amend various provisions of Chapters 6, 25 and 29 of the Code of General Ordinances of the City of Beloit pertaining to Hazardous Material Incident Response and the Wastewater Treatment System (Simplot) First Reading

8. APPOINTMENTS

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

12. ADJOURNMENT

\*\* Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

Dated: March 29, 2017  
Lorena Rae Stottler  
City of Beloit City Clerk  
[www.beloitwi.gov](http://www.beloitwi.gov)

City Council meetings occur on the first and third Mondays of the month. Meetings are televised on Charter Cable Access digital channel 992, and are live streamed via the Beloit Access Television (BATV) YouTube Channel. Council meetings are rebroadcast on Charter Cable Access digital channel 992 multiple times throughout the week, and are archived on the BATV YouTube Channel for viewing at your leisure.

**WHEREAS**, libraries have long served as trusted and treasured institutions, and library workers and librarians work to better their communities, campuses and schools;

**WHEREAS**, libraries continue to level the playing field for all who seek information and access to technologies and the skills needed to thrive in a rapidly changing digital landscape;

**WHEREAS**, libraries and librarians are looking beyond their traditional roles, providing more opportunities for community engagement, delivering new services that connect closely with patrons' needs, and opening a world of possibilities through innovative STEAM programming, Makerspaces, job-seeking resources and the power of reading;

**WHEREAS**, a healthy democracy demands an informed citizenry, libraries offer vital literacy-based programs and educational resources that transform communities, open minds and ensure equitable access to information for all;

**WHEREAS**, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

**NOW, THEREFORE**, be it resolved that the City Council of the City of Beloit proclaims **National Library Week, April 9-15, 2017**. We encourage all residents to visit the Beloit Public Library this week to explore and engage with the staff and resources. Because, in short, "Libraries Transform".

Adopted this 3<sup>rd</sup> day of April 2017.

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David F. Luebke, Council President

Attest:

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Lorena Rae Stottler, City Clerk

**WHEREAS**, Roy Chapman Andrews devoted his childhood in Beloit, Wisconsin, to a tireless pursuit of knowledge about the natural world; and

**WHEREAS**, Roy Chapman Andrews secured his formal education through Beloit schools, culminating in his graduation from Beloit College in 1906; and

**WHEREAS**, Roy Chapman Andrews went on from Beloit to become a world-famous explorer for New York's American Museum of Natural History, discovering new species of animals including, during a series of daring expeditions to the Gobi of Mongolia, previously unknown dinosaurs, the first nests of dinosaur eggs, and fossils of mammals that lived alongside dinosaurs; and

**WHEREAS**, the accomplishments of Roy Chapman Andrews are gaining new attention and recognition today, both locally and nationally, through the efforts of the Roy Chapman Andrews Society of Beloit; and

**WHEREAS**, the legacy of Roy Chapman Andrews will be celebrated on Friday, April 21, 2017, when the Roy Chapman Andrews Society bestows its Distinguished Explorer Award on Wade Davis, a cultural anthropologist and ethnobotanist who has conducted more than 80 expeditions on five continents to expand appreciation of the world's diverse peoples and cultures.

**NOW, THEREFORE, THE PRESIDENT OF THE BELOIT CITY COUNCIL** does hereby declare that Friday, April 21, 2017, be proclaimed "**Roy Chapman Andrews Day**" to honor visiting explorer Wade Davis and to recognize the achievements of one of Beloit's most famous native sons.

Adopted this 3<sup>rd</sup> day of April, 2017.

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David F. Luebke, Council President

Attest:

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Lorena Rae Stottler, City Clerk

**WHEREAS**, April 2017 marks the 49th Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, and therefore is an appropriate time for all citizens to reflect on the principles which led to a national policy of fair and equal housing opportunities across the United States; and

**WHEREAS**, fair and equal opportunity in housing means that persons of equal income have the same access to the sale, rental, and financing of all housing regardless of race, color, religion, sex, handicap, family status, marital status, sexual orientation, age, or ancestry; and

**WHEREAS**, Fair Housing is the policy of the City of Beloit and the implementation of that policy requires the positive commitment, involvement, and support of each of our citizens.

**NOW, THEREFORE, BE IT RESOLVED** that the Beloit City Council does hereby proclaim the month of April 2017 as "**FAIR HOUSING MONTH**" and does hereby encourage all citizens to abide by the letter and spirit of the Fair Housing Laws, and asks the citizens of the city to join in reaffirming the obligation and commitment to fair housing opportunities for all.

Adopted this 3<sup>th</sup> day of April 2017.

**City Council of the City of Beloit**

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David F. Luebke, Council President

Attest:

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Lorena Rae Stottler, City Clerk

**RESOLUTION  
AUTHORIZING A CONDITIONAL USE PERMIT  
TO ALLOW A DRIVE-THROUGH USE AND AN OUTDOOR  
SEATING AREA IN A C-3, COMMUNITY COMMERCIAL DISTRICT,  
FOR THE PROPERTY LOCATED AT 2787 MILWAUKEE ROAD**

**WHEREAS**, the application of Todd Waller for a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication filed in the City Clerk's office.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road in the City of Beloit, for the following described premises:

Lot 3 of a Certified Survey Map as recorded in Volume 20 on Pages 36-42 of the Certified Survey Maps of Rock County, except the east 106.32 feet, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 1.78 acres, more or less.

As a condition of granting the Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. This Conditional Use Permit authorizes the construction and establishment of a drive-through as shown on the attached site plan, provided all of the site improvements are completed beforehand. This approval also authorizes an outdoor seating area consisting of up to two tables and up to eight chairs in the location shown.
2. This approval is contingent upon concurrent approval of an Exception to the Landscape Code to allow the southbound one-way drive lane shown on the attached site plan.
3. Alcoholic beverages may not be sold through the drive-through window or within the outdoor seating area.
4. Prior to use, the outdoor seating area shall be enclosed by a 4-foot wrought iron or similar fence on the east and south sides, both of which are adjacent to stacked vehicles.
5. If the operation of the drive-through begins to cause traffic congestion that prevents free use of the approved joint access easement on the site plan, and such congestion is a threat to public health & safety in the opinion of the City Engineer, the applicant will be ordered to remedy the problems through the use of additional directional signs, striping, or other measures. If these additional measures are not successful, the City Council reserves the right to consider revocation of this permit, following lawful notice to the property owner and a public hearing.

6. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

Adopted this 3<sup>rd</sup> day of April, 2017.

**BELOIT CITY COUNCIL**

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David F. Luebke, Council President

ATTEST:

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Lorena Rae Stottler, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Conditional Use Permit Application for the property located at 2787 Milwaukee Road

**Date:** April 3, 2017

**Presenter(s):** Julie Christensen

**Department:** Community Development

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### Overview/Background Information:

Todd Waller of Beloit Capital LLC has filed an application for a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road. The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. The proposed restaurant includes a drive-through window and an outdoor seating area, both of which require a Conditional Use Permit. If the uses are approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

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### Key Issues (maximum of 5):

- The proposed northbound drive-through window is located on the eastern side of the building. The building was designed with a drive-through window in this location, but a drive-through use was never established. According to Section 8-112 of the Zoning Ordinance, restaurant drive-through lanes shall include at least 5 stacking spaces for the order box and at least 3 stacking spaces between the order box and pick-up window for a total of 8 spaces, unless otherwise approved by the Zoning Administrator.
- The applicant has proposed 4 stacking spaces for the order box and 3 stacking spaces between the order box and pick-up window for a total of 7 stacking spaces. The applicant worked with Planning & Engineering staff to make significant changes to the original plan, which are now reflected in the attached site plan.
- The L-shaped parking lot island design was selected so that stacked vehicles will not impede the shared access easement that provides bidirectional access to Doc's Restaurant. In addition, vehicles leaving the drive-through will be required to turn left to exit through the rear parking lot as opposed to veering right across the incoming traffic lane. The drive-through will function in a counter-clockwise motion.
- The existing curbed median will be replaced with a striped median adjacent to the stacking spaces (to allow bypass or change-of-mind exiting). However, the curbed median will be left in place where vehicles are leaving the pick-up window in order to force the left-turn exiting movement described above.
- As shown on the attached site plan, the applicant has proposed the reconfiguration of the parking lot and the construction of a new one-way (southbound) drive lane around the western end of the building. The proposed one-way drive lane requires a Landscape Code Exception, as it would encroach into the required green space along the western lot line. The applicant has submitted a separate request for a Landscape Code Exception.
- The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Conditional Use Permit, subject to the six conditions recommended by Planning staff.

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### Conformance to Strategic Plan:

- Consideration of this request supports Strategic Goal #3.

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### Sustainability:

- **Reduce dependence upon fossil fuels – N/A**
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A**
- **Reduce dependence on activities that harm life sustaining eco-systems – N/A**
- **Meet the hierarchy of present and future human needs fairly and efficiently – N/A**

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### Action required/Recommendation:

- City Council consideration and action on the proposed Resolution

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**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Resolution and Staff Report to the Plan Commission



# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



**Meeting Date:** March 22, 2017

**Agenda Item:** 4

**File Number:** CU-2017-02

**Applicant:** Todd Waller

**Owner:** Beloit Capital LLC

**Location:** 2787 Milwaukee Road

**Existing Zoning:** C-3, Community Commercial District & MRO, Milwaukee Road Overlay District

**Existing Land Use:** Retail

**Parcel Size:** 1.78 Acres

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### Request Overview/Background Information:

Todd Waller of Beloit Capital LLC has filed an application for a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road. The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. The proposed restaurant includes a drive-through window and an outdoor seating area, both of which require a Conditional Use Permit. If the uses are approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

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### Key Issues:

- The proposed northbound drive-through window is located on the eastern side of the building. The building was designed with a drive-through window in this location, but a drive-through use was never established.
- According to Section 8-112 of the Zoning Ordinance, restaurant drive-through lanes shall include at least 5 stacking spaces for the order box and at least 3 stacking spaces between the order box and pick-up window for a total of 8 spaces, unless otherwise approved by the Zoning Administrator.
- The applicant has proposed 4 stacking spaces for the order box and 3 stacking spaces between the order box and pick-up window for a total of 7 stacking spaces. The applicant worked with Planning & Engineering staff to make significant changes to the original plan, which are now reflected in the attached site plan.
- The L-shaped parking lot island design was selected so that stacked vehicles will not impede the shared access easement that provides bidirectional access to Doc's Restaurant. In addition, vehicles leaving the drive-through will be required to turn left to exit through the rear parking lot as opposed to veering right across the incoming traffic lane. The drive-through will function in a counter-clockwise motion.
- The existing curbed median will be replaced with a striped median adjacent to the stacking spaces (to allow bypass or change-of-mind exiting). However, the curbed median will be left in place where vehicles are leaving the pick-up window in order to force the left-turn exiting movement described above.
- According to the applicant, all of the food is prepared in advance and the average wait time is 2 minutes per vehicle. The applicant believes that no more than 5 cars will be waiting at once. However, staff is recommending a condition of approval that will allow the Plan Commission to revisit the drive-through layout in the event that the drive-through is causing congestion at the shared driveway on westbound Milwaukee Road.
- As shown on the attached site plan, the applicant has proposed the reconfiguration of the parking lot and the construction of a new one-way (southbound) drive lane around the western end of the building. The proposed one-way drive lane requires a Landscape Code Exception, as it would encroach into the required green space along the western lot line. The applicant has submitted a separate request for a Landscape Code Exception.
- This property is located in the Milwaukee Road Overlay (MRO) District. In the MRO District, direct driveway access to Milwaukee Road is prohibited unless the subject property has no other reasonable access to the street network. The applicant has not proposed a change in access, and will continue to use the shared driveway.
- The applicant has proposed 87 off-street parking stalls, which complies with the Zoning Ordinance.
- The applicant has proposed an 18' x 18' outdoor seating area consisting of two tables with up to eight chairs.
- Public facilities and infrastructure exist in this area and the property receives the full range of municipal services.
- The City's Review Agents have reviewed this application and do not have any comments or concerns.
- The attached Public Notice was sent to four nearby property owners. Several have called staff with questions.
- **Findings of Fact** – Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
  - a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
    - The proposed uses are commercial in nature and will occur in the middle of a large commercial district.
  - b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*

- The subject property is located in the City's busiest commercial area, and any additional traffic, noise, and glare generated by this development is compatible with existing conditions.
  - Planning & Engineering staff have worked closely with the applicant to refine the drive-through design so as to avoid congestion that will affect nearby businesses.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
- On the contrary, this proposed development is likely to enhance property values nearby.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
- This is an urbanized area and the surrounding properties are fully developed.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
- The proposed improvements on the attached site plan will encourage a counter-clockwise traffic flow on the site, and may actually organize the overall layout of this retail center.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
- Adequate facilities and infrastructure are available to serve the conditional uses.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
- The proposed drive-through has been designed with a new parking lot island arrangement and counter-clockwise traffic flow that will prevent stacked vehicles from causing traffic congestion that would impede access to nearby businesses. In addition, vehicles exiting the drive-through will be forced to turn left and exit the property from the westernmost driveway onto the Walmart frontage road.
  - The existing street network in this area is capable of handling the additional traffic that will be generated by this development.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
- The conditional uses will comply with all other applicable regulations of the Zoning Ordinance.

**Consistency with Comprehensive Plan and Strategic Plan:**

The Comprehensive Plan recommends Community Commercial uses for the subject property. This proposed development and the underlying zoning classification are consistent with this recommendation. Consideration of this request supports City of Beloit Strategic Goal #3.

**Staff Recommendation:**

The Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes the construction and establishment of a drive-through as shown on the attached site plan, provided all of the site improvements are completed beforehand. This approval also authorizes an outdoor seating area consisting of up to two tables and up to eight chairs in the location shown.
2. This approval is contingent upon concurrent approval of an Exception to the Landscape Code to allow the southbound one-way drive lane shown on the attached site plan.
3. Alcoholic beverages may not be sold through the drive-through window or within the outdoor seating area.
4. Prior to use, the outdoor seating area shall be enclosed by a 4-foot wrought iron or similar fence on the east and south sides, both of which are adjacent to stacked vehicles.
5. If the operation of the drive-through begins to cause traffic congestion that prevents free use of the approved joint access easement on the site plan, and such congestion is a threat to public health & safety in the opinion of the City Engineer, the applicant will be ordered to remedy the problems through the use of additional directional signs, striping, or other measures. If these additional measures are not successful, the City Council reserves the right to consider revocation of this permit, following lawful notice to the property owner and a public hearing.
6. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

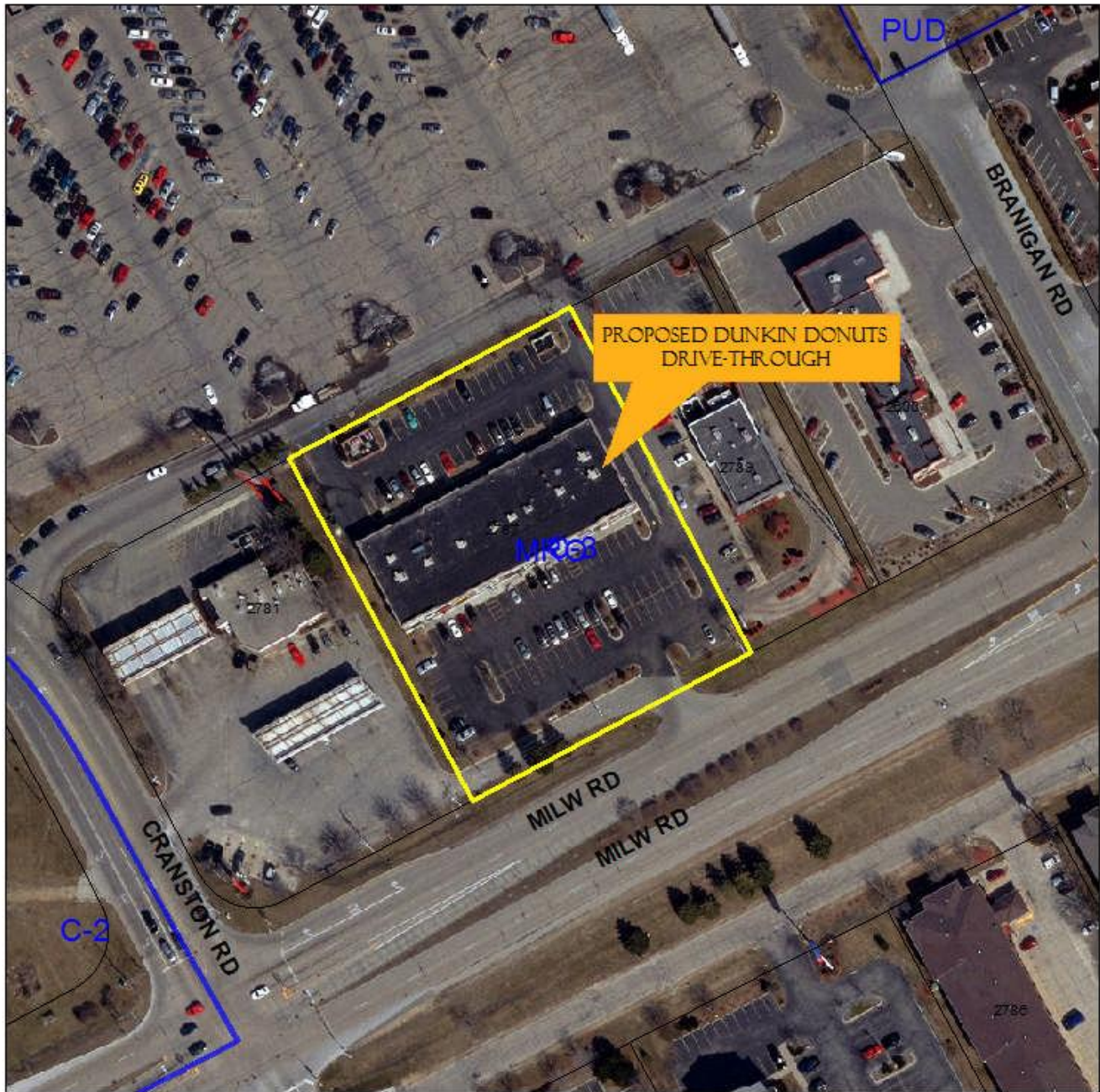
**Fiscal Note/Budget Impact:** N/A

**Attachments:** Location & Zoning Map, Site Photos, Site Plan, Application, Public Notice, and Mailing List.

# Location & Zoning Map

2787 Milwaukee Road



CU-2017-02



1 inch = 114 feet

0 1530 60 90 Feet

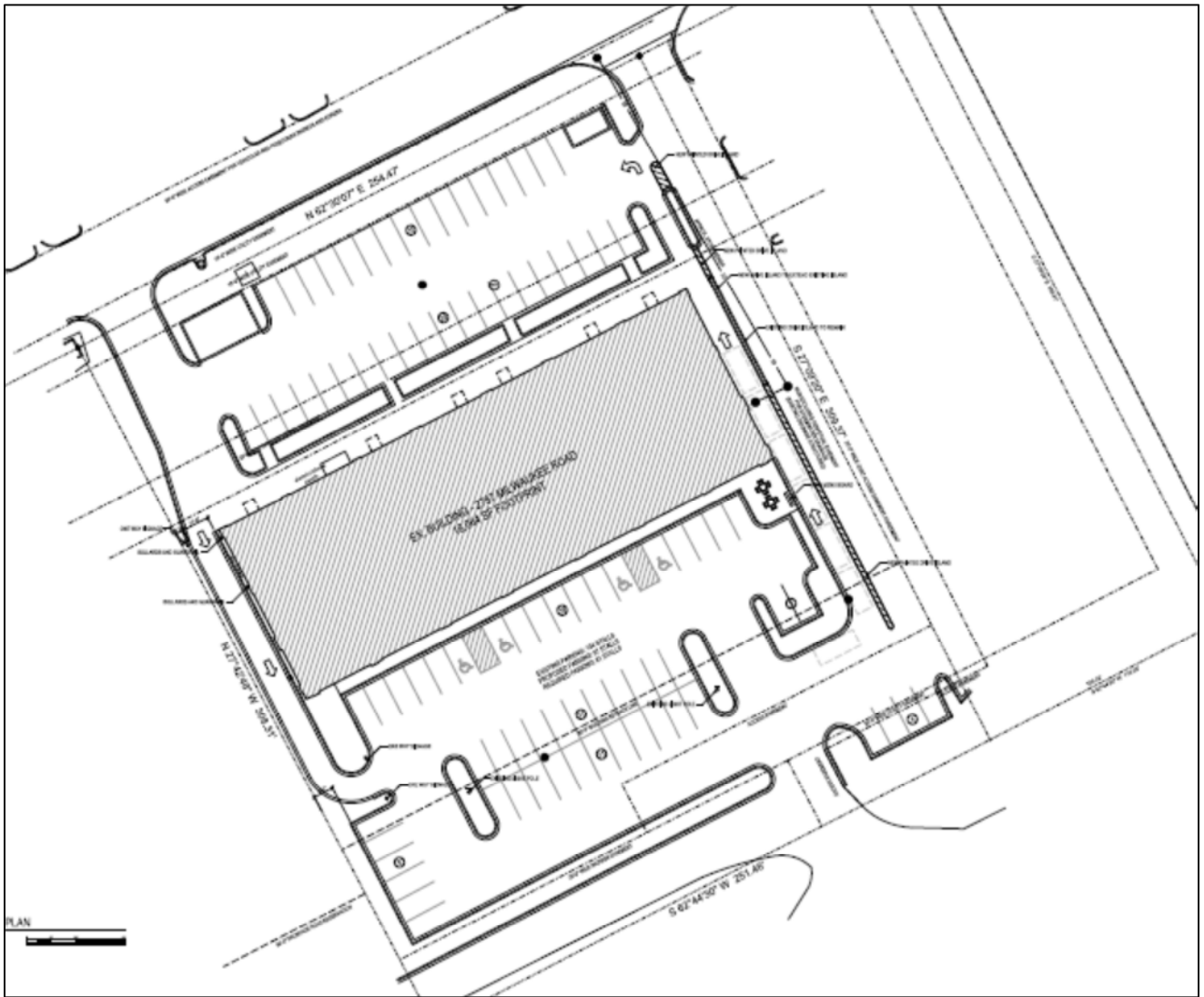
## Legend

-  City Limits
-  Zoning District

Map prepared by: Drew Pennington, AICP  
Date: February 2017  
For: City of Beloit Planning & Building Services  
Date of Aerial Photography: March 2011

# PLANNING & BUILDING SERVICES DIVISION









9. Project timetable: Start date: March, 2017 Completion date: May, 2017

10. I/We represent that I/we have a vested interest in this property in the following manner:

- Owner  
 Leasehold, length of lease: \_\_\_\_\_  
 Contractual, nature of contract: \_\_\_\_\_  
 Other, explain: \_\_\_\_\_  
 \_\_\_\_\_

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Todd Waller / Todd Waller / 1/27/2017  
 (Signature of Owner) (Print name) (Date)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

**To be completed by Planning Staff**

Filing fee: \$275.00 Amount paid: \$275.00 Meeting date: March 8, 2017  
 No. of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_  
 Application accepted by: Drew Pennington Date: 2/6/17





## **NOTICE TO THE PUBLIC**

March 3, 2017

To Whom It May Concern:

Todd Waller of Beloit Capital LLC has filed an application for a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District, for the property located at:

**2787 Milwaukee Road.**

The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. As shown on the attached site plan, the applicant has proposed the reconfiguration of the parking lot and the construction of a new one-way (southbound) drive lane around the western end of the building. The proposed one-way drive lane requires an Exception to Section 34.21(2)(b) of the Landscape Code, as it would encroach into the required open green space along the western lot line. The applicant has submitted a separate request for an Exception to the Architectural Review & Landscape Code.

The following public hearings will be held regarding these applications:

**City Plan Commission:** Wednesday, March 22, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, April 3, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

### **THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.**

#### **We are interested in your opinion.**

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Drew Pennington, AICP in the Planning & Building Services Division at (608) 364-6711 or [penningtond@beloitwi.gov](mailto:penningtond@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*

Williams Property Management LLC  
7348 Lone Cedar Trail  
South Beloit, IL 61080

McGuire Properties Inc.  
400 Midland Court Ste 101  
Janesville, WI 53546

Walmart Real Estate Business Trust  
P.O. Box 8050  
MS 0555  
Bentonville, AR 72712-8050

Speedway LLC  
539 South Main Street  
Findlay, OH 45840

**RESOLUTION  
AUTHORIZING AN EXCEPTION TO THE  
ARCHITECTURAL REVIEW AND LANDSCAPE CODE  
FOR THE PROPERTY LOCATED AT 2787 MILWAUKEE ROAD**

**WHEREAS**, the application of Todd Waller for an Exception to Section 34.21(2)(b) of the Architectural Review and Landscape Code to waive the open green space requirement for the property at 2787 Milwaukee Road, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT**, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant an Exception to Section 34.21(2)(b) of the Architectural Review and Landscape Code to waive the open green space requirement for the property at 2787 Milwaukee Road, for the following described premises:

Lot 3 of a Certified Survey Map as recorded in Volume 20 on Pages 36-42 of the Certified Survey Maps of Rock County, except the east 106.32 feet, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 1.78 acres, more or less.

As a condition of granting this Exception, the City Council does hereby stipulate the following conditions and restrictions, which are hereby deemed necessary for the public interest:

1. This approval is contingent upon concurrent approval of a CUP to allow a drive-through use.
2. Any major changes to this Exception shall be approved by the Plan Commission and City Council. The Director of Planning & Building Services may approve minor changes administratively.

Adopted this 3<sup>rd</sup> day of April, 2017.

**BELOIT CITY COUNCIL**

\_\_\_\_\_  
David F. Luebke, Council President

ATTEST:

\_\_\_\_\_  
Lorena Rae Stottler, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Exception to the Architectural Review and Landscape Code for the property located at 2787 Milwaukee Road

**Date:** April 3, 2017

**Presenter:** Julie Christensen

**Department:** Community Development

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### **Overview/Background Information:**

Todd Waller of Beloit Capital LLC has filed an application for an Exception to Section 34.21(2)(b) of the Architectural Review and Landscape Code to waive the open green space requirement for the property at 2787 Milwaukee Road.

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### **Key Issues (maximum of 5):**

- The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. The proposed restaurant includes a drive-through window.
  - As shown on the attached site plan, the applicant has proposed a new one-way (southbound) drive lane around the western end of the building, which requires a Landscape Code Exception, as it would encroach into the required 5 feet of open green space along the western lot line. The open green space requirement applies to interior side and rear lot lines, where at least 5 feet of grass must be provided. The applicant has stated that the drive lane would encroach up to 3 feet into the open space, leaving 2 feet of grass along the lot line.
  - According to the applicant, the proposed drive lane is a requirement of Dunkin Donuts in order to provide better access to their proposed drive-through lane, which is the subject of a Conditional Use Permit request. The applicant has limited options with respect to changing the layout of this existing retail center. Planning & Engineering staff have worked with the applicant to design the proposed drive-through to function in a counter-clockwise manner, and the new southbound drive lane is an important element.
  - Planning staff is recommending several conditions of approval on the drive-through that will ensure adequate traffic flow on site.
  - The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Exception, subject to the conditions recommended by Planning staff.
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### **Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

- Consideration of this request supports Strategic Goal #3.
- 

### **Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- Reduce dependence upon fossil fuels – N/A
  - Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A
  - Reduce dependence on activities that harm life sustaining eco-systems – N/A
  - Meet the hierarchy of present and future human needs fairly and efficiently – N/A
- 

### **Action required/Recommendation:**

- City Council consideration and action on the proposed Resolution
- 

**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Resolution and Staff Report to the Plan Commission

---

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



**Meeting Date:** March 22, 2017

**Agenda Item:** 5

**File Number:** ARC/EXP-2017-01

**Applicant:** Todd Waller

**Owner:** Beloit Capital LLC

**Location:** 2787 Milwaukee Road

**Existing Zoning:** C-3

**Existing Land Use:** Retail

**Parcel Size:** 1.78 Acres

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### Request Overview/Background Information:

Todd Waller of Beloit Capital LLC has filed an application for an Exception to Section 34.21(2)(b) of the Architectural Review and Landscape Code to waive the open green space requirement for the property at 2787 Milwaukee Road.

---

### Key Issues:

- The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. The proposed restaurant includes a drive-through window.
- As shown on the attached site plan, the applicant has proposed a new one-way (southbound) drive lane around the western end of the building, which requires a Landscape Code Exception, as it would encroach into the required 5 feet of open green space along the western lot line. The open green space requirement applies to interior side and rear lot lines, where at least 5 feet of grass must be provided. The applicant has stated that the drive lane would encroach up to 3 feet into the open space, leaving 2 feet of grass along the lot line.
- According to the applicant, the proposed drive lane is a requirement of Dunkin Donuts in order to provide better access to their proposed drive-through lane, which is the subject of a Conditional Use Permit request.
- The application and site plan are attached to this report.
- **Findings of Fact** – Section 34.22(5) of the Architectural Review and Landscape Code states that the City Council may grant exceptions to the regulations contained in this chapter when:
  - (a) **Such exceptions are in harmony with the general purpose and intent of this chapter;** The proposed exception will still maintain separation and at least two feet of open space between the subject property and the adjacent Speedway gas station property to the west.
  - (b) **The City Council finds that special circumstances exist involving the size, shape, topography, location or surroundings of the property referred to in the application;** The applicant has limited options with respect to changing the layout of this existing retail center. Planning & Engineering staff have worked with the applicant to design the proposed drive-through to function in a counter-clockwise manner, and the new southbound drive lane is an important element.
  - (c) **Denial of the exception will cause unreasonable or unnecessary hardship;** Approval of the drive-through is contingent upon the requested landscape exception, so denial of the exception would prevent the applicant from establishing a drive-through coffee shop at this location.
  - (d) **Granting the exception will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the general welfare of the neighborhood or the public.** Granting the exception will not cause substantial injury to the value of nearby properties nor be detrimental to the general welfare of the neighborhood or the public. Planning staff is recommending several conditions of approval on the drive-through that will ensure adequate traffic flow on site.

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### Consistency with Comprehensive Plan and Strategic Plan:

- The City's Comprehensive Plan recommends *Community Commercial* uses. Consideration of this request supports Strategic Goal #3.

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### Staff Recommendation:

The Planning & Building Services Division recommends **approval** of an Exception to Section 34.21(2)(b) of the Architectural Review and Landscape Code to waive the open green space requirement for the property at 2787 Milwaukee Road, based upon the standards for granting an exception and subject to the following conditions:

1. This approval is contingent upon concurrent approval of a CUP to allow a drive-through use.
2. Any major changes to this Exception shall be approved by the Plan Commission and City Council. The Director of Planning & Building Services may approve minor changes administratively.

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**Fiscal Note/Budget Impact:** N/A

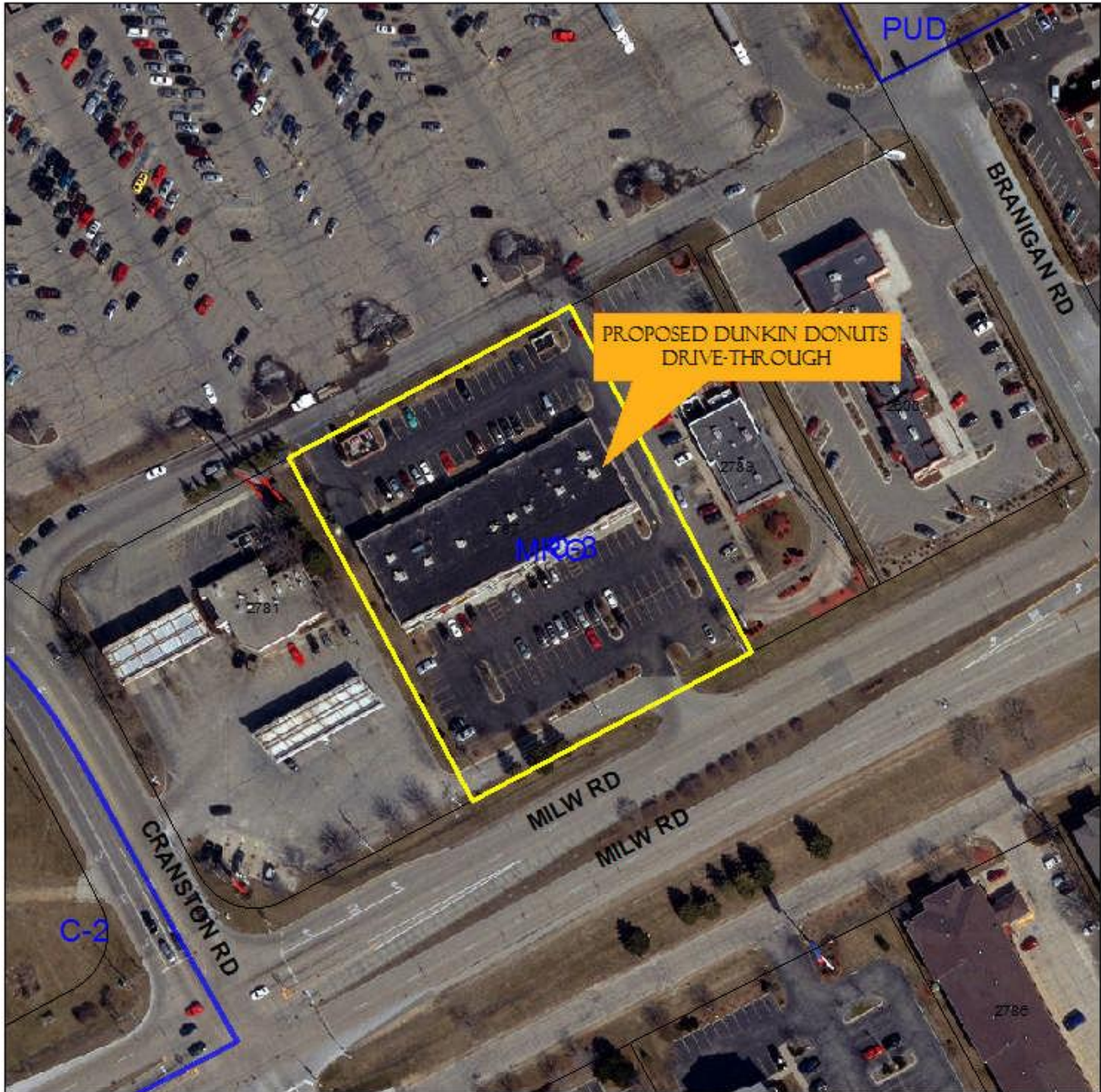
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**Attachments:** Location & Zoning Map, Site Plan, Application, Public Notice, and Mailing List.

# Location & Zoning Map

2787 Milwaukee Road

CU-2017-02



1 inch = 114 feet

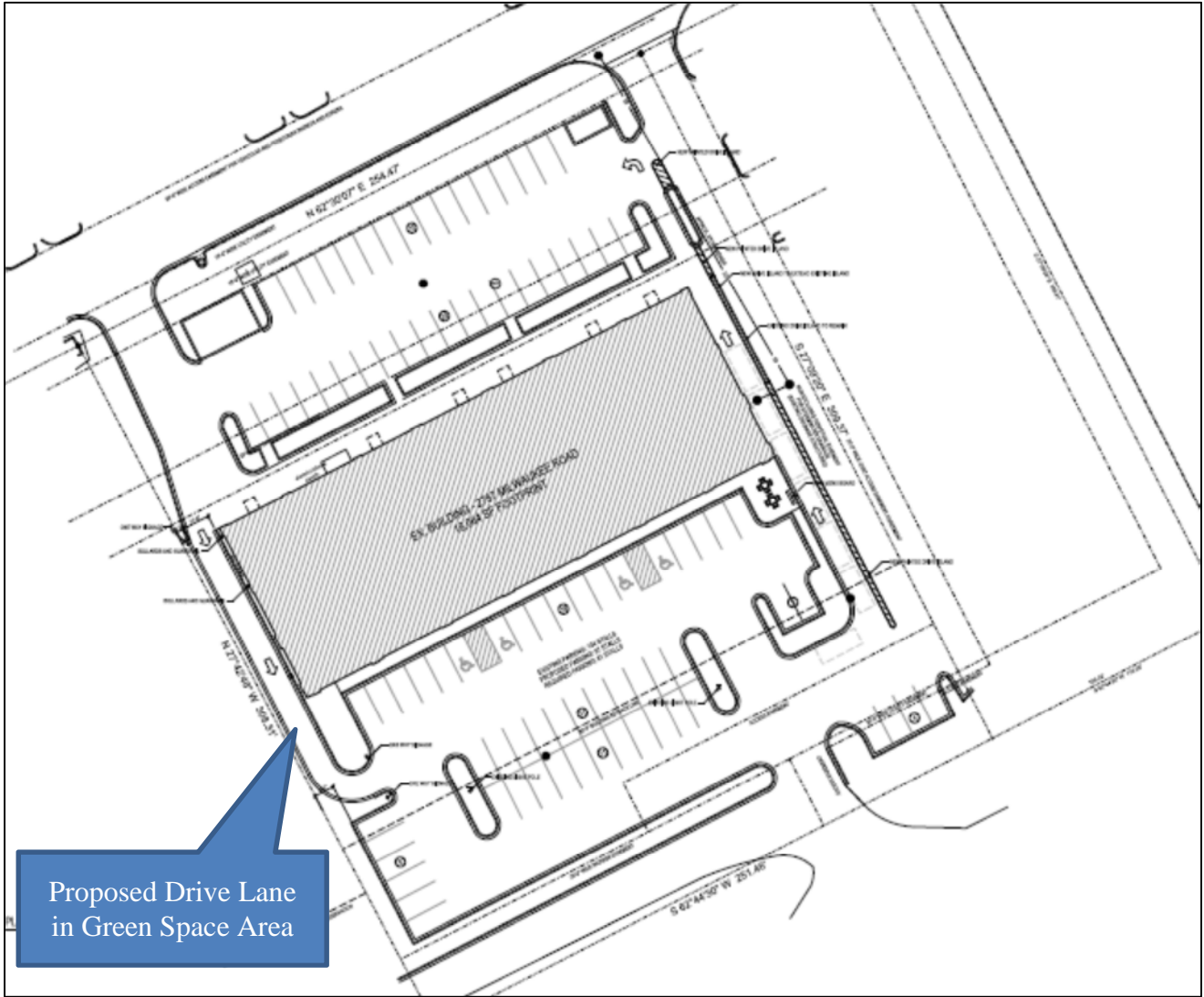
0 1530 60 90 Feet

## Legend

- City Limits
- Zoning District

Map prepared by: Drew Pennington, AICP  
Date: February 2017  
For: City of Beloit Planning & Building Services  
Date of Aerial Photography: March 2011

# PLANNING & BUILDING SERVICES DIVISION



# CITY of BELOIT

## Planning & Building Services Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

### Architectural Review Exception Application Form

(Please Type or Print)

File number: ARC/EXP-2017-01

1. Name of applicant: Todd Waller, Beloit Capital, LLC Phone #: 608-327-4001

6430 Bridge Road, Suite 230, Madison, WI, 53713  
(Address) (City) (State) (Zip)

2. Address of subject property: 2787 Milwaukee Road

3. Tax Parcel Number(s): 22980900

4. Legal description: L 3 CSM Vol 20, Pgs 36-42, except the East 106.32 feet

5. Present zoning: C3 Present use: Mixed Use - Business/Restaurant/Retail

6. Proposed use (if different): None

7. Owner of record: Beloit Capital, LLC Phone: \_\_\_\_\_

6430 Bridge Road, Suite 230, Madison WI 53713  
(Address) (City) (State) (Zip)

8. Code from which relief is sought or exception is taken:

Architectural Review  Landscape Regulations

9. State specific sections of code and exception(s) requested: (Use separate sheet if necessary)

34.21 - Landscaping, 2(b) Open Green Space, 1. Open Green Space must be provided along the interior side and rear property lines. Open Green Space must be at least 5 feet wide ...

Request to reduce 5 foot wide requirement in order to provide 9 foot wide access road, 1 foot wide curb/space between access road and building, and 4 foot wide Open Green Space along a portion of the building/site at West end of building.

10. State specific hardship experienced by the applicant: (Use separate sheet if necessary)

Limits access to drive up window in tenant space at East end of building which is a requirement of the lease/tenant terms.

(Continued on back)



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**11. In order for this application to be considered complete, the applicant must attach a scale drawing (1" = 20' usually works best) showing the location of property lines and their dimensions, existing buildings and improvements, all abutting properties and improvements thereon, and the proposed changes or additions. A professional drawing is not required. You are required to furnish a legible drawing with enough detail that will adequately advise and inform the Commission.**

**The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.**

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (Signature of Owner) / (Print name) / (Date)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (Signature of Applicant, if different) / (Print name) / (Date)

The applicant acknowledges that this application is not deemed filed until dated and receipt acknowledged by a person authorized to receive the application. The applicant is entitled to receive a copy of the acknowledged application once it is officially reviewed and accepted.

**Hearings are usually held in City Hall Forum, City Hall, 100 State Street at 7:00 P.M.**

In order for your request to be heard and considered in a timely manner, you must submit the completed application to the Planning & Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

The application fee will be \$100 and applicants will be charged actual out-of-pocket costs for mailing public notices at the rate of \$0.50 per notice.

**To be completed by Planning staff**

Filing fee: **\$100.00** Amount paid: \$100.00 Meeting date: March 8, 2017  
 Application accepted by: Don Panajota Date: 2/6/17  
 No. of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_  
 Date Notice Published: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_



## **NOTICE TO THE PUBLIC**

March 3, 2017

To Whom It May Concern:

Todd Waller of Beloit Capital LLC has filed an application for a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District, for the property located at:

### **2787 Milwaukee Road.**

The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. As shown on the attached site plan, the applicant has proposed the reconfiguration of the parking lot and the construction of a new one-way (southbound) drive lane around the western end of the building. The proposed one-way drive lane requires an Exception to Section 34.21(2)(b) of the Landscape Code, as it would encroach into the required open green space along the western lot line. The applicant has submitted a separate request for an Exception to the Architectural Review & Landscape Code.

The following public hearings will be held regarding these applications:

**City Plan Commission:** Wednesday, March 22, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, April 3, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

## **THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.**

### **We are interested in your opinion.**

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Drew Pennington, AICP in the Planning & Building Services Division at (608) 364-6711 or [penningtond@beloitwi.gov](mailto:penningtond@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*

Williams Property Management LLC  
7348 Lone Cedar Trail  
South Beloit, IL 61080

McGuire Properties Inc.  
400 Midland Court Ste 101  
Janesville, WI 53546

Walmart Real Estate Business Trust  
P.O. Box 8050  
MS 0555  
Bentonville, AR 72712-8050

Speedway LLC  
539 South Main Street  
Findlay, OH 45840

**RESOLUTION  
AUTHORIZING A CONDITIONAL USE PERMIT TO  
ALLOW A GROUND-FLOOR OFFICE USE IN THE CBD-1, CENTRAL BUSINESS  
DISTRICT – CORE, FOR THE PROPERTY LOCATED AT 310 STATE STREET**

**WHEREAS**, the application of Erick Johnson for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at 310 State Street, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at 310 State Street in the City of Beloit, for the following described premises:

PART OF LOTS 2 & 3, BLOCK 59 OF THE ORIGINAL PLAT, COMMENCING 37 FEET NORTHERLY OF THE SOUTHEAST CORNER OF LOT 2, THENCE WESTERLY 133.98 FEET, THENCE NORTHERLY 22 FEET, THENCE EASTERLY 133.98 FEET, THENCE SOUTHERLY 22 FEET TO THE POINT OF BEGINNING. ALL SITUATED IN THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN. SAID PARCEL CONTAINS 0.0672 ACRE, MORE OR LESS.

As a condition of granting the Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. This Conditional Use Permit authorizes the renovation of the first floor of the commercial building located at 310 State Street into a professional services office.
2. Prior to beginning any exterior alterations, the applicant shall obtain an Architectural Review Certificate and Building Permit. Prior to beginning any interior alterations, the applicant shall obtain a Building Permit.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

Adopted this 3<sup>rd</sup> day of April, 2017.

**BELOIT CITY COUNCIL**

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David F. Luebke, Council President

ATTEST:

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Lorena Rae Stottler, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Conditional Use Permit Application for the property located at 310 State Street

**Date:** April 3, 2017

**Presenter(s):** Julie Christensen

**Department:** Community Development

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**Overview/Background Information:**

Erick Johnson has submitted an application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at 310 State Street.

---

**Key Issues (maximum of 5):**

- This is the former “Overflowing Cup” building, which has been acquired by a new owner and will be rehabilitated into a ground-floor real estate office and upper floor housing. The applicant intends to preserve the storefront.
  - In accordance with Section 6.2.10 of the Zoning Ordinance, office uses in the Central Business District are permitted by-right above the ground floor but require a Conditional Use Permit on the ground floor. This provision is intended to encourage retail-oriented uses in the downtown area.
  - Uses in the Central Business District are exempt from the off-street parking requirements contained in the Zoning Ordinance, as on-street parking and City-owned parking lots are nearby.
  - The applicant and property owner intend to renovate and revitalize this commercial building in the heart of the downtown district while maintaining a storefront appearance and first floor fenestration. The proposed office use is expected to have a positive impact by bringing clients into the area that may benefit the adjacent retail businesses.
  - The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the three conditions recommended by Planning staff.
- 

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City’s mission.):**

- Consideration of this request supports Strategic Goal #3.
- 

**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- **Reduce dependence upon fossil fuels** – This proposal will increase the amount of office space in the middle of a walkable, mixed-use business district.
  - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
  - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
  - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
- 

**Action required/Recommendation:**

- City Council consideration and action on the proposed Resolution
- 

**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Resolution and Staff Report to the Plan Commission

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# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

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**Meeting Date:** March 22, 2017

**Agenda Item:** 8

**File Number:** CU-2017-04

**Applicant:** Erick Johnson

**Owner:** Jeffrey Johnson

**Location:** 310 State Street

**Existing Zoning:** CBD-1, Central Business District – Core

**Existing Land Use:** Vacant Building

**Parcel Size:** 0.067 Acre

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### Request Overview/Background Information:

Erick Johnson has submitted an application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at 310 State Street.

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### Key Issues:

- This is the former “Overflowing Cup” building, which has been acquired by a new owner and will be rehabilitated into a ground-floor real estate office and upper floor housing. The applicant intends to preserve the storefront.
- In accordance with Section 6.2.10 of the Zoning Ordinance, office uses in the Central Business District are permitted by-right above the ground floor but require a Conditional Use Permit on the ground floor. This provision is intended to encourage retail-oriented uses in the downtown area.
- Uses in the Central Business District are exempt from the off-street parking requirements contained in the Zoning Ordinance, as on-street parking and City-owned parking lots are nearby.
- A proposed floor plan and the application are attached to this report.
- The Fire Inspector reviewed this application and requested that the door to the electrical room swing in to the room if possible, and noted that no combustible storage is allowed in the electrical room. The City’s other Review Agents have reviewed this application and have not submitted any comments or concerns.
- The attached Public Notice was sent to nine nearby property owners. Staff has not received any comments.

#### Findings of Fact

Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
  - The applicant and property owner intend to renovate and revitalize this commercial building in the heart of the downtown district while maintaining a storefront appearance and first floor fenestration. The proposed office use is expected to have a positive impact by bringing clients into the area that may benefit the adjacent retail businesses.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
  - The proposed office use will be quiet and will maintain regular business hours, and will not be injurious to the use and enjoyment of nearby properties. The proposed upper-floor housing will achieve a mixed land use arrangement that is desirable in the downtown area.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
  - On the contrary, the proposed improvement of this downtown property is likely to enhance property values within the area.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
  - The surrounding area is fully developed.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
  - Planning staff will review the proposed exterior alteration plans at a future date to ensure compliance with the Downtown Beloit Design Guidelines.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
  - The Water Resources Division has been working with the property owner and applicant to provide a new sewer connection after discovering that the prior owner did not have a connection to the public sewer. This will be a utility expense up to the property line.

- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
  - The proposed office is not expected to result in a significant increase in traffic.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
  - The conditional use will comply with all other applicable regulations of the Zoning Ordinance.

---

**Consistency with Comprehensive Plan and Strategic Plan:**

The City's Comprehensive Plan recommends *Planned Mixed Use: Office/Residential above Retail* uses for the subject properties. The underlying CBD zoning classification is consistent with this recommendation, and the City retains the right to evaluate ground-floor office uses as a conditional use. Consideration of this request supports City of Beloit Strategic Goal #3.

---

**Sustainability:**

- **Reduce dependence upon fossil fuels** – This proposal will increase the amount of office space in the middle of a walkable, mixed-use business district while utilizing existing infrastructure.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

---

**Staff Recommendation:**

The Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at 310 State Street, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes the renovation of the first floor of the commercial building located at 310 State Street into a professional services office.
2. Prior to beginning any exterior alterations, the applicant shall obtain an Architectural Review Certificate and Building Permit. Prior to beginning any interior alterations, the applicant shall obtain a Building Permit.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

---

**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Location & Zoning Map, Photos, Floor Plan, Application, Public Notice, and Mailing List.

# Location & Zoning Map

310 State Street

CU-2017-04



1 inch = 142 feet

0 20 40 80 120 Feet

## Legend

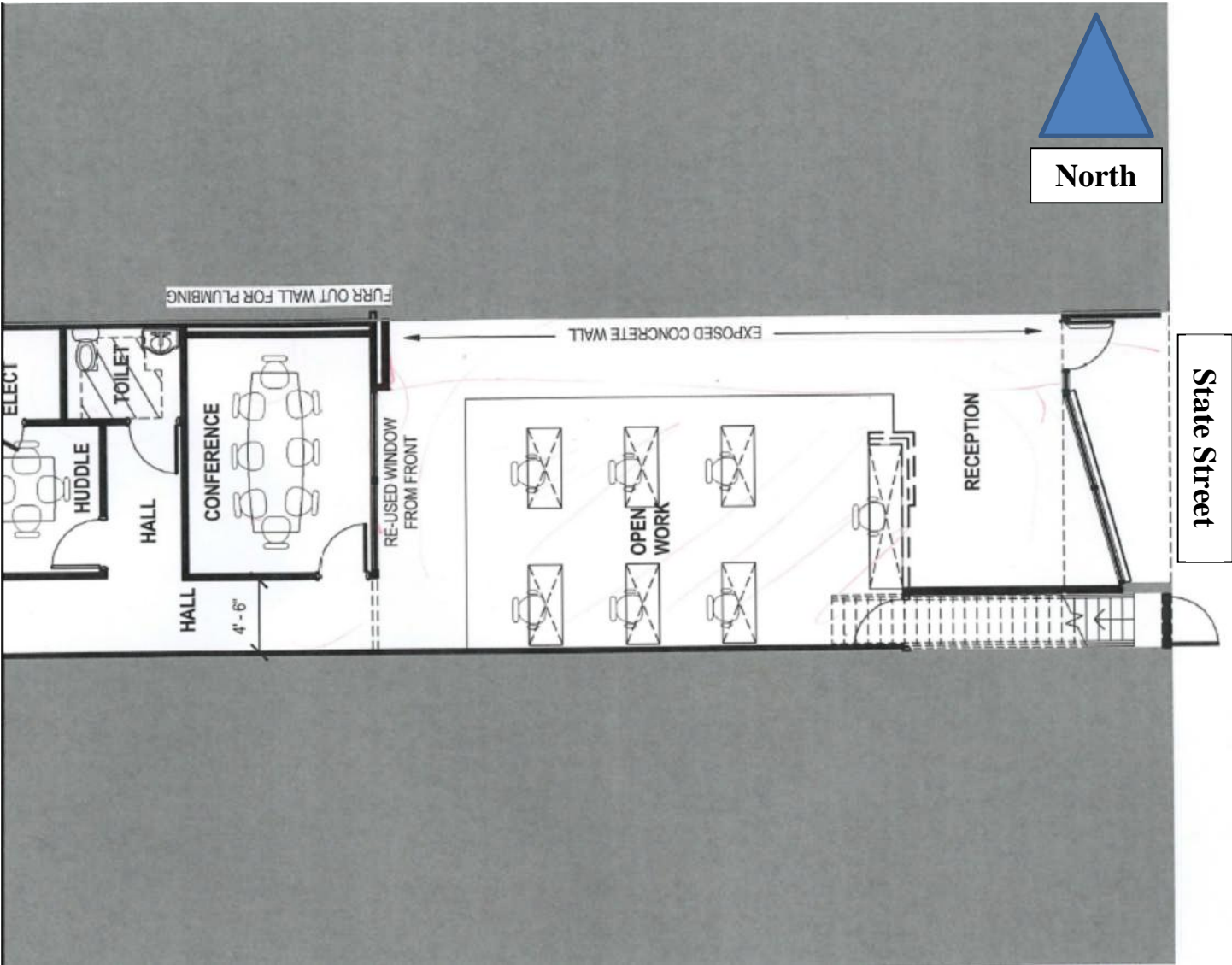
- City Limits
- Zoning District

Map prepared by: Drew Pennington, AICP  
Date: March 2017  
For: City of Beloit Planning & Building Services  
Date of Aerial Photography: March 2011

# PLANNING & BUILDING SERVICES DIVISION







# CITY of BELOIT

## Planning and Building Services Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

### Conditional Use Permit Application

413 E. Grand Avenue

7-04

(Please Type or Print)

1. Address of subject property: 310 STATE ST  
2. Legal description: PART LOTS 2 & 3 B 59 ORIGINAL PLAT

If property has not been subdivided, attach a copy of the complete legal description from deed.

Property dimensions are: \_\_\_\_\_ feet by \_\_\_\_\_ feet = \_\_\_\_\_ square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 1354 0240

4. Owner of record: JEFF JOHNSON Phone: 608-481-1548  
804 MILWAUKEE RD, BELOIT, WI 53511  
(Address) (City) (State) (Zip)

5. Applicant's Name: ERICK JOHNSON  
2386 TARA CT, BELOIT, WI 53511  
(Address) (City) (State) (Zip)

(Office Phone #) 1608-931-8647 (Cell Phone #) Johnson.2386@yahoo.com (E-mail Address)

6. All existing use(s) on this property are: NONE otis.ignite@gmail.com

7. THE FOLLOWING ACTION IS REQUESTED:

A Conditional Use Permit for: SALES OFFICE  
in a(n) CBD-1 Zoning District.

8. All the proposed use(s) for this property will be:

Principal use: REAL ESTATE SALES OFFICE

Secondary use: \_\_\_\_\_

Accessory use: POTENTIAL FUTURE BIFF VIEWING LOCATION.

9. Project timetable: Start date: 3/1/17 Completion date: 4/1/17

10. I/We) represent that I/we have a vested interest in this property in the following manner:

( ) Owner

Leasehold, length of lease: 5 years

( ) Contractual, nature of contract: \_\_\_\_\_

( ) Other, explain: \_\_\_\_\_

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

[Signature] / JEFFREY T. JOHNSON / 2/23/17  
(Signature of Owner) (Print name) (Date)

[Signature] / ERICK JOHNSON / 2/10/17  
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff

Filing fee: \$275.00 Amount paid: \_\_\_\_\_ Meeting date: March 22, 2017

No. of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_

Application accepted by: [Signature] Date: 2/24/17



## **NOTICE TO THE PUBLIC**

March 9, 2017

To Whom It May Concern:

Erick Johnson has submitted an application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at:

**310 State Street.**

This is the former “Overflowing Cup” building, which has been acquired by a new owner and will be rehabilitated into a ground-floor real estate office and upper floor housing. The applicant intends to preserve the storefront. Office uses in the Central Business District are permitted by-right above the ground floor, but require a Conditional Use Permit on the ground floor. This provision is intended to encourage retail-oriented uses in the downtown area.

The following public hearings will be held regarding this proposed Conditional Use Permit:

**City Plan Commission:** Wednesday, March 22, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, April 3, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.**

**We are interested in your opinion.**

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Drew Pennington, AICP in the Planning & Building Services Division at (608) 364-6711 or [penningtond@ci.beloit.wi.us](mailto:penningtond@ci.beloit.wi.us). Comments will be accepted via telephone, email, and U.S. Mail.*

DAVID WARNTJES  
264 SHENANDOAH CT  
BURLINGTON, WI 53105

JACKIE GENNETT  
328 STATE ST  
BELOIT, WI 53511

MICHAEL & CHARLOTTE JERO  
862 PETUNIA LN  
BELOIT, WI 53511

WILLIAM T MANSFIELD JR REVOCABLE  
TRUST  
1900 SHIRLAND AVE  
SOUTH BELOIT, IL 610801139

DAVID J & JOAN M SIEKIERSKI  
1632 GARFIELD AVE  
BELOIT, WI 53511

EDDY ENTERPRISES LLC  
400 E GRAND AVE STE 408  
BELOIT, WI 53511

PETER PANOS  
1727 ARROWHEAD DR  
BELOIT, WI 53511

NANCY SPELIUS  
1727 ARROWHEAD DR  
BELOIT, WI 53511

HAYNES PROPERTIES LLC  
11015 MAIN STREET  
ROSCOE, IL 61073

**RESOLUTION**  
**AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW FOOD PRODUCTION**  
**AND DISTRIBUTION FOR THE PROPERTY LOCATED AT 1827 PRAIRIE AVENUE**

**WHEREAS**, the application of Miguel Guzman, for a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue in the City of Beloit, for the following described premises:

Lot 1 of a Certified Survey Map as recorded in Volume 2 on Pages 335-336 of the Certified Survey Maps of Rock County, being part of Lot 93 of Indian Bluffs, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 7.15 acres, more or less.

As a condition of granting the Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. This approval authorizes the renovation of a vacant rear portion of the Piggly Wiggly building into a spice blending and sausage production facility, as shown on the floor plan submitted with the application.
2. Slaughtering is prohibited on the subject property. The applicant must utilize the store's existing loading docks.
3. The applicant shall obtain a Building Permit prior to beginning construction of this project.
4. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

Adopted this 3<sup>rd</sup> day of April, 2017.

**BELOIT CITY COUNCIL**

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David F. Luebke, Council President

ATTEST:

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Lorena Rae Stottler, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Conditional Use Permit Application for the property located at 1827 Prairie Avenue

**Date:** April 3, 2017

**Presenter(s):** Julie Christensen

**Department:** Community Development

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**Overview/Background Information:**

Miguel Guzman has filed an application for a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue.

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**Key Issues (maximum of 5):**

- The applicant has proposed the renovation of a vacant rear portion of the Piggly Wiggly building into a spice blending and sausage production room. The sausage produced on-site will be sold both on and off-site. Manufacturing & Production uses require a Conditional Use Permit in the C-3 district.
- The applicant has also proposed renovations at the front of the building to the right of the store entrance, although that retail project is permitted by-right in the C-3 district. Of the existing 84,000 square-foot Piggly Wiggly building, the proposed spice blending area is approximately 1,500 square feet, and the proposed walk-in cooler is approximately 900 square feet in area.
- The proposed spice blending and sausage production operation will not involve on-site slaughtering, as meat will be purchased in bulk just as it is for the grocery store butcher shop. The proposed spice blending and sausage production operation will only operate during the grocery store's regular hours. The applicant has stated that any additional truck traffic will be negligible (1-2 per day), and will utilize the existing loading docks where trucks deliver products to the grocery store.
- The attached Public Notice was sent to 21 nearby property owners. Planning staff received one phone call in support and one email with questions about the proposed use.
- The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Conditional Use Permit, subject to the four conditions included on the attached Resolution.

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**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

- Consideration of this request supports Strategic Goal #3.

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**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- Reduce dependence upon fossil fuels – N/A
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A
- Reduce dependence on activities that harm life sustaining eco-systems – N/A
- Meet the hierarchy of present and future human needs fairly and efficiently – N/A

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**Action required/Recommendation:**

- City Council consideration and action on the proposed Resolution

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**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Resolution and Staff Report to the Plan Commission



# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

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**Meeting Date:** March 22, 2017

**Agenda Item:** 6

**File Number:** CU-2017-03

**Applicant:** Miguel Guzman

**Owner:** PJR Properties LLC

**Location:** 1827 Prairie Avenue

**Existing Zoning:** C-3, Community  
Commercial District

**Existing Land Use:** Grocery Store

**Parcel Size:** 7.15 Acres

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### Request Overview/Background Information:

Miguel Guzman has filed an application for a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue.

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### Key Issues:

- The applicant has proposed the renovation of a vacant rear portion of the Piggly Wiggly building into a spice blending and sausage production room. The sausage produced on-site will be sold both on and off-site.
- Manufacturing & Production uses require a Conditional Use Permit in the C-3 district.
- The applicant has also proposed renovations at the front of the building to the east of the store entrance, although that retail project is permitted by-right in the C-3 district.
- Of the existing 84,000 square-foot Piggly Wiggly building, the proposed spice blending area is approximately 1,500 square feet, and the proposed walk-in cooler is approximately 900 square feet in area.
- The proposed spice blending and sausage production operation will not involve on-site slaughtering, as meat will be purchased in bulk just as it is for the grocery store butcher shop.
- The proposed spice blending and sausage production operation will only operate during the grocery store's regular hours. The applicant has stated that any additional truck traffic will be negligible (1-2 per day), and will utilize the existing loading docks where trucks deliver products to the grocery store.
- The application and proposed floor plan are attached.
- The attached Public Notice was sent to 21 nearby property owners. Planning staff received one phone call in support and one email with questions about the proposed use.
- **Findings of Fact** - Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
  - a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
    - The proposed spice blending and sausage production operation will be within the existing building envelope, and will not create any noise, odors, or disruption to the public.
  - b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
    - The applicant's grocery store has revitalized this commercial district, which was previously vacant and deteriorating for more than a decade. The Piggly Wiggly store is an important source of fresh & healthy food for the entire community, but especially for those living in the nearby neighborhoods with limited vehicle access.
    - The proposed food production use will allow the applicant to produce sausage products on-site, and will enhance the overall Piggly Wiggly business at this location, which also provides dozens of part and full-time jobs.
  - c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
    - The continued build-out of the Piggly Wiggly shopping center, which includes the grocery store and Planet Fitness, will have a positive impact upon property values in the neighborhood.
  - d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
    - The surrounding area is fully developed.
  - e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
    - N/A

- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
  - Adequate facilities and infrastructure are available to serve the proposed use.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
  - The proposed use is expected to generate negligible truck traffic, and will utilize an existing loading dock that serves the grocery store.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
  - The proposed use will comply with all applicable regulations of the Zoning Ordinance.

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**Consistency with Comprehensive Plan and Strategic Plan:**

The City's Comprehensive Plan recommends *Planned Mixed Use* for the subject property. This request and the underlying C-3 zoning classification are consistent with this recommendation. Consideration of this request supports City of Beloit Strategic Goal #3.

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**Sustainability:**

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

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**Staff Recommendation:**

The Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue, based on the above Findings of Fact and subject to the following conditions:

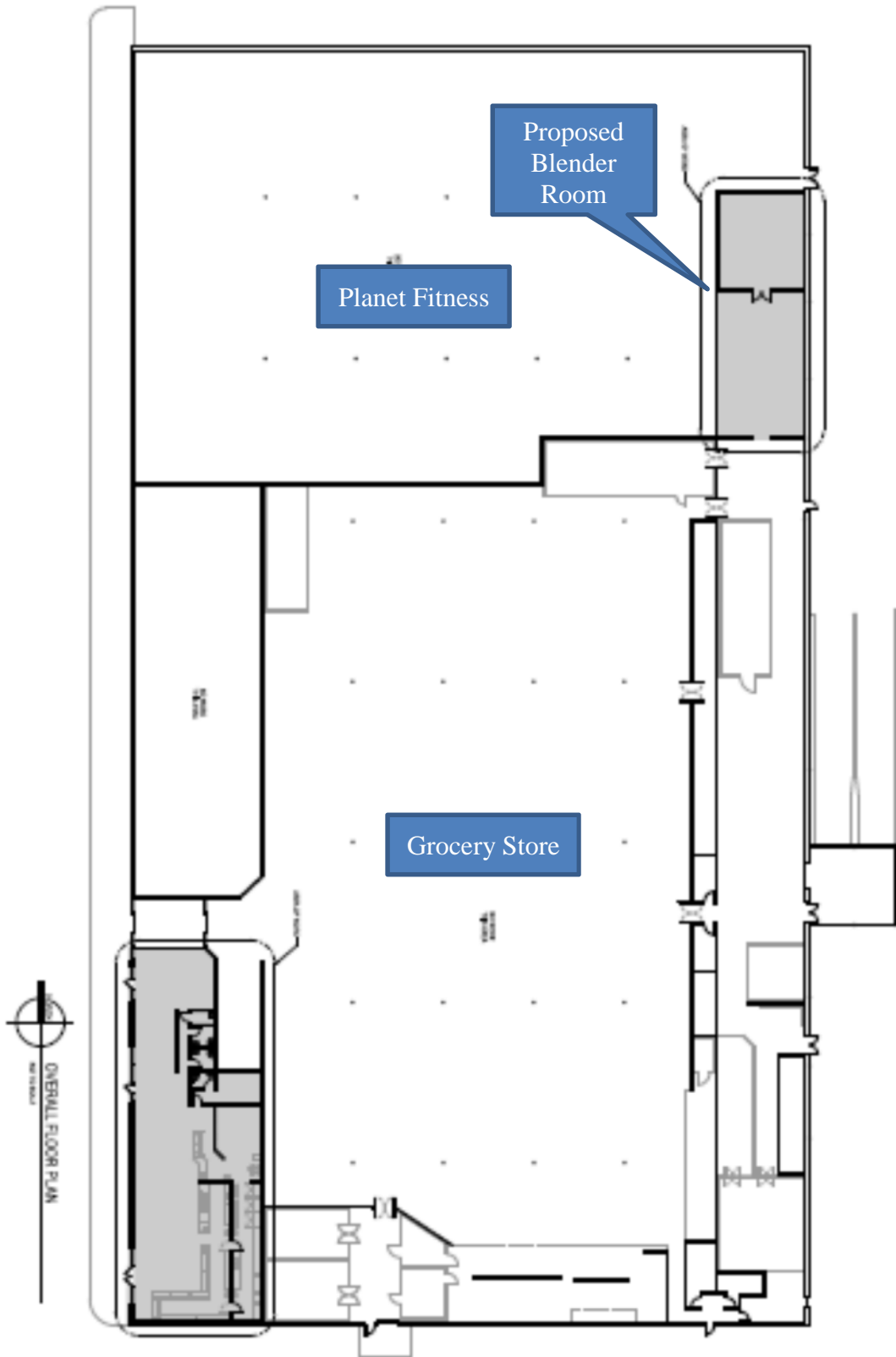
1. This approval authorizes the renovation of a vacant rear portion of the Piggly Wiggly building into a spice blending and sausage production facility, as shown on the floor plan submitted with the application.
2. Slaughtering is prohibited on the subject property. The applicant must utilize the store's existing loading docks.
3. The applicant shall obtain a Building Permit prior to beginning construction of this project.
4. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

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**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Floor Plan, Location & Zoning Map, Application, Public Notice, and Mailing List.



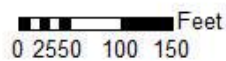
# Location & Zoning Map

1827 Prairie Avenue

CU-2017-03



1 inch = 167 feet



## Legend

- City Limits
- Zoning District

Map prepared by: Drew Pennington, AICP  
Date: March 2017  
For: City of Beloit Planning & Building Services  
Date of Aerial Photography: March 2011

# PLANNING & BUILDING SERVICES DIVISION

# CITY of BELOIT

## Planning and Building Services Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

### Conditional Use Permit Application

(Please Type or Print)

File Number: CU-2017-03

1. Address of subject property: 1827 Prairie Ave. BELoit WI.

2. Legal description: Blend spices & sausage Processing SAUSAGE

If property has not been subdivided, attach a copy of the complete legal description from deed.

Property dimensions are: 27 feet by 81 feet = 2187 <sup>sq</sup> square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 23080400

4. Owner of record: Miguel Guzman Phone: (608) 362-1950 BUS 708) 774-8461

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Miguel Guzman

5989 W. St Lawrence Ave. BELoit WI 53511

(Address)

(City)

(State)

(Zip)

(608) 362-1950, (708) 774-8461, mguzman@shopthepig.com

(Office Phone #)

(Cell Phone #)

(E-mail Address)

6. All existing use(s) on this property are: open space back in Piggly Wiggly store.

7. **THE FOLLOWING ACTION IS REQUESTED:**

A Conditional Use Permit for: \_\_\_\_\_

\_\_\_\_\_ in a(n) \_\_\_\_\_ Zoning District.

8. All the proposed use(s) for this property will be:

Principal use: Blend spices

Secondary use: process sausage and meat marinate.

Accessory use: Blending Machine, meat Grinder, sausage stuffer, Meat slicer, Meat saw.

*in the back of Piggly Wiggly STORE  
708) 774-8461  
cel*

9. Project timetable: Start date: ASAP Completion date: 09-20-16

10. I/We) represent that I/we have a vested interest in this property in the following manner:

- ( ) Owner
- (  ) Leasehold, length of lease: 15 years.
- ( ) Contractual, nature of contract: \_\_\_\_\_
- ( ) Other, explain: \_\_\_\_\_

**The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.**

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

_____ <small>(Signature of Owner)</small>	_____ <small>(Print name)</small>	_____ <small>(Date)</small>
	Miguel Gorman	09-20-16
<small>(Signature of Applicant, if different)</small>	<small>(Print name)</small>	<small>(Date)</small>

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

**To be completed by Planning Staff**

Filing fee: **\$275.00** Amount paid: \$275.<sup>00</sup> Meeting date: March 22, 2017

No. of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_

Application accepted by:  Date: 2/16/17



## **NOTICE TO THE PUBLIC**

March 9, 2017

To Whom It May Concern:

Miguel Guzman has filed an application for a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at:

**1827 Prairie Avenue.**

The applicant has proposed the renovation of a vacant rear portion of the Piggly Wiggly building into a spice blending and sausage processing facility. The sausage produced on-site will be sold both on and off-site. Manufacturing & Production uses require a Conditional Use Permit in the C-3 district.

The following public hearings will be held regarding this proposed Conditional Use Permit:

**City Plan Commission:** Wednesday, March 22, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, April 3, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

### **THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.**

#### **We are interested in your opinion.**

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Drew Pennington, AICP in the Planning & Building Services Division at (608) 364-6711 or [penningtond@beloitwi.gov](mailto:penningtond@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*

BEREAN BAPTIST CHURCH  
1992 SHOPIERE RD  
BELOIT, WI 535113773

KIM WALL  
3886 S LAKE DR  
ST FRANCIS, WI 53235

JEROME BLAKLEY  
2284 COBBLESTONE LN  
BELOIT, WI 53511

PHAY SHU  
2121 MILTON AVE STE 140  
JANESVILLE, WI 53545

PJR PROPERTIES LLC  
2215 UNION AVE  
SHEBOYGAN, WI 53081

ROY R & JULIE A GRAM REVOCABLE  
TRUST  
1830 CHIPPEWA TRL  
BELOIT, WI 535113818

DEANNA CHEKOURAS  
1836 CHIPPEWA TRL  
BELOIT, WI 53511

DANIEL L & MELODY WEAVER  
1864 CHIPPEWA TRL  
BELOIT, WI 53511

DBA WALGREEN CO GNI OF BELOIT LLC  
P O BOX 1159  
DEERFIELD, IL 60015

WANDA PURIFOY  
1810 CHIPPEWA TRL  
BELOIT, WI 535113818

LEFEBER ENTERPRISES LLC  
637 WISCONSIN AVE  
BELOIT, WI 53511

FRANKLIN & CAROLYN RUBITSKY  
1878 CHIPPEWA TRL  
BELOIT, WI 535113818

JOSHUA & ALESSIA WARD  
1858 CHIPPEWA TRL  
BELOIT, WI 53511

SAMRA & SINGH INC  
1902 SHOPIERE RD  
BELOIT, WI 535117262

WAHL'S APPLIANCES  
3629 CREEK RD  
BELOIT, WI 53511

CABIN FEVER ENTERPRISE LLC  
P O BOX 861  
BELOIT, WI 535120861

JOHN BRUNER  
1846 CHIPPEWA TRL  
BELOIT, WI 53511

MARLENE STURDEVANT  
1842 PRAIRIE AVE  
BELOIT, WI 535113758

DENNIS SEELEY  
1872 CHIPPEWA TRL  
BELOIT, WI 53511

LADDER PROPERTY VENTURES LLC  
828 NAKOMA CT  
BELOIT, WI 53511

CHAD D & HEIDI MILLER  
1730 E RIDGE RD  
BELOIT, WI 53511

MEGAN LANG  
1852 CHIPPEWA TRL  
BELOIT, WI 53511





**PROCEEDINGS OF THE BELOIT CITY COUNCIL  
Special Meeting  
City Hall - 100 State Street, Beloit, WI 53511  
4<sup>th</sup> floor City Manager's Conference Room – 5:30 p.m.  
Monday, March 20, 2017**

Presiding: David Luebke  
Present: Hendrix, Leavy and Preuschl  
Absent: De Forest and Dunkin (arrived at 5:50 p.m.) with one vacant seat

1. President Luebke called the meeting to order at 5:31 p.m. in the 4<sup>th</sup> floor City Manager's Conference Room at City Hall
2. Council members considered the appointment of Randall L. Fiore (replacing Craig Daskam) to the Board of Review to a term ending December 31, 2021. Mr. Fiore was present to answer seven interview questions asked of the council. Appointment Review Committee recommendation for approval 5-0. File 6063
3. Council members considered the appointment of Nora Gard (replacing Thomas A. Jessen) to the Board of Review to a term ending December 31, 2019. Ms. Gard was present to answer seven interview questions asked of the council. Appointment Review Committee recommendation for approval 5-0. File 6063.
4. Council members considered the appointment of William Gibson (as Alternate) to the Board of Review to a term ending December 31, 2019. Since Mr. Gibson was unable to be present due to a family commitment, they will consider him at the next meeting.
5. Council members considered the appointment of Pamela J. George (replacing Merlin Kenitzer) to the Appointment Review Committee to a term ending December 31, 2019. Ms. George was not required by ordinance to be present for this appointment. Appointment Review Committee recommendation for approval 5-0. File 6261

Councilors Leavy and Preuschl made a motion to accept the appointments of Randall L. Fiore, Nora Gard and Pamela J. George. Motion carried 4-0. Councilor Dunkin arrived at 5:50 p.m.

6. Bill Frisbee gave an update on the Cranston Road Shared Use Path Project.

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Lorena Rae Stottler, City Clerk



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**City Hall Forum – 7:00 p.m.**  
**Monday, March 20, 2017**

Presiding: David F. Luebke  
Present: Regina Dunkin, Regina Hendrix, Kevin Leavy, Mark Preuschl  
Absent: Sheila De Forest  
Vacant: Marilyn Sloniker

1. President Luebke called the meeting to order at 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Vice President Leavy presented a Proclamation honoring the Beloit Youth Hockey Association Squirt C Team as Wisconsin Amateur Hockey Association (WAHA) 1C State Champions. The team and their coaches were present to accept the proclamation. File 7148
4. PUBLIC HEARINGS - none
5. PUBLIC COMMENT
  - a. Pawel Marciniak, President at IPMF LLC, Beloit, stated to the council that he has recently provided the City with information and a desire to be contacted, and he has yet to receive any contact. He expressed a concern for open communication and a timely response to his inquiries.
6. CONSENT AGENDA

Councilor Preuschl requested to remove item 6.m. Councilor Leavy requested item 6.o. also be removed. Councilors Leavy and Preuschl made a motion to adopt consent Agenda items 6.a through 6.l and 6.n, 6.p, 6.q. Motion carried.

- a. The Minutes of the Regular and Special meeting of March 6, 2017 were approved.
- b. A Resolution approving Second Amendment to Farm Lease- 3015 Cranston Road was approved. File 7834
- c. A Resolution approving Second Amendment to Gateway Farm Lease was approved. File 7834
- d. A Resolution approving Second Amendment to Gateway Farm Lease II-A was approved. File 7834
- e. A Resolution approving Second Amendment to Gateway Farm Lease II-B was approved. File 7834
- f. A Resolution approving Second Amendment to Hexter Long Farm Lease was approved. File 7834
- g. A Resolution approving Second Amendment to Willowbrook Farm Lease was approved. File 7834
- h. A Resolution authorizing Final Payment of Public Works Contract C16-07, Street Resurfacing was approved. File 8716
- i. A Resolution approving Change of Agent on the Class "B" Beer and "Class B" intoxicating Liquor License of Beloit Professional Baseball Association, Inc. d/b/a Beloit Snappers, 2301 Skyline Drive, from Timothy Hinds to Seth Egan Flolid for the licensing period ending June 30, 2017 was approved. File 8721
- j. A Resolution approving Change of Agent on the Class "A" Beer and "Class A" intoxicating Liquor License of Wal-Mart Stores East, LP, d/b/a Wal-Mart Supercenter #2532, 2785 Milwaukee Road to Jeffrey C. Scheuerell for the licensing period ending June 30, 2017 was approved. File 8721
- k. A Resolution approving a new Class "B" Beer and "Class B" Intoxicating Liquor License for J T Hankins LLC, d/b/a The Restaurant at "Muni", located at 1611 Hackett Street, (Krueger-Haskell Golf Course Clubhouse) Joelle K. Hankins, Agent was approved. File 8721
- l. A Resolution approving Operating Agreement with JT Hankins, LLC for the Operation of Concessions at Krueger Haskell Golf Course was approved. File 8590

- m. Clerk Stottler presented a Resolution approving a new Class “B” Beer and “Class B” Intoxicating Liquor License for Inked Sports Bar LLC, d/b/a Inked Sports Bar, located at 443 E. Grand Avenue, Justin A. Christophersen, agent. Councilor Preuschl expressed concerns for the customer selection given the location downtown and the locations history with failing. He asked if Mr. Christophersen would be able to answer some questions. Justin Christophersen explained that his is a Beloit native who seeks to bring a successful business to this location. In response to Councilor Preuschl’s inquiry regarding business plans, décor and marketing plans, he responded that their logo is an anchor which is reflective of the history with Fairbanks Morse. He explained that the work “inked” should not confine itself to tattoos but also art like paintings, drawings and writing. He explained that he has hired excellent staff members and has put a lot of thought into the restaurant side of the business so he is confident that he has designed a high quality business that will allow customers to enjoy a “Cheers” like atmosphere where they can enjoy safety and community amongst one another. Councilors Preuschl and Leavy made a motion to approve the Resolution as presented. Motion carried. File 8721
- n. An Application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District-Core, for the property located at 310 State Street was approved. File 8741
- o. Clerk Stottler read an application for a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue. She explained this is a referral to the Plan Commission and will come back on a future agenda for action. Councilor Leavy expressed that he will ask questions regarding this item at Plan Commission. Councilors Leavy and Preuschl made a motion to refer the application to Plan Commission. Motion carried. File 8742
- p. A Relocation Order to Acquire a Highway Easement and Temporary Limited Easement was approved. File 8637
- q. A Resolution setting a date for a Public Hearing for the Vacation of Penny Lane Right-of-Way in the City of Beloit was approved. File 7017

7. ORDINANCES

8. APPOINTMENTS - None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor Dunkin attended the ABLCC meeting on March 14. She attended the luncheon with the Beloit Snappers and the Latino coalition meeting. She congratulated the youth hockey players present this evening.
- b. Councilor Preuschl was pleased to report that the episode of PBS’s Around the Corner with John McGivern has had a positive effect on downtown since it aired. He invited the public to attend a public hearing this Wednesday evening at Rotary River Center beginning at 6:30pm to give feedback on the City Parks plan.
- c. Councilor Hendrix had no report.
- d. Councilor Leavy had no report.
- e. Councilor Luebke agreed with Councilor Preuschl that the PBS special has reflected positively on the community. He attended the luncheon with the Beloit Snappers. He attended the grand opening of Pratt Industries this week. They are a corrugated packaging company using recycled paper and packaging. He was impressed with their facility and pleased to join several other leaders and employees to celebrate the grand opening of this new factory located in the Gateway Business Park.

10. CITY MANAGER’S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. City Manager, Lori Luther presented a Resolution approving 2017 Community Development Block Grant (CDBG) Local funding Priorities. Councilor Dunkin left the room. City Manager Luther explained that this item has been before the council previously but due to a discovered conflict of interest, this item needs readopted. Councilors Hendrix and Leavy made a motion to approve the resolution as presented. Motion Carried 4-0 with Councilor Dunkin recusing herself. File 8725
- b. President Luebke presented a Resolution approving Compensation Adjustment for the City Manager for the Calendar Year 2017. He explained that her annual review was performed by seeking feedback from all members of the council and she exceeded expectations in every area. It is customary that a resolution come before the council after each annual review. Councilors Leavy and

Dunkin made a motion to approve the resolution as presented. Motion Carried. City Manager Luther expressed gratitude and said she is very proud to work for the City of Beloit and looks forward to a continued partnership supporting this community. File 8052

12. Councilors Preuschl and Hendrix made a motion to adjourn at 8:10 p.m. Motion carried.

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Lorena Rae Stottler, City Clerk

[www.beloitwi.gov](http://www.beloitwi.gov)

Date approved by City Council: April 3, 2017

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Electric Transmission Line Easement for the Eagles Ridge Park Property at 3731 Golden Eagle Dr. – Council Referral to the Plan Commission

**Date:** April 3, 2017

**Presenter(s):** Julie Christensen

**Department:** Community Development

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**Overview/Background Information:**

American Transmission Company LLC has submitted the attached petition requesting an Electric Transmission Line Easement over a portion of the Eagles Ridge Park property located at 3731 Golden Eagle Drive.

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**Key Issues (maximum of 5):**

- This request is related to the applicant's construction of a transmission line along Townhall Road to accommodate and energize the new Rock Energy Cooperative substation at Townhall Road and Colley Road.
  - As shown on the attached Easement Description Map (Exhibit A), the proposed easement area is located in the southeast corner of the park and measures 12 feet in width by 20.8 feet in length (250 square feet).
  - The granting of an easement over a City park requires consideration by the Parks & Recreation Commission, Plan Commission, and City Council. The Parks & Recreation Commission approved this request on March 8<sup>th</sup>.
  - A photo of the proposed easement area is also attached to this report.
- 

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

- Consideration of this request supports Strategic Goal #5.
- 

**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- **Reduce dependence upon fossil fuels** – N/A
  - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
  - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
  - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
- 

**Action required/Recommendation:**

- Referral to the Plan Commission for the April 5, 2017 meeting
  - This item will most likely return to the City Council for possible action on April 17, 2017
- 

**Fiscal Note/Budget Impact:** The proposed compensation is \$4,200.

---

**Attachments:** Petition, Proposed Easement, Easement Map, and Photo

**PETITION**

**TO THE CITY COUNCIL FOR THE CITY OF БЕЛОIT**

Your Petitioner, American Transmission Company LLC, a Wisconsin corporation, respectfully alleges and shows that it is a public utility engaged in the business of the ownership and operation of electric transmission systems which support the energy needs of the State of Wisconsin including the City of Beloit; that in order to accommodate and energize Rock Energy Cooperative's new substation, it needs to build a new tap line and obtain an Electric Transmission Line Easement from the City of Beloit upon land located in Outlot 3, Eagles Ridge Plat No. 1, located in the Northeast Quarter of Section 28, Township 1 North, Range 36 East, in the City of Beloit, Rock County, Wisconsin; and that attached hereto and incorporated herein are copies of the proposed ELECTRIC TRANSMISSION LINE EASEMENT, and a sketch showing the route of the electric line, for the future maintenance and operation of the transmission line.

Wherefore, your petitioner prays that your City Council consider this request and take the appropriate action by resolution authorizing and directing the proper City Officers to execute and convey such easement and other agreements as may be necessary to permit the construction and operation and maintenance of said electric transmission line to American Transmission Company LLC.

AMERICAN TRANSMISSION COMPANY LLC

By: \_\_\_\_\_  
Jerrold Rohland, Consultant Real Estate Representative

Date: \_\_\_\_\_

**ELECTRIC TRANSMISSION LINE EASEMENT**

Not subject to Wis. Stat. § 77.22(1).

Document Number

The undersigned Grantor, **City of Beloit, (hereinafter called the "Grantor")**, in consideration of the sum of Four thousand two hundred dollars and no/100, (\$4,200.00), receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto Grantee, **American Transmission Company LLC, a Wisconsin limited liability company, and its manager ATC Management Inc., a Wisconsin Corporation (hereinafter jointly referred to as Grantee)**, its successors, assigns, licensees and manager, the perpetual right and easement to construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol a line of structures, comprised of wood, concrete, steel or of such material as Grantee may select, and wires, including associated appurtenances for the transmission of electric current, communication facilities and signals appurtenant thereto, upon, in, over and across property owned by the Grantor in the **City of Beloit, County of Rock, State of Wisconsin, described as follows:**

Outlot 3, Eagles Ridge Plat No. 1, City of Beloit, Rock County, Wisconsin being located in the Northeast Quarter (NE ¼) of Section 28, Township 1 North, Range 13 East.

The legal description and location of the easement strip is as described and shown on the attached drawing, marked Exhibit "A", and made a part of this document.

The Grantee is also granted the associated necessary rights to:

- 1) Enter upon the easement strip for the purposes of exercising the rights conferred by this easement.
- 2) Construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol the above described facilities and other appurtenances that the Grantee deems necessary.
- 3) Trim, cut down and remove any or all brush, trees and overhanging branches now or hereafter existing on said easement strip.
- 4) Cut down and remove such dead, dying, diseased, decayed, leaning trees or tree parts now or hereafter existing on the property of the Grantor located outside of said Perpetual Easement Strip that in Grantee's judgment, may interfere with Grantee's full use of the Perpetual Easement Strip for the purposes stated herein or that pose a threat to the safe and reliable operation of the Electric Transmission Facilities; together with the right, permission and authority to enter in a reasonable manner upon the property of the Grantor adjacent to said Perpetual Easement Strip for such purpose.

The Grantee shall pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than trees trimmed or cut down and removed), caused by the construction, maintenance, replacement or removal of said facilities.

The right, permission and authority is also granted to Grantee and it's assigns, to construct, install, operate, maintain and replace electric distribution lines consisting of additional wires, on said transmission line structures and additional poles including crossarms, transformers, anchors, guy wires, conduit and cables underground, together with riser equipment, electric pad-mounted transformers including, but not limited to other necessary appurtenant equipment above and below ground, for the purpose of transmitting electric energy and communications signals appurtenant thereto, upon, over, across, under and within this easement.

Grantor, for itself, its successors and assigns, agrees that it will not locate any dwelling or mobile home intended for residential occupancy within the limits of the easement strip. Grantor, for itself, its successors and assigns, further agrees that within the limits of the easement strip it will not construct, install or erect any structures or fixtures, including but not limited to swimming pools, construct any non-residential type buildings or store any inflammable goods or products, plant trees or shrubs, place water, sewer or drainage facilities, or change the grade more than one (1) foot without first securing the prior written consent of the Grantee.

Grantor warrants and represents that Grantor has clear, merchantable, fee simple title to said property, and that Grantor knows of no claim, pending contract for sale, or negotiation for such contract of sale for any of the lands described herein.

This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

The Grantor shall not be responsible for, and Grantee shall hold Grantor harmless from and against, any penalties, claims, demands, liabilities, expenses (including, but not limited to, attorney's fees), injury to persons or property caused by the exercise by Grantee of the rights granted to it hereunder.

Recording Area

Name and Return Address  
Land Service Company  
Attn: Real Estate Department  
222 N. Midvale Blvd.  
Madison, WI 53705

Parcel Identification Number(s)  
22823000

As provided by PSC 113, the Grantor shall have a minimum period of five days to examine materials approved or provided by the Public Service Commission of Wisconsin describing the Grantor's rights and options in the easement negotiating process. The Grantor hereby voluntarily waives the five-day review period, or acknowledges that they have had at least five (5) days to review such materials.

**WITNESS** the signature(s) of the Grantor this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Grantor: **CITY OF БЕLOIT**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF WISCONSIN            )  
  ) SS  
COUNTY OF ROCK            )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, the above-named \_\_\_\_\_, \_\_\_\_\_, of the City of Beloit, to me known to be the person who executed the foregoing instrument in such capacity and acknowledged the same.

\_\_\_\_\_  
Name:  
Notary Public, Wisconsin  
My commission expires: \_\_\_\_\_



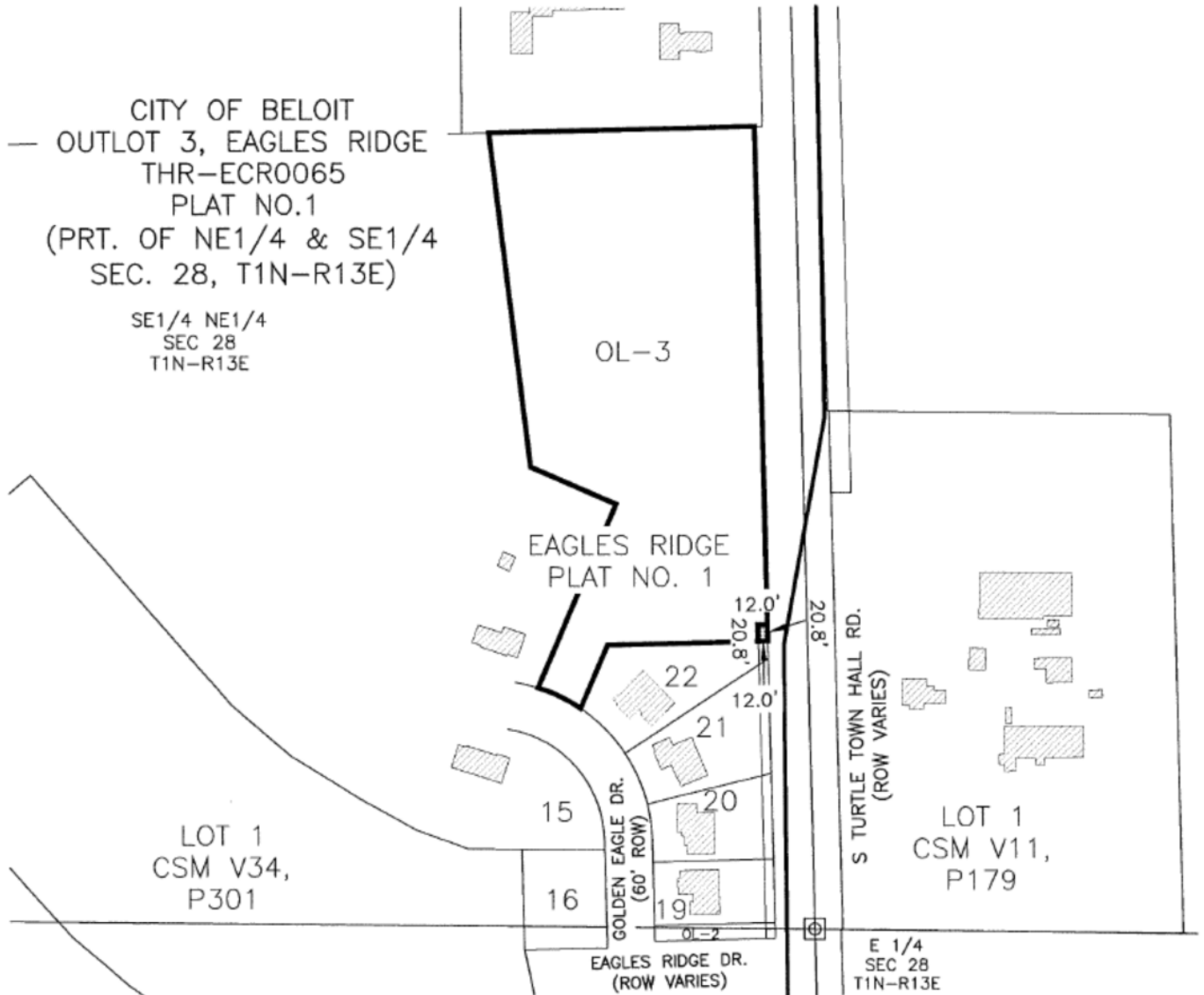
# EASEMENT DESCRIPTION MAP (EXHIBIT A)

GRANTEE: AMERICAN TRANSMISSION COMPANY, LLC  
 W234 W2000 RIDGEVIEW PKWY. CT.  
 WAUKESHA, WI 53188


GRANTOR: CITY OF BELOIT  
 100 STATE ST  
 BELOIT, WI 53511  
 PIN 22823000

CITY OF BELOIT  
 — OUTLOT 3, EAGLES RIDGE  
 THR-ECR0065  
 PLAT NO.1  
 (PRT. OF NE1/4 & SE1/4  
 SEC. 28, T1N-R13E)












SE1/4 NE1/4  
 SEC 28  
 T1N-R13E

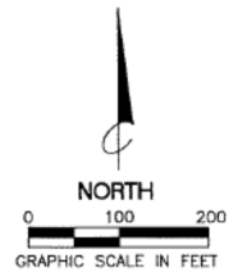


**MAP KEY**

 ATC TRANSMISSION LINE EASEMENT =  
 249 S.F. OR 0.006 ACRES +/-

**LEGEND**

- |   |   |   |   |
|---|---|---|---|
|  | TRANSMISSION EASEMENT                     |  | PROPERTY LINE   |
|  | TRANSMISSION RIGHT OF WAY LINE            |  | ROAD RIGHT OF WAY LINE                                  |
|  | TRANSMISSION REFERENCE LINE               |  | SECTION CORNER MONUMENT                                 |
|  | SECTION LINE AND ONE-QUARTER SECTION LINE |  | TYPICAL EASEMENT WIDTH FROM TRANSMISSION REFERENCE LINE |
|  | QUARTER-QUARTER SECTION LINE              |  | VARIES  |
|   |   |  | EXISTING BUILDING LOCATION                              |



SPATIAL DATA SURVEYS, LLC  
 580 ARTHUR STREET  
 VERONA, WI 53593  
 (608)-845-2048

NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM, NAD83 (2011).

© AMERICAN TRANSMISSION COMPANY 2016

Drawn: JDP  
 Date: 10/08/2016  
 Scale: 1" = 200'

SHEET NUMBER 1 OF 2

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REVISIONS

# EASEMENT DESCRIPTION MAP (EXHIBIT A)

GRANTEE: AMERICAN TRANSMISSION COMPANY, LLC  
 W234 W2000 RIDGEVIEW PKWY. CT.  
 WAUKESHA, WI 53188



GRANTOR: CITY OF БЕЛОIT  
 100 STATE ST  
 БЕЛОIT, WI 53511  
 PIN 22823000

**LEGAL DESCRIPTION:**

AN EASEMENT WHICH CROSSES THE GRANTOR'S PREMISES LOCATED IN OUTLOT 3, EAGLES RIDGE PLAT NO. 1, RECORDED IN OFFICE OF THE REGISTER OF DEEDS OF ROCK COUNTY, WISCONSIN IN VOLUME 32, PAGES 606-607, BEING A PART OF THE NORTHEAST ONE-QUARTER OF SECTION 28, T1N-R13E, CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN, AS SHOWN ON THE ATTACHED MAP AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 12.0 FEET OF THE SOUTHERLY 20.8 FEET, LOCATED IN THE SOUTHEASTERLY CORNER OF SAID OUTLOT 3.

SAID EASEMENT CONTAINING 249 SQUARE FEET OR 0.006 ACRES, MORE OR LESS, SUBJECT TO RECORDED AND UNRECORDED RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY AND EASEMENTS.

 <p><b>ATC</b> AMERICAN TRANSMISSION COMPANY</p>	<p><b>SPATIAL DATA SURVEYS</b> </p> <p>SPATIAL DATA SURVEYS, LLC                  580 ARTHUR STREET                  VERONA, WI 53593                  (608)-845-2048</p>	<p>NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM, NAD83 (2011).</p> <p>© AMERICAN TRANSMISSION COMPANY 2016</p>	<p>Drawn: JDP</p>
			<p>Date: 10/08/2016</p>
<p>THIS DOCUMENT IS FOR THE USE OF AMERICAN TRANSMISSION COMPANY. AMERICAN TRANSMISSION COMPANY DISCLAIMS ALL WARRANTIES BOTH EXPRESSED AND IMPLIED, USE BY ANYONE OTHER THAN AMERICAN TRANSMISSION COMPANY IS AT THEIR OWN RISK.</p>	<p>REVISIONS</p>		<p>Scale: NA</p>
			<p>SHEET NUMBER 2 OF 2</p>





# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---

**Topic:** Application of a new Class "B" Beer license for Los Corrales Restaurant, LLC (d/b/a Los Corrales Restaurant) located at 946 Wisconsin Avenue, Karla P. Robledo Mendoza, Agent, for the license period ending June 30, 2017.

**Date:** April 3, 2017

**Presenter(s):** Lorena Rae Stottler

**Department:** City Clerk

---

**Overview/Background Information:**

Karla P. Robledo Mendoza, the President and agent for Los Corrales Restaurant, LLC is applying for the license. This is a new owner at 946 Wisconsin Avenue (formerly Victoria Rose LLC who held a Class "B" Beer and Class "C" wine license for the current license year). Because there are not quota limits on Class "B" licenses any new applicant will require new consideration and if approved receives a new license. Given the close proximity to the renewal deadline of April 15<sup>th</sup>, if approved, a license will be issued that is only good through June 30, 2017, the applicant will need to immediately file for renewal for the July 1 2017 through June 30, 2018 license period.

---

**Key Issues (maximum of 5):**

1. This business (formerly Victoria Rose) is located at 946 Wisconsin Avenue, in the City of Beloit.
2. Karla P. Robledo Mendoza is applying for a Class "B" Beer license. The applicant has been provided the DOR Pub 302 and other documentation on applying for a liquor license and understanding the responsibility that comes with the application.
3. Ms. Robledo Mendoza has completed the necessary paperwork with the WI DOR and has supplied my office with a complete application for the referral and consideration by the ABLCC and the City Council.
4. The ABLCC will review this application at their April 11<sup>th</sup> regular meeting.

---

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):** Taking action regarding this license conforms to the City's Strategic Plan by encouraging economic development in the entrepreneurial community while applying sound, sustainable practices to promote high quality development.

---

**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):** N/A

---

**Action required/Recommendation:** Staff recommends that the City Council refer this application to the ABLCC for review and recommendation

---

**Fiscal Note/Budget Impact:** Action on this item does not have a significant impact on the City's budget.

---

**Attachments:** Original Alcohol Beverage License Application for a Class "B" Beer License.

# ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning \_\_\_\_\_ 20\_\_\_\_; ending June 30 2017

TO THE GOVERNING BODY of the:  Town of } Beloit  
 Village of }  
 City of }

County of Rock Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

1. The named  INDIVIDUAL  PARTNERSHIP  LIMITED LIABILITY COMPANY  
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Los Corrales Restaurant, LLC.

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>Karla P. Robledo</u>	<u>946 1/4 Wisconsin Ave</u>	

Vice President/Member \_\_\_\_\_

Secretary/Member \_\_\_\_\_

Treasurer/Member \_\_\_\_\_

Agent  Karla P. Robledo Mendoza 946 1/4 Wisconsin Ave 53511

Directors/Managers \_\_\_\_\_

3. Trade Name  Los Corrales Restaurant Business Phone Number 608) 299-8805

4. Address of Premises  946 Wisconsin Ave Post Office & Zip Code  Beloit, WI 53511

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period?  Yes  No

6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant?  Yes  No

7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business?  Yes  No

8. (a) Corporate/limited liability company applicants only: Insert state WI and date 3-13-17 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company?  Yes  No

(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?  Yes  No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Main floor, basement, kitchen storage (records 2nd floor)

10. Legal description (omit if street address is given above): \_\_\_\_\_

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No

(b) If yes, under what name was license issued? Victoria Rose Restaurant

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864]  Yes  No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776].  Yes  No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

**SUBSCRIBED AND SWORN TO BEFORE ME**

this 23 day of March, 2017

Lisa A. Mauer  
 (Clerk/Notary Public)

X [Signature]  
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

\_\_\_\_\_  
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

\_\_\_\_\_  
 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

My commission expires 1/6/2018

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <u>3-24-17</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

# SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of:  Town  Village  City of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of Los Corrales Restaurant, LLC.  
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Los Corrales Restaurant  
(trade name)

located at 946 Wisconsin Ave Beloit, WI 53511

appoints Karla Patricia Hobledo Mendoza  
(name of appointed agent)

946 1/4 Wisconsin Ave Beloit, WI 53511  
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No 3 years

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 60 days

Place of residence last year 738 W Grand Ave Beloit, WI 53511

For: Los Corrales Restaurant LLC  
(name of corporation/organization/limited liability company)

By: X [Signature]  
(signature of Officer/Member/Manager)

And: N/A  
(signature of Officer/Member/Manager)

### ACCEPTANCE BY AGENT

Karla Patricia Hobledo Mendoza, hereby accept this appointment as agent for the  
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 03/22/17 Agent's age \_\_\_\_\_  
(signature of agent) (date)

946 1/4 Wisconsin Ave Beloit, WI 53511 Date of birth \_\_\_\_\_  
(home address of agent)

### APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(date) (signature of proper local official) (town chair, village president, police chief)

**AUXILIARY QUESTIONNAIRE  
ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Probledo Mendoza		Karla		Patricia	
Home Address (street/route)		Post Office	City	State	Zip Code
9464 Wisconsin Ave			Beloit	WI	53511
Home Phone Number		Age	Date of Birth	Place of Birth	
815) 217-7434					

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Agent of Los Corrales Restaurant, LLC.  
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 3 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?  Yes  No  
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?  Yes  No  
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?  Yes  No  
If yes, identify. \_\_\_\_\_  
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?  Yes  No  
If yes, identify. \_\_\_\_\_  
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
N/A			

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 23 day of March, 2017  
Lisa A. Manich  
(Clerk/Notary Public)

X [Signature]  
(Signature of Named Individual)

My commission expires 1/6/2018



Printed on Recycled Paper

**RESOLUTION**  
**APPROVING A RELOCATION ORDER TO ACQUIRE A HIGHWAY EASEMENT**  
**AND A TEMPORARY LIMITED EASEMENT OVER PORTIONS OF THE**  
**PROPERTIES LOCATED AT 810, 830, & 850 PLEASANT STREET**

**WHEREAS**, the Engineering Division has requested the review and approval of a Relocation Order to acquire a Highway Easement and a Temporary Limited Easement over portions of the properties located at 810, 830, & 850 Pleasant Street in order to construct the multi-use path known as the Powerhouse Riverwalk; and

**WHEREAS**, official approval of the Relocation Order will occur pending approval of the Design Study Report by the Wisconsin Department of Transportation; and

**WHEREAS**, the Plan Commission reviewed and recommended approval of the attached Relocation Order on March 22, 2017.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City Council of the City of Beloit, Rock County, Wisconsin, hereby approves the attached Relocation Order to acquire a Highway Easement and a Temporary Limited Easement over portions of the properties located at 810, 830, & 850 Pleasant Street in order to construct the multi-use path known as the Powerhouse Riverwalk.

**BE IT FURTHER RESOLVED** that the City Manager of the City of Beloit be, and is hereby, authorized to execute the Relocation Order on behalf of the City.

**BE IT FURTHER RESOLVED** that the City Clerk be, and is hereby, directed to file a copy of this Resolution and a copy of the Relocation Order with the Clerk of Rock County within twenty (20) days of the date of this Resolution.

Adopted this 3<sup>rd</sup> day of April, 2017.

**CITY COUNCIL OF THE CITY OF BELOIT**

\_\_\_\_\_  
David F. Luebke, Council President

Attest:

\_\_\_\_\_  
Lorena Rae Stottler, City Clerk



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---

**Topic:** Relocation Order to Acquire a Highway Easement and a Temporary Limited Easement

**Date:** April 3, 2017

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

**Overview/Background Information:**

The Engineering Division has requested the review and approval of a Relocation Order to acquire a Highway Easement (HE) and a Temporary Limited Easement (TLE) over portions of the properties located at 810, 830, & 850 Pleasant Street in order to construct the multi-use path known as the Powerhouse Riverwalk. A Relocation Order is one of the first steps in the Eminent Domain process.

---

**Key Issues (maximum of 5):**

- In 2016, the City and Beloit College received a grant from the Wisconsin Department of Transportation (WisDOT) in order to construct this project, which will add a riverwalk along the west (river) side of the powerplant building and will form a more direct connection between existing multi-use paths.
  - This project is being completed in advance of Beloit College's plans to buy and renovate the former powerplant building into a student activity and recreation center.
  - The proposed Relocation Order acquires a permanent Highway Easement along the proposed path route, along with a Temporary Limited Easement to allow for the construction of a multi-use path, bridge structure, fence, and related materials. The proposed easements are over properties owned by the City, Midwest Hydro Inc., and Wisconsin Power & Light Co.
  - The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Relocation Order.
- 

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

- Consideration of this request supports City of Beloit Strategic Goal #5.
- 

**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- **Reduce dependence upon fossil fuels** – N/A
  - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
  - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
  - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
- 

**Action required/Recommendation:**

- City Council consideration and action on the proposed Resolution
- 

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Resolution and Staff Report to the Plan Commission



# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

---

**Meeting Date:** March 22, 2017

**Agenda Item:** 7

**File Number:** RPB-2017-01

**Applicant:** City of Beloit

**Owner:** Various

**Location:** 810-850 Pleasant Street

**Existing Zoning:** PLI, Public Lands/Institutions

**Existing Land Use:** Utilities

**Total CSM Area:** 123,710.4 SF (2.84 Acres)

---

### Request Overview/Background Information:

The Engineering Division has requested the review and approval of a Relocation Order to acquire a Highway Easement (HE) and a Temporary Limited Easement (TLE) over portions of the properties located at 810, 830, & 850 Pleasant Street in order to construct the multi-use path known as the Powerhouse Riverwalk.

---

### Key Issues:

- In 2016, the City and Beloit College received a grant from the Wisconsin Department of Transportation (WisDOT) in order to construct this project, which will add a riverwalk along the west (river) side of the powerplant building and will form a more direct connection between existing multi-use paths.
  - This project is being completed in advance of Beloit College's plans to buy and renovate the former powerplant building into a student activity and recreation center.
  - The proposed Relocation Order acquires a permanent Highway Easement along the proposed path route, along with a Temporary Limited Easement to allow for the construction of a multi-use path, bridge structure, fence, and related materials. The proposed easements are over properties owned by the City, Midwest Hydro Inc., and Wisconsin Power & Light Co.
- 

### Consistency with Comprehensive Plan and Strategic Plan:

- Consideration of this request supports Strategic Goal #3.
- 

### Sustainability:

- **Reduce dependence upon fossil fuels – N/A**
  - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A**
  - **Reduce dependence on activities that harm life sustaining eco-systems – N/A**
  - **Meet the hierarchy of present and future human needs fairly and efficiently – N/A**
- 

### Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the attached relocation.

---

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** City Council Reports, Location Map, Relocation Order Map, and Resolution

---

# RELOCATION ORDER

LPA1708 08/2011 (Replaces LPA3006)

Project 5989-05-25	Road name City of Beloit, Powerhouse Riverwalk (Pleasant Street to South of Portland Ave)	Highway Non HWY	County Rock
Right of way plat date -	Plat sheet number(s) 4.01-4.06	Previously approved Relocation Order date N/A	

Description of termini of project:

**BEGIN RELOCATION ORDER:**

From 73.43 feet West of and 820.95 feet North of the East Quarter corner of Section 35, Town 1 North, Range 12 East.

**END RELOCATION ORDER:**

From 306.37 feet West of and 1079.48 feet South of the Northeast Quarter corner of Section 35, Town 1 North, Range 12 East.

---

To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the highway designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right of way plat for the above project.

To effect this change, pursuant to authority granted under Section 62.22, Wisconsin Statutes, the City of Beloit orders that:

1. The said road is laid out and established to the lines and widths as shown on the plat.
2. The required lands or interests in lands as shown on the plat shall be acquired by: City of Beloit
3. This order supersedes and amends any previous order issued by the: City of Beloit

---

(Name/Title)

(Date)

# Location & Zoning Map

810-850 Pleasant Street



RPB-2017-01



1 inch = 146 feet

0 2040 80 120 Feet

## Legend

-  COB Parcels
-  Bike Paths

Map prepared by: Rudy Moreno, Planner II  
Date: March 16  
For: City of Beloit Planning & Building Services  
Date of Aerial Photography: March 2011

# PLANNING & BUILDING SERVICES DIVISION

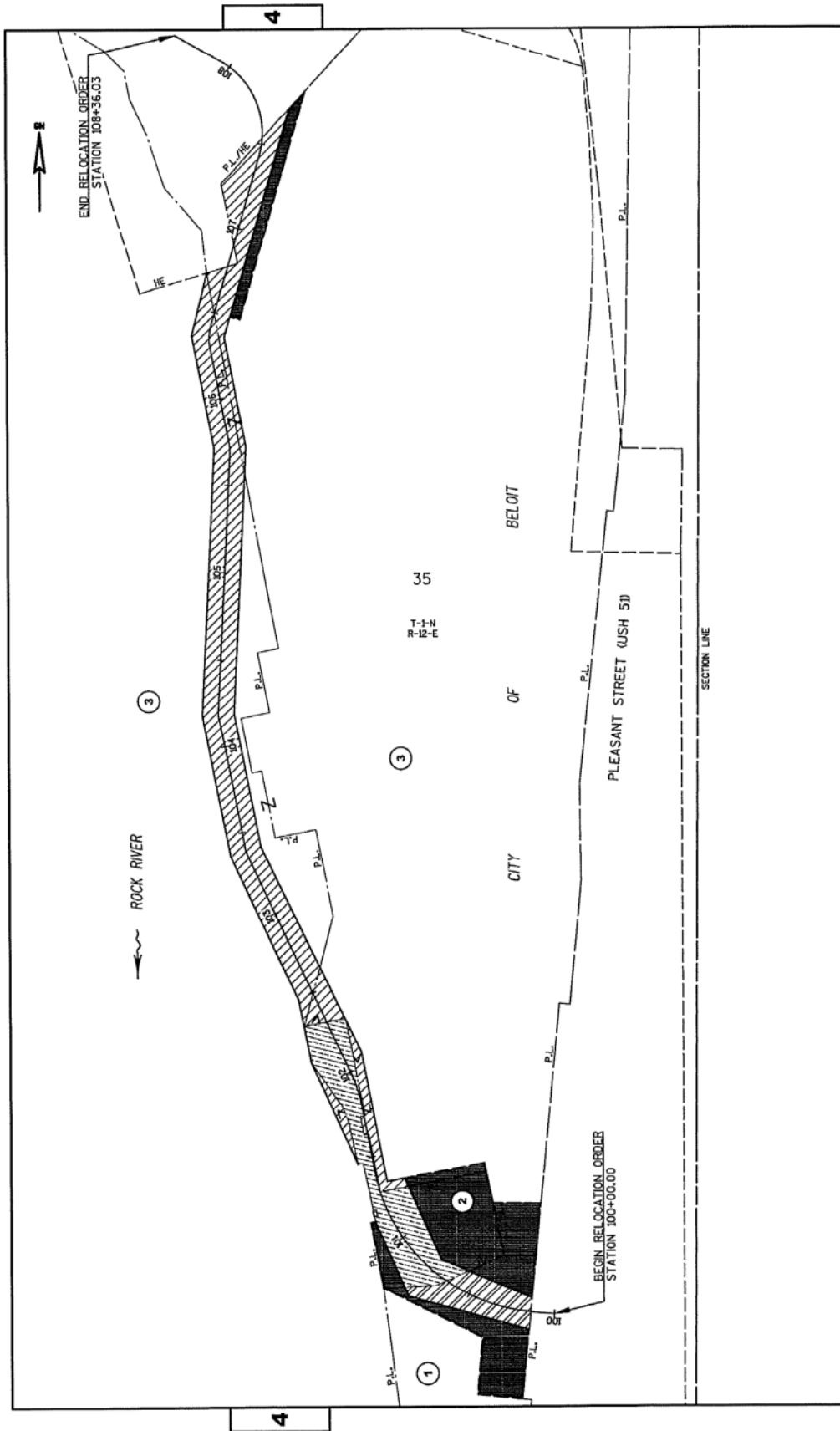


PARCEL NUMBER	SHEET NUMBER	OWNER(S)	INTEREST REQUIRED	R/W ACRES OR SQUARE FEET REQUIRED			HE (SF)	TLE (SF)
				NEW	EXISTING	TOTAL		
1	4.04	CITY OF БЕЛОIT	HE & TLE	---	---	1180	1989	
2	4.04	MIDWEST HYDRO INC	HE & TLE	---	---	2960	2297	
3	4.04 - 4.06	WISCONSIN POWER & LIGHT CO	HE & TLE	---	---	10158	1685	
6	4.04	AT&T WISCONSIN (WISCONSIN BELL, INC)	RELEASE OF RIGHTS	---	---	---	---	
7	4.04	MIDWEST HYDRO INC	RELEASE OF RIGHTS	---	---	---	---	
8	4.04, 4.06	WISCONSIN POWER & LIGHT	RELEASE OF RIGHTS	---	---	---	---	

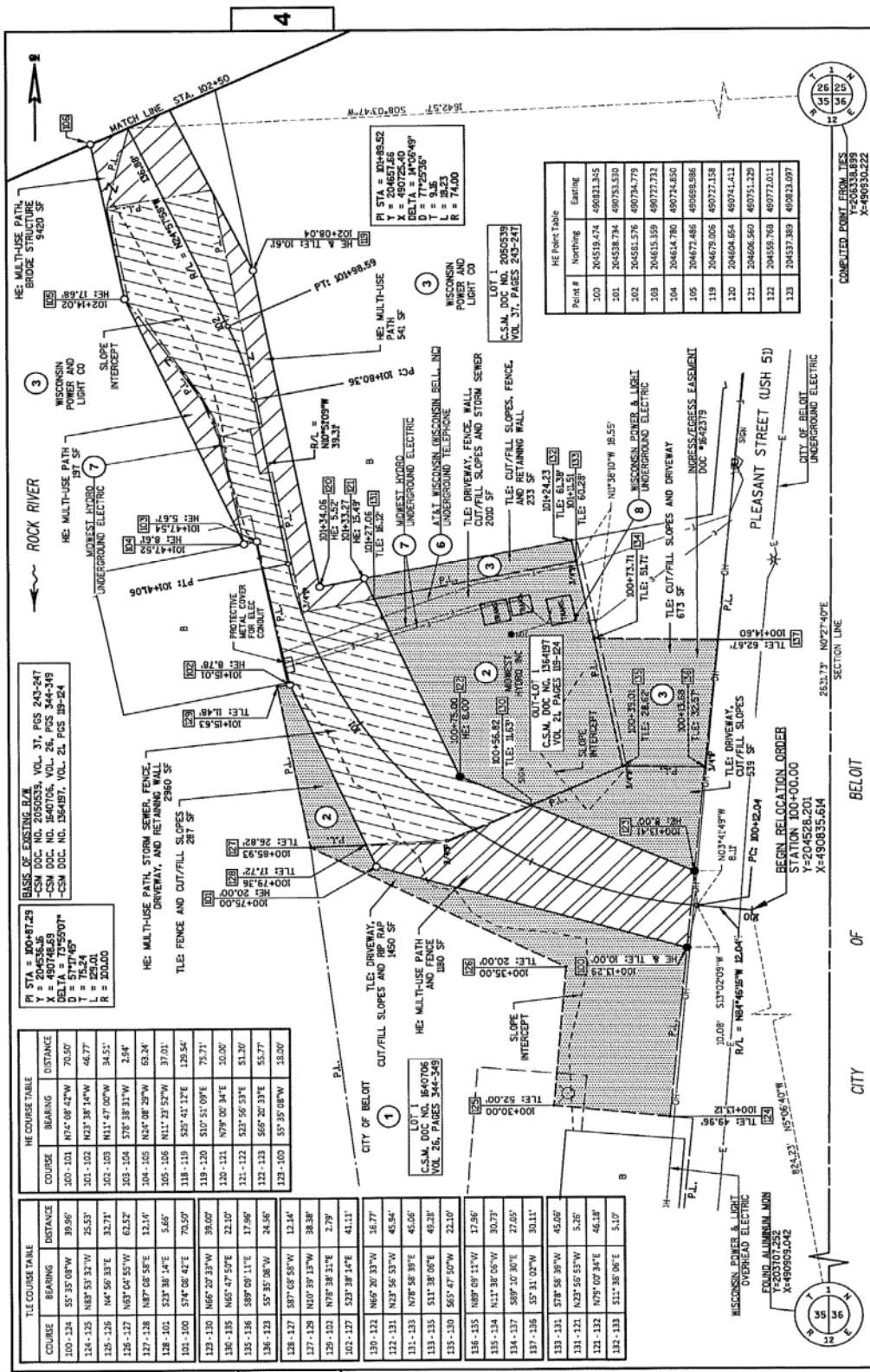
AREAS SHOWN IN THE TOTAL AREA COLUMN MAY BE APPROXIMATE AND ARE DERIVED FROM TAX ROLLS OR OTHER AVAILABLE SOURCES AND MAY NOT INCLUDE LANDS OF THE OWNER WHICH ARE NOT CONTIGUOUS TO THE AREA TO BE ACQUIRED.

OWNER'S NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO TRANSFER OF LAND INTEREST TO THE CITY.

REVISION DATE	DATE	SCALE, FEET	HWY: NON HWY	STATE R/W PROJECT NUMBER 5989-05-25	PLAT SHEET	4.02
FILE NAME: 132005-RW PLAT.DWG	GRID FACTOR	0 10 20	COUNTY: ROCK	CONSTRUCTION PROJECT NUMBER 5989-05-26	PS&E SHEET	E
LAYOUT NAME: ***				PLAT BY: J. GRYN WELDON	WISDOT/CADDIS SHEET 75	
				PLOT DATE: 1/12/2017 1:36 PM	PLOT SCALE: *****	



REVISION DATE	DATE	SCALE, FEET	HWY: NON HWY	STATE R/W PROJECT NUMBER 5989-05-25	PLAT SHEET 4.03
GRID FACTOR	GRID FACTOR	0 25 50	COUNTY: ROCK	CONSTRUCTION PROJECT NUMBER 5989-05-26	FS&E SHEET
FILE NAME: 32055-RW PLAT.DWG	LAYOUT NAME: ****		PLOT BY: CARR MELLON	PLOT NAME:	WISDOT/CADDIS SHEET 75



PI STA = 100+87.29  
 Y = 204528.59  
 DELTA = 75°50'07"  
 T = 75.24  
 R = 20.00

HE MULTI-USE PATH, STORM SEWER, FENCE, DRIVEWAY, AND RETAINING WALL 2860 SF  
 TLE: 100+75.00  
 TLE: 100+79.50  
 TLE: 100+85.93  
 TLE: 100+86.82  
 TLE: 100+88.21  
 TLE: 100+90.00

HE MULTI-USE PATH, STORM SEWER, FENCE, DRIVEWAY, AND RETAINING WALL 1450 SF  
 TLE: 100+100.00  
 TLE: 100+100.00

HE MULTI-USE PATH, STORM SEWER, FENCE, DRIVEWAY, AND RETAINING WALL 1450 SF  
 TLE: 100+100.00  
 TLE: 100+100.00

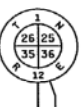
HE MULTI-USE PATH, STORM SEWER, FENCE, DRIVEWAY, AND RETAINING WALL 1450 SF  
 TLE: 100+100.00  
 TLE: 100+100.00

HE COURSE TABLE		
COURSE	BEARING	DISTANCE
100-101	N72°08'52"W	70.50'
101-102	N23°38'14"W	46.77'
102-103	N11°47'00"W	34.55'
103-104	S78°38'31"W	2.54'
104-105	N24°08'20"W	63.24'
105-106	N11°21'23"W	37.01'
106-107	S35°41'12"E	125.54'
107-108	S10°31'09"E	75.71'
108-109	N79°00'34"E	20.00'
109-110	S23°56'33"E	51.30'
110-111	S68°20'33"E	55.77'
111-112	S5°35'08"W	24.58'
112-113	S5°35'08"W	24.58'
113-100	S5°35'08"W	18.00'

TILE COURSE TABLE		
COURSE	BEARING	DISTANCE
100-124	S5°35'08"W	39.95'
124-125	N87°51'17"W	25.33'
125-126	N46°56'31"E	32.71'
126-127	N87°04'55"W	62.57'
127-128	N87°08'58"E	12.14'
128-101	S27°38'14"E	5.69'
101-100	S74°08'42"E	73.50'
123-130	N69°20'33"W	58.00'
130-135	N65°47'50"E	22.10'
135-136	S89°09'11"E	17.96'
136-123	S5°35'08"W	24.58'
123-127	S87°05'55"W	12.14'
127-128	N87°08'58"E	38.38'
128-129	N78°38'14"E	2.79'
129-130	N78°38'14"E	41.11'
130-132	N62°20'33"W	16.77'
132-131	N27°56'53"W	45.54'
131-133	N78°58'38"E	45.68'
133-135	S11°38'08"E	45.28'
135-130	S59°47'50"W	22.10'
136-135	N89°09'11"W	17.96'
135-134	N11°38'08"W	30.73'
134-137	S89°20'30"E	27.65'
137-136	S5°31'02"W	30.11'
133-131	S78°58'38"W	45.68'
131-132	N27°56'53"W	5.26'
132-132	N75°03'34"E	46.18'
132-133	S11°38'08"E	5.10'

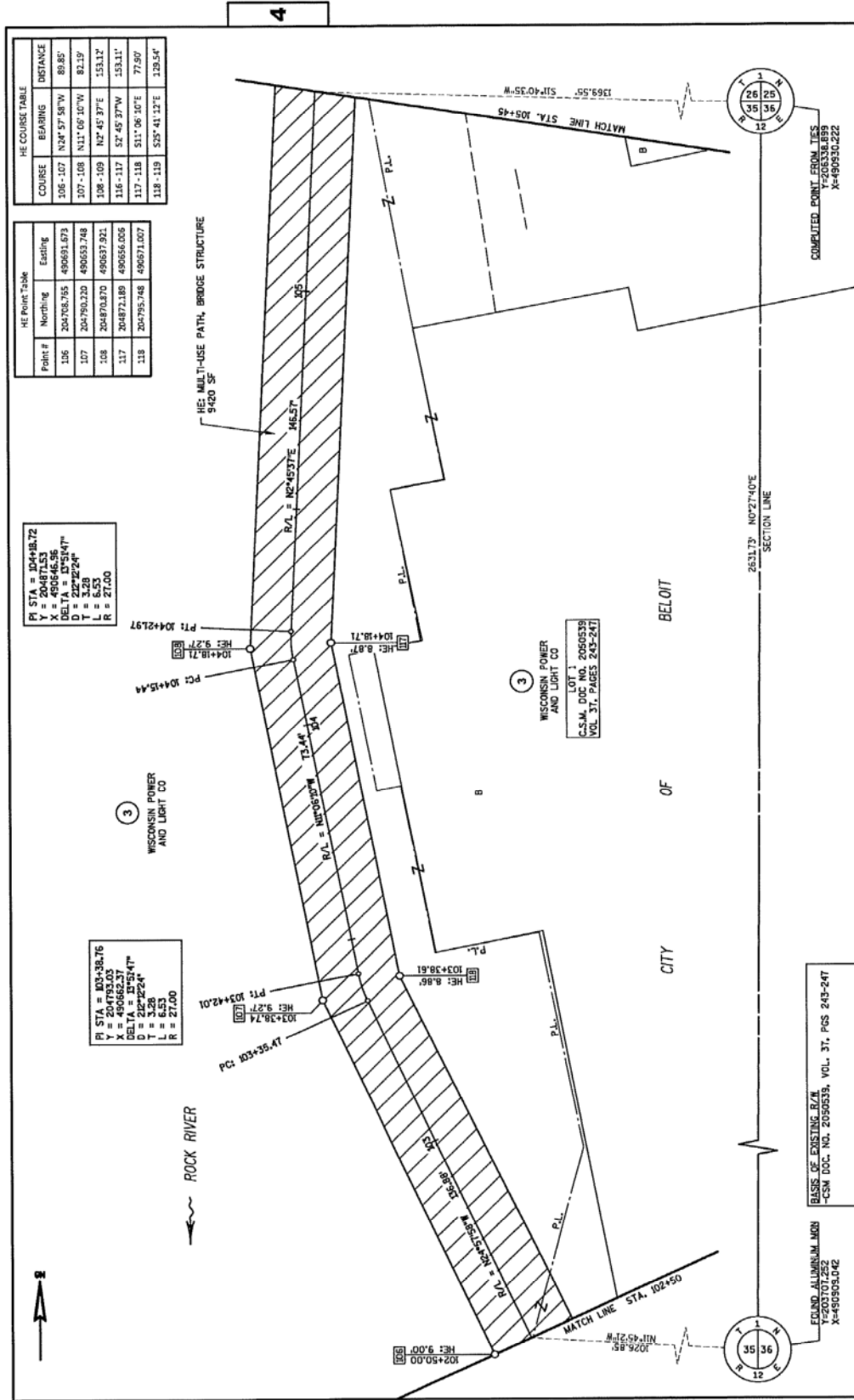
HE Point Table

Point #	Bearing
200	204518.474
201	204538.734
202	204581.576
103	204615.359
304	204654.780
105	204672.486
119	204679.006
120	204684.654
121	204696.560
122	204699.768
123	204697.369



REVISION DATE: \_\_\_\_\_ DATE: \_\_\_\_\_ GRID FACTOR: \_\_\_\_\_  
 LAYOUT NAME: 12025-RW-PLAT.DWG  
 CITY OF BELT OF ROCK COUNTY, WISCONSIN  
 STATE R/W PROJECT NUMBER 5989-05-25  
 CONSTRUCTION PROJECT NUMBER 5989-05-25  
 PS&E SHEET 4.04  
 PLAT SHEET 4.04  
 E





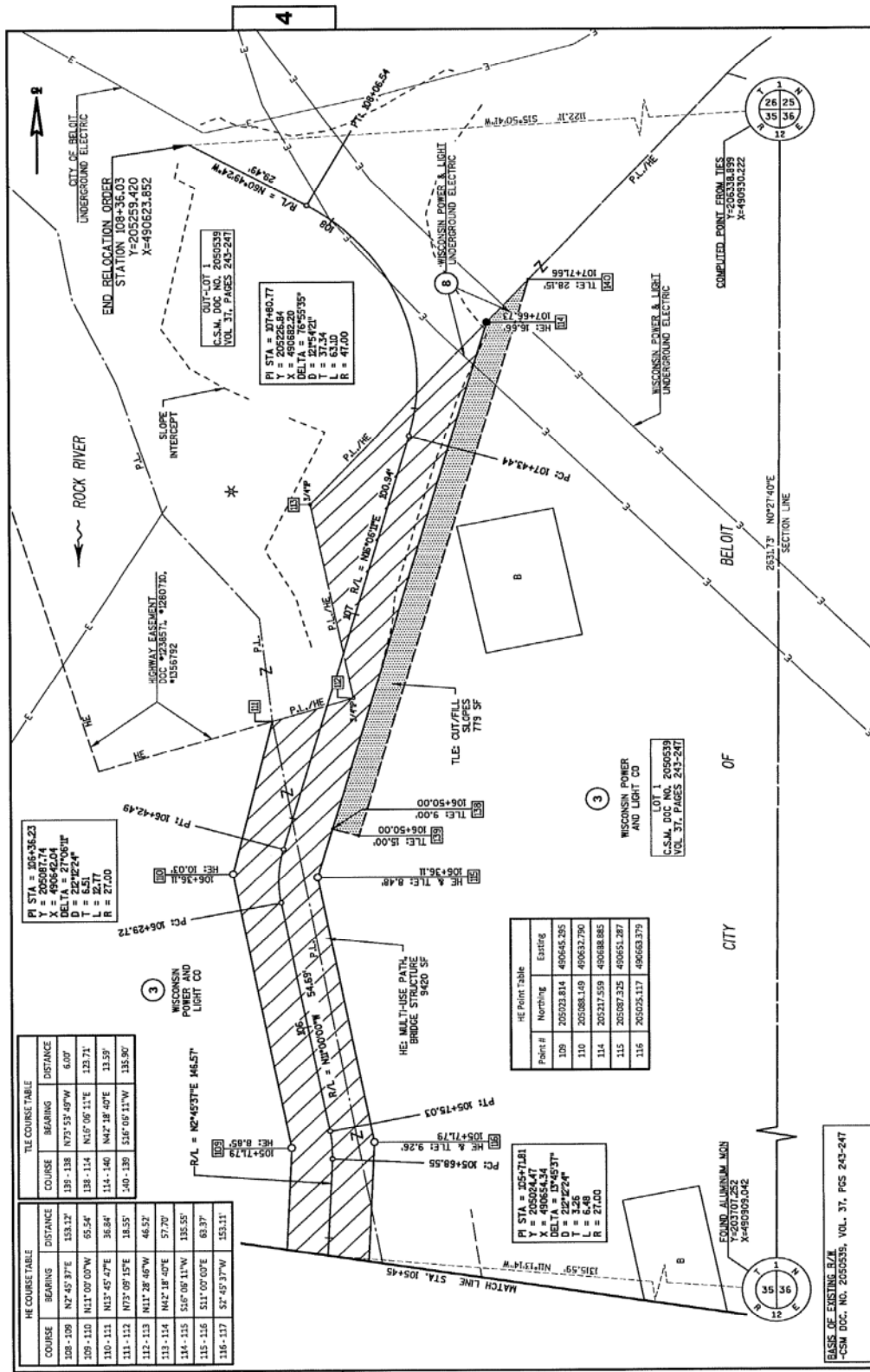
HE COURSE TABLE		
COURSE	BEARING	DISTANCE
106-107	N24°57'58"W	89.82
107-108	N11°06'10"W	82.19
108-109	N27°45'37"E	153.12
116-117	S2°45'37"W	153.11
117-118	S11°06'10"E	77.90
118-119	S32°41'12"E	128.54

HE Point Table		
Point #	Northing	Easting
106	204768.765	490691.673
107	204790.220	490653.748
108	204870.070	490637.921
117	204872.189	490656.006
118	204795.748	490671.007

PI STA = 104+18.72  
 Y = 204871.53  
 X = 490646.36  
 DELTA Y = 22.247"  
 DELTA X = 22.224"  
 T = 3.28  
 L = 6.53  
 R = 27.00

PI STA = 103+38.76  
 Y = 204793.03  
 X = 490683.37  
 DELTA Y = 22.247"  
 DELTA X = 22.224"  
 T = 3.28  
 L = 6.53  
 R = 27.00

REVISION DATE	DATE	SCALE, FEET	HWY: NON HWY	STATE R/W PROJECT NUMBER 5989-05-25	PLAT SHEET 4.05
GRID FACTOR	GRID FACTOR	0 10 20	COUNTY: ROCK	CONSTRUCTION PROJECT NUMBER 5989-05-26	PS&E SHEET
FILE NAME 13205-RW PLAT.DWG	LAYOUT NAME: ****		LOT 1 2066539 C.S.M. DOC. NO. 2066539 VOL. 37, PAGES 203-211	PLAT BY: CARR MELLON	WISDOT/CADDIS SHEET 75
			FOUND ALUMINUM MGR C.S.M. DOC. NO. 485933.042	PLAT SCALE 1:1 IN=20 FT	



HE COURSE TABLE			TILE COURSE TABLE		
COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
108-109	N2°45'37"E	153.12'	138-138	N73°33'49"W	6.00'
109-110	N11°00'00"W	55.54'	138-114	N16°00'11"E	121.71'
110-111	N87°45'47"E	36.84'	114-140	N42°18'40"E	13.59'
111-112	N79°09'15"E	18.55'	140-139	S16°05'11"W	135.90'
112-113	N17°28'46"W	46.52'			
113-114	N42°18'40"E	57.70'			
114-115	S16°05'11"W	135.55'			
115-116	S11°00'00"E	69.37'			
116-117	S7°45'37"W	153.11'			

Point #	Northing	Existing
109	205023.814	489645.285
110	205088.149	490637.790
114	205217.559	490638.885
115	205087.325	490651.287
116	205025.117	490663.379

PI STA = 105+71.81  
 Y = 205024.47  
 X = 490654.34  
 DELTA = 19°45'37"  
 D = 32°22'24"  
 T = 6.48  
 L = 27.00

PI STA = 107+80.77  
 Y = 205226.84  
 X = 490822.29  
 DELTA = 19°45'35"  
 D = 32°22'24"  
 T = 6.48  
 L = 27.00

PI STA = 108+36.03  
 Y = 205259.420  
 X = 490623.852

PI STA = 107+80.77  
 Y = 205226.84  
 X = 490822.29  
 DELTA = 19°45'35"  
 D = 32°22'24"  
 T = 6.48  
 L = 27.00

DATE: \_\_\_\_\_

GRID FACTOR: \_\_\_\_\_

SCALE, FEET: 0 10 20

REVISION DATE: \_\_\_\_\_

REVISION: \_\_\_\_\_

PLAT SHEET: 4.06

STATE R/W PROJECT NUMBER: 5989-05-25

CONSTRUCTION PROJECT NUMBER: 5989-05-26

HWY: NON HWY

COUNTY: ROCK

PLAT NAME: \_\_\_\_\_

FILE NAME: 3205-08 PLAL.DWG

LAYOUT NAME: .DWG

GRID DATE: 11/22/2011 1:55 PM

PLAT BY: CARRI MELLOW

PLAT SCALE: 1:1 IN 10 FT

WISCONSIN/CADDIS SHEET 75

# CITY OF БЕЛОIT



## REPORTS AND PRESENTATIONS TO CITY COUNCIL

**Topic:** AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF CHAPTERS 6, 25 AND 29 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO HAZARDOUS MATERIAL INCIDENT RESPONSE AND THE WASTEWATER TREATMENT SYSTEM

**Date:** April 3, 2017

**Presenter:** Cheryl Simplot

**Department:** Water Resources

### Overview/Background Information:

The Sewer Use Ordinance (SUO) has been updated pursuant to the requirements of Wisconsin Admin Code section NR 211 related to streamlining requirements. In addition, city staff took this opportunity to provide greater clarity and updates to various provisions of the SUO. The Wisconsin Department of Natural Resources has approved the proposed SUO and ERP that is before you for consideration. The highlights of the changes are as follows:

- The ordinance was updated to comply with NR 211 streamlining revisions
- The ordinance was updated to clarify definitions
- The ordinance was updated to clarify that requirement for the use of public sewers. Sewage discharge to public or private property prohibited
- The ordinance was updated to correct references to the administrative code
- The ordinance was updated to clarify on the distinction between disconnection of sewer service for failure to pay fees and disconnection of service for other reasons
- The ordinance contains updates to the Spill Control Prevention Program
- The ordinance updates the permit section to be inclusive of DNR regulations
- The ordinance revises language in administrative enforcement section to provide greater clarity
- The ordinance was updated to include continuous pH monitoring language
- The ERP was updated to be consistent with other ordinance penalty provisions

### Key Issues:

See above

**Conformance to Strategic Plan** (List key goals this action would support and briefly discuss its impact on the City's mission.): Adoption of this ordinance will conform with strategic goals #4 and #5 related to creating and sustaining a high quality of life and high quality infrastructure and connectivity.

**Sustainability** (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- Reduce dependence upon fossil fuels N/A
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature N/A
- Reduce dependence on activities that harm life sustaining eco-systems N/A
- Meet the hierarchy of present and future human needs fairly and efficiently N/A

**If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space**

### Action required/Recommendation:

Staff recommends approval of the ordinance.

### Fiscal Note/Budget Impact:

This is a budget neutral request.

### Attachments:

Proposed ordinance

Chapter 7 – Enforcement Response Plan

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF CHAPTERS 6, 25 AND 29 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO HAZARDOUS MATERIAL INCIDENT RESPONSE AND THE WASTEWATER TREATMENT SYSTEM**

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

**Section 1.** Section 29.01(5)(f) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(f) The City will ~~U~~update and enforce the following elements of the City's federally mandated "pretreatment program":
1. Chapter 29 of the Code of General Ordinances of the City of Beloit entitled "Wastewater Treatment System."
  2. The City of Beloit Industrial Pretreatment Manual approved by the Wisconsin Department of Natural Resources (WDNR).
  3. The City of Beloit Enforcement Response Plan approved by the ~~{WDNR}~~.”

**Section 2.** Section 29.02 of the Code of General Ordinances of the City of Beloit is hereby amended to include, in alphabetical order, the following additions, amendments and deletions to chapter definitions:

*Authorized Representative.* An authorized representative of an industrial user is a person who meets the requirements of §NR 211.15(10)(b), Wis. Admin. Code, and includes:

1. A president, vice-president or higher-ranking officer of a corporate user.
2. A general partner of a partnership.
3. The owner of a sole proprietorship.
4. A person who is responsible for the overall operation of a facility from which a discharge originates and who is designated as the agent for a corporation, partnership or sole proprietorship.

*Business Permit.* A permit issued under this chapter to a commercial or industrial user that is not a Significant Industrial User .

*Commercial User.* A commercial or industrial entity that discharges wastewater to the City's sewerage system or that occupies property connected to the City's sewerage system, but that is not a Significant Industrial User. In this context, a commercial user is distinct from a domestic user. ~~n industrial user engaged in the business of purchasing or selling goods or rendering services to the public, who:~~

- ~~1. Discharges less than 25,000 gallons per day of process wastewater;~~
- ~~2. Is not subject to categorical pretreatment standards;~~
- ~~3. Does not discharge toxic pollutants in an amount that may violate this chapter; and~~
- ~~4. Has no significant impact, either alone or in combination with other discharges, on the wastewater~~

~~treatment system, the quality of the sludge, the system's effluent quality or air emission generated by the system.~~

*Consent Order.* A written order issued by the Environmental Coordinator under §29.40~~25~~ of this Chapter requiring a user to correct a violation. Issuance of a consent order is not a condition precedent to issuance of a municipal citation or other enforcement action.

~~*Enforcement Response Plan (ERP).* A plan that the City is required by EPA and WDNR to develop for enforcement of this chapter.~~

*Hazardous Substance.* As defined in Ch. 292, Wis. Stats., any substance, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, significantly contribute to, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, spilled, or otherwise managed.

*Hazardous Substance Release.* The unpermitted spilling, leaking, pumping, pouring, emitting, emptying, dumping, leaching or release of a Hazardous Substance.

*Major Tier/~~Significant~~ Industrial User.* See A "Significant Industrial User" that is not a Middle Tier Categorical Industrial User or a Nonsignificant Categorical Industrial User.

*Notice of Violation (NOV).* A ~~letter document~~ notifying a user of a ~~minor~~ violation of the user's permit or this Chapter. Issuance of an NOV is ~~intended as a courtesy and is~~ not required as a condition precedent to the issuance of a municipal court citation or other enforcement action.

*Pretreatment or Treatment.* The reduction or elimination of pollutants or the alteration of the properties of pollutants prior to, or in lieu of, discharge of such pollutants into the POTW. Pretreatment does not mean dilution of a pollutant. See §29.31(~~65~~).

*Significant Noncompliance.* A user is in significant noncompliance if one or more of the following occurs:

1. Sixty-six percent or more of all measurements taken during a continuous 6-month period exceed the user's daily maximum discharge limit or the user's average discharge limit for the same pollutant parameter.
2. Thirty-three percent or more of all measurements for each pollutant parameter taken during a continuous 6-month period equal or exceed the product of the user's daily maximum limit or the user's average limit multiplied by the applicable TRC factor. The TRC factor for conventional pollutants such as phosphorus BOD, TSS, fats, oil, and grease is 1.4. The TRC factor for all other pollutants, except pH, is 1.2.
3. The user discharges effluent that, alone or in combination with the effluent discharges of others, interferes with the POTW or causes a pass through.
4. The user discharges any pollutant that causes imminent danger to human health, safety or welfare or to the environment or causes the POTW to exercise its emergency authority to halt or prevent such a discharge.
5. The user fails to meet, within 90 days after the schedule date, a compliance schedule milestone required by a discharge permit or enforcement order for starting or completing construction, or attaining final compliance.
6. The user fails to provide required reports, such as monitoring reports and compliance reports within ~~30~~45 days of the due date.
7. The user fails to accurately report noncompliance.

8. The user fails to monitor its wastewater discharges as required by the user's permit.
9. Any other violation or group of violations which adversely affects the operation or implementation of the local pretreatment program.

~~Significant Violation. A user is in significant noncompliance if one or more of the following occurs:~~

- ~~1. Sixty-six percent or more of all measurements taken during a 6-month period exceed the user's daily maximum discharge limit or the user's average discharge limit for the same pollutant parameter.~~
- ~~2. Thirty-three percent or more of all measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the user's daily maximum limit or the user's average limit multiplied by the applicable TRC factor. The TRC factor for conventional pollutants such as phosphorus BOD, TSS, fats, oil, and grease is 1.4. The TRC factor for all other pollutants, except pH, is 1.2.~~
- ~~3. The user discharges effluent that, alone or in combination with the effluent discharges of others, interferes with the POTW or causes a pass-through.~~
- ~~4. The user discharges any pollutant that causes imminent danger to human health, safety or welfare or to the environment or causes the POTW to exercise its emergency authority to halt or prevent such a discharge.~~
- ~~5. The user fails to meet, within 90 days after the schedule date, a compliance schedule milestone required by a discharge permit or enforcement order for starting or completing construction, or attaining final compliance.~~
- ~~6. The user fails to provide required reports, such as monitoring reports and compliance reports within 30 days of the due date.~~
- ~~7. The user fails to accurately report noncompliance.~~
- ~~8. The user fails to monitor its wastewater discharges as required by the user's permit.~~
- ~~9. Any other violation or group of violations which adversely affects the operation or implementation of the local pretreatment program.~~

~~Spill Control Prevention Program~~ (SCPP). A plan required from a user pursuant to 40 CFR 403.8(f)(2)(vi). Standards and guidelines for such SCPPs are set forward in the City of Beloit IPP Manual.

~~TRC Violation. See "Significant Violation" above.~~

~~User. Any person who discharges wastewater into the City's POTW. See also "Indirect Discharger."~~

~~Water Resources Plant Engineer. [sic]~~

~~Wastewater Discharge Permit. A permit document issued under this chapter by the City to a commercial, industrial, or sSignificant Industrial uUser. The permit document sets forth the discharge limits and other requirements with which the user must comply.~~

**Section 3. Section 29.03 of the Code of General Ordinances of the City of Beloit is hereby amended to include, in alphabetical order, the following addition to chapter abbreviations:**

MTSIU Major Tier Significant Industrial User.

**Section 4.** Section 29.035 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

**29.035 USE OF PUBLIC SEWERS REQUIRED**

(1) DISPOSING OF WASTEWATER AND POLLUTANTS ON LAND. It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner wastewater or other polluted waters, any human or animal excrement, or other incompatible pollutant on public or private property within the City, excluding waste produced by pets or approved livestock on public or private property provided compliance with §15.165 of this Municipal Code.

(2) DISCHARGE INTO WATERWAYS. It shall be unlawful to discharge to any natural waterways within the City, or any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with all applicable federal, state, or local statutes, ordinances, and regulations.

**Section 5.** Section 29.04(3)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (a) Adoption of Portions of State Plumbing Code . Chapter ~~COMMSPS~~ 382 of the Wisconsin Administrative Code (Wis. Adm. Code) is hereby adopted by reference. The definitions of words and phrases found in §~~COMMSPS~~ 381.01, Wis. Adm. Code, shall apply to those words and phrases when used in this subsection.

**Section 6.** Section 29.04(3)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (b) Installation of Approved Grease, Oil and Sand Interceptors Required. No person shall install a grease interceptor, oil interceptor or sand interceptor into a drain system connected to the public sewer unless the interceptor has been approved by the Wisconsin Department of ~~Commerce~~ Safety and Professional Services (department). The department shall determine whether one or more exterior or interior grease interceptors ~~is~~ are required. The department may require installation of an interior or exterior grease interceptor for existing plumbing installations when the conditions described in §~~COMMSPS~~ 382.34(5)(~~ab~~)(1), (3), Wis. Adm. Code, exist.

**Section 7.** Section 29.04(3)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (c) Discharges to Approved Grease Interceptors Required. Food service establishments and any other businesses where ~~All plumbing installations for occupancies, other than dwelling units, where grease,~~ fats, oils, grease or similar waste products ~~of cooking or food~~ are introduced into the drain system shall be provided with interceptors in accordance with §~~COMMSPS~~ 382.34(5), Wis. Adm. Code. No person shall discharge ~~fats~~ grease, oil, ~~fats~~ grease or similar waste products ~~of cooking or food from such occupancy~~ into a drain system which is connected to the public sewer, unless the drain system is equipped with one or more approved grease interceptors capable of preventing such waste from entering the public sewer in violation of the discharge limits established by paragraph (d) of this section.

**Section 8.** Section 29.04(3)(h) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (h) Maintenance of Interceptors Required. Any person who is required by ~~Ch. 82, Wis. Adm. Code~~ [the department](#), to install a grease interceptor, oil interceptor or sand interceptor shall, at all times, maintain the interceptor in proper working order. The interceptor shall be readily accessible for cleaning and inspection at all times. [After maintenance or inspection is completed all parts must be restored to normal operations including fastening screw and bolts. Tampering or removal of parts is prohibited except for normal maintenance or inspection. No interceptor, catch basin or similar device shall contain greater than 25% combined grease, oil or solids at any one time based on industry standards. The City requires a passive interceptor to provide at least 20 minutes of detention time at a temperature of 150°F or less to allow for proper separation of fat, oil, grease and water.](#) No person may return gray water to an interceptor unless a written variance is granted by the City. "Gray water" means all liquid contained in a grease interceptor that lies below the floating grease layer and above the solid grease layer. The owner of a grease interceptor shall keep a log describing the cleaning and repairs performed on the grease interceptor and the dates of such activity. The log shall be kept on site for 3 years.

**Section 9.** The title of section 29.06 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

**"29.06 DISCONNECTION OF SERVICE [FOR NONPAYMENT](#)"**

**Section 10.** Section 29.06(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) PAYMENT OF SEWER SERVICE CHARGES; [DISCONNECTION FOR NONPAYMENT](#). Payment of sewerage service bills shall be due and payable on the same basis as water charges with the equivalent late payment penalties. All rules applied to the payment of water service bills [and to the disconnection for nonpayment of water service bills](#) shall also apply to the payment of sewerage service bills [and to the disconnection for nonpayment of sewerage service bills](#).

**Section 11.** Section 29.10(2)(f) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (f) Solid or viscous substances which may obstruct the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, spent grains, spent hops, wastepaper, wood, plastics, diapers, [disposable wipes](#), rags, oil, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.



**Section 12.** Section 29.17 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) DEVELOPMENT OF SPILL CONTROL PREVENTION PROGRAM (SCPP). Each significant industrial user (and certain other commercial and industrial users as determined by the City) shall at the user's expense, develop a spill control prevention program (SCPP) ~~- which will to (i)~~ protect the POTW from pass through, slug discharges and prohibited discharges of materials which may interfere with the POTW ~~or pass through the POTW. Approval of an,~~ and (ii) to protect the public and the environment from hazardous substance releases. The POTW shall review the discharges of commercial and industrial users, as necessary, to determine whether an SCPP is needed. See the IPP Manual for detailed guidance.
  
- (2) REVIEW OF SPILL CONTROL PREVENTION PROGRAM. The City shall review and approve a user's SCPP prior to issuing a user a permit. Approval of a SCPP does not relieve the user from compliance with any law or regulation governing (i) discharge to the POTW, or (ii) the use, storage or transportation of hazardous substances. Prior to permit renewal, the POTW shall review a user's SCPP ~~The POTW shall review a significant industrial user's SCPP prior to permit renewal~~ and determine whether the plan has been maintained and whether any changes are necessary. ~~The POTW shall also monitor the discharges of commercial and industrial users, as necessary, to determine whether an SCPP plan is needed. See the IPP Manual for detailed guidance.~~
  
- (3) CONTENTS OF SPILL CONTROL PREVENTION PROGRAM. At a minimum, a ~~n~~ SCPP ~~plan~~ shall contain the following:
  - (a) Description of discharge practices including nonroutine batch discharges to the POTW;
  - (b) Description and location of stored chemicals;
  - (c) Procedures for immediately notifying the ~~POTW of spill~~ Water Resources Director, or his/her designee, of unpermitted discharges to the POTW, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with requirements for a written follow up within 5 calendar days unless waived in advance in written form by the City; and
  - (d) Procedures for immediately notifying the Water Resource Director, or his/her designee, of hazardous substance releases to the environment
  - (e) If necessary, procedures to prevent (i) adverse impact of unpermitted discharges, ~~including~~ to the POTW, and (ii) hazardous substance releases to the environment. Procedures may include inspection and maintenance of storage areas, handling and transfer of chemicals and materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
  
- (4) TRAINING. A user with a SCPP shall provide training on its SCPP a minimum of once every two years. Such training shall be documented in writing and available to the City upon request.
  
- (5) COMPLIANCE WITH SCPP A CONDITION OF PERMIT. Once the initial SCPP is prepared and approved, compliance with the SCPP, and all subsequent updates of the SCPP approved by the POTW, shall be a condition of a user's permit. Failure to comply with any portion of an approved SCPP shall be a violation of a user's permit and this chapter.

~~(2) Within 5 calendar days of a discharge or release, unless waived in advance in written form by the City, each user subject to this section, shall submit to the Environmental Coordinator a detailed written report describing the cause of the discharge or release and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user from any liability for damage to the POTW, fish kills or any other damage to person or property or from any forfeiture or other liability which may be imposed by a court.~~

**Section 13.** Section 29.18 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

**29.18 NOTIFICATION OF UNPERMITTED DISCHARGE OR HAZARDOUS SUBSTANCE RELEASE; OBLIGATION TO MITIGATE**

- (1) NOTIFICATION OF DISCHARGE TO POTW. A permittee must immediately notify the Water Resources Director, or his or her designee, of unpermitted discharges to the POTW, including any discharge that would violate a prohibition under 40 CFR 403.5(b). Within 5 calendar days of an unpermitted discharge to the POTW, unless waived in advance in written form by the City, each permittee subject to this section, shall submit to the Water Resources Director, or his/her designee, a detailed written report describing the cause of the discharge and the measures taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee from any liability for damage to the POTW, fish kills or any other damage to person or property or from any forfeiture or other liability which may be imposed by a court.
- (2) NOTIFICATION OF HAZARDOUS SUBSTANCE RELEASE TO ENVIRONMENT. A permittee must immediately notify the Water Resources Director, or his/her designee, of a hazardous substance release to the environment. Within 5 calendar days of a hazardous substance release, unless waived in advance in written form by the City, each permittee subject to this section, shall submit to the Water Resources Director, or his/her designee, a detailed written report describing the cause of the hazardous substance release and the measures taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee from any liability for damage as a result of the hazardous substance release or from any forfeiture or other liability which may be imposed by a court.
- (3) OBLIGATION TO MITIGATE. A permittee shall take all reasonable steps to prevent and minimize (i) unpermitted discharges to the POTW, and (ii) hazardous substance releases to the environment. If an unpermitted discharge to the POTW or a hazardous substance releases to the environment occurs, a permittee shall take all reasonable steps to minimize the impact of the unpermitted discharge or the hazardous substance release.
- (4) COMPLIANCE A CONDITION OF PERMIT. Compliance with this section shall be a condition of a user's permit. Failure to comply with this section shall be a violation of a user's permit and this chapter.

**Section 14.** Section 29.21(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) WASTEWATER DISCHARGE PERMIT FEE. [The City shall charge a fee for a Wastewater Discharge](#)

Permit issued to a significant industrial user. The amount of the fee ~~for a Wastewater Discharge Permit~~ shall be established by City Council resolution.

**Section 15.** Section 29.21(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (2) BUSINESS PERMIT FEE. The City shall charge a fee for a ~~re shall be a fee assessed upon issuance of a b~~ Business p ~~Permit issued to a commercial or industrial user that is not a significant industrial user.~~ The amount of the fee shall be established by City Council resolution.

**Section 16.** Section 29.30 of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

### 29.30 PERMITS

- (1) PERMIT APPLICATION AND FEE REQUIRED.

- (a) Wastewater Discharge Permit. All significant industrial users of the POTW shall complete a permit application in accordance with this section. Permit applications shall contain the information required by NR 211.235(1), Wis. Adm. Code, and Chapter 4 of the City's Industrial Pretreatment Manual. The application shall be signed by the user or the user's authorized representative and, if required, shall be certified by a qualified professional. The user shall support the application with information, in units and in terms appropriate for evaluation.
- (b) Business Permit. All commercial users and industrial users of the POTW that are not otherwise required to obtain a permit under (a) above, shall complete an application for a Business Permit in accordance with this section. Permit applications shall contain the information required by Chapter 4 of the City's Industrial Pretreatment Manual. The application shall be signed by the user or the user's authorized representative. A Business Permit enables the City to identify and monitor types and locations of commercial and industrial users that are connected to City utilities.
- (c) Application Fee. The completed application, together with the permit fee prescribed by §29.21, shall be filed with the Water Resources Director, or his/her designee.

- (2) ISSUANCE OF PERMIT. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a permit, subject to terms and conditions provided herein.

- (3) CONTENTS OF PERMITS.

- (a) Types of Wastewater Discharge Permits for Significant Industrial Users. Wastewater Discharge Permits for significant industrial users shall be divided into the following three categories:
1. Major Tier Significant Industrial Users (MTSIU).
  2. Middle Tier Categorical Industrial User (MTCIU).
  3. Nonsignificant Categorical Industrial Users (NSCIU).
- (b) Contents of Wastewater Discharge Permit. The City's IPP Manual identifies those items required to be included in Wastewater Discharge Permits. Different standards may apply to

permits issued to different categories of significant industrial users.

- (c) Contents of Business Permit. The City's IPP Manual identifies those items required to be included in Business Permits issued to commercial and industrial users that are not significant industrial users.
- (4) MONITORING AND ANALYSIS TO DEMONSTRATE CONTINUED COMPLIANCE. If sampling performed by a SIU in accordance with NR 218 and NR 219, Wis. Admin. Code, indicates a violation of the user's permit or this chapter, the SIU shall notify the City within 24 hours of becoming aware of the violation. The SIU shall repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. This provision does not apply to SIUs that monitor multiple days each month nor does it supersede the requirement for SIUs to immediately report accidental discharges of high strength waste or large amounts of grease or as otherwise required by the user's permit.
- (5) PERMIT MODIFICATION.
- (a) Within 270 days after the promulgation of a new national categorical pretreatment standard, the permit of users subject to such standard shall be revised to require compliance with such standard within the time prescribed by such standard. The permittee shall submit the information required by subsection (2) of this section to the Environmental Coordinator within 180 days after the promulgation of the applicable national categorical pretreatment standard.
  - (b) Whenever a user who was not previously required to obtain a permit becomes subject to a newly promulgated national categorical pretreatment standard, the user shall apply for a permit within 180 days after the date of promulgation.
- (6) PERMIT DURATION.
- (a) A permit shall be issued for a period of at least 2 years and not more than 5 years. The City may notify the user in advance of permit expiration. The user shall apply for permit reissuance prior to the expiration of the user's existing permit. The existing permit will remain in effect after its expiration date if:
    - 1. The user files a complete and timely application for renewal;
    - 2. The existing permit has not been revoked by the City;
    - 3. The City has not denied the user's application for renewal; and
    - 4. The City has not issued a new permit by the expiration date of the existing permit.
  - (b) A permit may be modified by the City as limitations or requirements identified in this chapter are modified or for other just cause. The user shall be informed of any proposed change in its permit at least 30 days prior to the effective date of the change. Any change in the permit shall include a reasonable time schedule for compliance.
- (7) PERMIT TRANSFER. Permits are issued to a specific user for a specific operation. No permit shall be assigned, transferred or sold to another user, location or operation without the written approval of the City.
- (8) PRETREATMENT EQUIPMENT AND/OR FACILITIES. The permittee shall apply for WDNR approval under NR 108.04, Wis. Admin. Code for any new or significant changes to pretreatment equipment or facilities at least 90 days before installation or making the change. The permittee shall notify the

City of the application and provide the City with a copy of the application. Equipment and facilities must be properly operated and maintained to run efficiently. Employees must receive initial and continued training on the proper operation and maintenance of equipment and facilities.

- (9) MONITORING WAIVER. The City may authorize a monitoring waivers for permittees that conforms to the requirements of Wisconsin Administrative Code NR 211.15(4)(b).
- (10) VIOLATION OF PERMIT. It shall be unlawful to violate a term, condition or provision of a permit issued in accordance with this chapter.

**Section 17. Section 29.41 of the Code of General Ordinances of the City of Beloit is hereby renumbered as 29.38 and is amended to read as follows:**

**29.38 GROUNDS FOR REVOCATION OR NONRENEWAL OF PERMITS.** Any user who does any of the following may have its permit revoked in accordance with the procedures prescribed in §29.41 of this chapter.

- (1) Fails to accurately report the wastewater constituents and characteristics of the user's discharge;
- (2) Fails to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refuses to give the City reasonable access to the user's premises for the purpose of inspection or monitoring;
- (4) Violates any condition of the user's permit or any provision of this chapter;
- (5) Tampers with sampling or flow measurement equipment or analyses being conducted by or at the direction of the City; or
- (6) Fails to pay any forfeiture, assessments or other costs imposed under this chapter.
- (7) Makes any false statement in any document or falsifies any document submitted to the City.

**Section 18. Section 29.39 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:**

**29.39 IMMEDIATE SUSPENSION OF WASTEWATER SERVICE**

- (1) WHEN IMMEDIATE SUSPENSION ALLOWED. The Public Works Director, or his/her designee, may immediately suspend a user's wastewater treatment service or a wastewater discharge permit without following the procedures prescribed in §29.41 of this chapter when, in his/her opinion, such suspension is necessary to stop an actual or threatened discharge which:
  - 1. Presents an imminent or substantial danger to the health, safety or welfare of persons or the environment;
  - 2. Causes or may cause interference with the POTW; or
  - 3. Causes or may cause the City to violate any condition of its WPDES Permit.

- (2) NOTICE OF SUSPENSION. Any user notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop discharging wastewater into the POTW. Notice may be given by telephone, followed by written confirmation of such notice. If the user fails to comply with the suspension order, the City may immediately sever the user's sewer connection so as to prevent or minimize damage to the POTW or injury to persons.
- (3) REINSTATEMENT. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof that the user has eliminated the noncomplying discharge. The City may require the user to provide a payment bond or performance bond or liability insurance as described in §29.42.

**Section 19. Section 29.425 of the Code of General Ordinances of the City of Beloit is hereby renumbered as 29.40 and is amended to read as follows:**

**29.40 ADMINISTRATIVE ENFORCEMENT.**

- (1) COMPLIANCE ORDER. A compliance order is an order issued by the Environmental Coordinator, or his designee, directing a user to cease committing a violation of this chapter and to comply therewith by a specified date. The compliance order shall identify the ordinance(s) violated, describe the violation(s) and describe the action required to correct the violation(s). A compliance order may be issued prior to a municipal court citation or simultaneously with the citation. The compliance order shall be served in the same manner that a municipal court citation is served.
- (2) COMPLIANCE AGREEMENT. If the user does not dispute that the violation(s) described in the compliance order occurred, the user may enter into a compliance agreement with the Environmental Coordinator. The Environmental Coordinator, or his designee, is hereby authorized to enter into a compliance agreement with a user whereby the user agrees to correct a violation of this chapter upon terms and conditions as the parties may mutually agree in writing.
- (3) CONSENT ORDER. A consent order is an order issued by the Environmental Coordinator, or his designee, which incorporates the terms and conditions of the compliance agreement and contains the following elements:
  - (a) A compliance schedule;
  - (b) A stipulated monetary penalty, if any;
  - (c) A plan for remediating the violation; and
  - (d) Authorized signatures of the representative of the user and the Public Works Director, or his designee.
- (4) CEASE AND DESIST ORDER. A cease and desist order may be issued when the City finds that a user has violated, or continues to violate, any provision of this ordinance, a permit, or an order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur. The City may issue such an order to the user directing it to cease and desist all such violations and directing the user to immediately comply with all requirements and take such appropriate remedial or preventive action as may be needed to properly address a continuing or

threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (5) **FAILURE TO COMPLY.** Any user who violates or continues to violate any provision of this chapter, a permit, or order issued hereunder or any other applicable pretreatment standard or requirement ~~shall be subject to suspension or termination of sewer service.~~ may have its permit revoked in accordance with the procedures prescribed in §29.41 of this chapter. ~~NOTICE OF VIOLATION. The City may issue a notice of violation to a user if the City discovers a violation of this chapter, a permit issued hereunder or any other applicable pretreatment standard or requirement.~~
- ~~(b) — Any user notified by the City of a suspension or termination of sewer service or suspension or revocation of a permit shall immediately stop or eliminate all discharges. In an emergency, the order to cease discharge may be given by telephone, followed by written confirmation of such notice. In nonemergency situations, an administrative order may be used to suspend or terminate sewer service. If the user fails to comply with the suspension or termination order, the City shall take all steps as deemed necessary to halt the discharge including immediate severance of the sewer connection.~~
- ~~(c) — The City shall not reinstate the permit or the sewer service until proof of the elimination of the noncomplying discharge and any costs for disconnection and reconnection of sewer service have been paid by the user.~~

**Section 20.** Section 29.43 of the Code of General Ordinances of the City of Beloit is hereby renumbered as 29.41 and is amended to read as follows:

**29.41 SHOW CAUSE ORDER AND HEARING.**

- (1) ORDER TO SHOW CAUSE. The ~~Public Works Director~~~~Environmental Coordinator~~, or his/her designee, may issue a written order to show cause to any user who violates or continues to violate any provision of this chapter, a permit or order issued hereunder or any other applicable pretreatment standard or requirement. The order to show cause shall be served personally or by registered or certified mail, return receipt requested, upon the user or the user's authorized representative. The order to show cause shall describe the noncompliance and the proposed enforcement action. The order to show cause shall also specify the place where a written response shall be filed and the date by which it shall be filed. In addition, the order to show cause should indicate that:
- (a) If the allegation(s) of the order to show cause is not disputed, the written response should include a statement that the user intends to comply with the order. The response shall address each violation alleged in the show cause order and describe the steps that the user intends to take to address those violations. The Public Works Director, or his/her designee, shall review the user's written response and shall notify the user within 30 days after the written response is received whether the response is satisfactory. If the Public Works Director, or his/her designee, determines that the written response is satisfactory, the matter shall not be scheduled for hearing. However, if the Public Works Director, or his/her designee determines that the written response to the show cause order is unsatisfactory, then the matter shall be scheduled for ~~an informal~~ a hearing ~~before the Public Works Director, or his designee.~~
- (b) If the allegations of the order to show cause are disputed, the user's written response shall so state and ~~request~~ a hearing before the City Council. ~~If the user requests a hearing before the City Council, the~~ shall be scheduled. ~~Public Works Director shall issue~~

~~a n~~Notice setting forth the date, time and place of the hearing ~~and~~ shall be served ~~the notice~~ upon the user in the same manner as prescribed for service of the order to show cause.

- (2) HEARING OFFICIALS. The City Council may conduct the hearing or it may designate any of its members or an officer or employee of the City or a Hearing Officer to conduct the hearing. The person conducting the hearing:
  - (a) May issue, in the name of the City Council, subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
  - (b) Shall take the evidence;
  - (c) Shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- (3) RECORDING. All testimony presented at the hearing must be under oath and recorded. The recording will be made available to any member of the public or any party to the hearing upon payment of the usual costs charged for copies of City records.
- (4) ISSUANCE OF ORDERS. After the City Council reviews the evidence, it may issue an order to the user responsible for the noncompliance directing that, following a specified time period, sewer service will be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities and such devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. If the user violates the Council's order, the City may take further action under §29.44 of this chapter.
- (5) INAPPLICABLE TO DISCONNECTIONS FOR NONPAYMENT. This process does not apply to disconnections for nonpayment under §29.06.

**Section 21. Section 29.42 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:**

**29.42 TERMINATION AND REINSTATEMENT OF WASTEWATER SERVICE AFTER SHOW CAUSE HEARING**

- (1) NOTICE. A user notified by the City of a suspension or termination of sewer service or suspension or revocation of a permit shall immediately stop or eliminate all discharges. If the user fails to comply with the suspension or termination order, the City shall take all steps as deemed necessary to halt the discharge including immediate severance of the sewer connection.
- (2) REINSTATEMENT. The City shall not reinstate the permit or the sewer service until proof of the elimination of the noncomplying discharge and any costs for disconnection and reconnection of sewer service have been paid by the user.
- (3) PAYMENT BOND OR PERFORMANCE BOND REQUIRED. The Public Works Director may refuse to reissue a permit to any industrial user who has violated the provisions of this chapter or a previous permit unless the user provides a payment bond or performance bond payable to the City in a sufficient sum to insure the user's compliance.



- (4) LIABILITY INSURANCE. The Public Works Director may require a user responsible for treatment plant interference, overload or upset to obtain liability insurance sufficient to cover the cost of restoring the POTW in the event of another upset, overload or interference.

**Section 22.** Section 29.43 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

**29.43 APPEAL OF ENFORCEMENT DECISIONS.** A person aggrieved by an administrative enforcement determination of an officer, employee or agent of the City, other than a decision under § 29.39, may request review of or may appeal the determination as provided in §1.15 of this Municipal Code.

**Section 23.** Section 29.45 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

**29.45 ANNUAL PUBLICATION.** The City shall publish annually in a local newspaper a list of the users who were in significant noncompliance with the applicable pretreatment standards and requirements at any time ~~have significantly violated pretreatment requirements~~ during the previous 12 months. The list shall summarize the enforcement action taken against each user.

**Section 24.** Section 29.54 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

**29.54 NOTICE OF VIOLATION.** The City may issue a notice of violation to a user if the City discovers a violation of this chapter, a permit or order issued hereunder or any other applicable pretreatment standard or requirement. A notice of violation is not an administrative determination subject to review or appeal under §1.15 of this Municipal Code.

**Section 25.** Section 29.55 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

**29.55 UNIFORM CITATION.**

- (1) AUTHORIZATION FOR ISSUE OF CITATION. Under the authority granted by Ch. 800, Wis. Stats., a Uniform Municipal Citation may be issued for any violation of this chapter ~~specified in §29.56.~~
- (2) FORM OF THE CITATION. The citation shall conform to the requirements of Ch. 800, Wis. Stats.
- (3) PERSONS AUTHORIZED TO ISSUE CITATIONS. See §25.04(4)(d) of this Municipal Code. ~~The Public Works Director, the Environmental Coordinator, Environmental Specialist, Environmental Technician, and the Director of Water Resources may issue uniform municipal citations for violations specified in §29.56.~~
- (4) JUDICIAL REVIEW. A citation is subject to judicial review procedures and is not subject to review or appeal under §1.15 of this Municipal Code.

**Section 26.** Section 29.56 of the Code of General Ordinances of the City of Beloit is hereby retitled and amended to read as follows:

**29.56 VIOLATIONS ~~FORFEITURE ACTIONS~~**

- (1) Any person who does any of the following is subject to imposition of a forfeiture ~~of not less than \$100 nor more than \$10,000~~ as provided in Chapter 25 of this Municipal Code:
  - (a) Violates any provision of this chapter.
  - (b) Violates any order issued by the City Council in accordance with this chapter.
  - (c) Willfully or negligently fails to comply with any other order issued in accordance with this chapter.
  - (d) Violates any provision of a permit issued to that person in accordance with the provisions of this chapter.
- (2) SEPARATE OFFENSE. Each day on which a violation occurs or continues constitutes a separate and distinct offense.

~~COURT ACTION. (Am. #3439) If any person is found to have committed a violation listed in sub. (1), the court shall impose, in addition to a forfeiture:~~  
~~(a) The penalty surcharge prescribed by §757.05, Wis. Stats.~~  
~~(b) The jail surcharge prescribed by §302.46(1), Wis. Stats.~~  
~~(c) Court costs authorized by Ch. 814, Wis. Stats. (Am. #2788; #2964)~~  
~~(d) The crime laboratories and drug law enforcement surcharge imposed by §165.755(1), Wis. Stats. (Cr. #2788)~~

**Section 27.** Section 29.59(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) The City will take immediate action to notify ~~the a~~ user of a violation of the user's permit, this chapter, or an order issued under this chapter. ~~The notice will be made by the quickest means of communication available.~~

**Section 28.** Section 6.15 of the Code of General Ordinances of the City of Beloit is hereby retitled to read as follows:

**6.15 HAZARDOUS MATERIAL INCIDENT RESPONSE.**

**Section 29.** Section 6.15(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property or onto the ground, surface waters, subsurface waters or aquifers ~~or~~ within the City, except those areas specifically licensed for waste disposal or landfill activities, ~~and~~ [that are authorized](#) to receive such materials, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above nuclear regulatory restriction levels, etiologic agents; any solid, liquid or gas creating a hazard, potential hazard or public nuisance; or any solid, liquid or gas having a deleterious effect on the environment of whatsoever kind or nature including, but not limited to, any solid, liquid or gas as defined in §§101(14) and 104(a)(2) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or 40 CFR 261.3, 49 CFR 171.8 or 49 CFR 172.101 and appendices as from time to time amended.

**Section 30.** Section 6.15(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (2) REPORTING OF PROHIBITED DISCHARGES. A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance within or reaching within the corporate limits of the City of Beloit, shall notify the City of Beloit Fire Department immediately of any discharge. "Discharge" shall have the meaning provided in §292.01(3), Wis. Stats., as amended from time to time. "Hazardous substance" shall have the meaning provided by §292.01(5), Wis. Stats., as amended from time to time. [If a person is subject to a Spill Control Prevention Program under §29.17 of this Municipal Code, that person shall also notify the City's Water Resources Director of a hazardous substance discharge.](#)

**Section 31.** Section 6.15(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (3) CONTAINMENT, CLEANUP AND RESTORATION. A person required to report under §6.15(2) herein shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful ~~a~~ effects from the discharge to the air, lands or waters of the area affected. All discharged hazardous substances and the resulting contaminated substances shall be analyzed upon direction of the Fire Chief and removed from the site and the City of Beloit not later than 90 days after the discharge or earlier upon direction of the Fire Chief. Any drums or other containers of said materials must be protected from freezing or leakage; [containers not removed from the site immediately shall be secured to the extent necessary to prevent further environmental contamination or tampering with the materials until such materials can be disposed of; the container](#) must be clearly marked with the name of the contractor or responsible party, including name, address and telephone number; must contain the date of placement into the container; and must contain such other information as required by law or directed by the Fire Chief. The required analysis of the materials shall be subject to the directions of the Fire Chief as to the parameters analyzed and the results thereof shall be provided forthwith to the Fire Chief. The Fire Chief shall approve the suitability of any facility proposed for such analysis, based upon considerations of competency and ability to provide timely results. The Fire Chief may delegate any of his duties provided herein to an authorized representative.

**Section 32.** Section 6.15(6) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (6) SITE ACCESS. Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to the Fire Chief and his/[her](#) authorized representatives including, but not limited to, other City officers, officials, employees and their authorized agents and representatives, both public and private, for all purposes in the ascertaining, cleanup, removal, transport, storage and other remedies.

**Section 33.** Section 6.15(7) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (7) PUBLIC PROTECTION. Should any prohibited discharge occur that, in the sole discretion of the Fire Chief or his/[her](#) authorized representatives, imminently threatens or may tend to threaten the life, safety or health of the public or property at, near or around the hazardous situation or discharge, the Fire Chief or his/[her](#) authorized representatives on the scene of the emergency may order an evacuation of the area and take such other action as is necessary or appropriate to ensure the health, welfare and safety of persons and property.

**Section 34.** Section 6.15(9) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (9) [DISCHARGES TO WASTEWATER SYSTEM](#) ~~DISCHARGES~~; EXEMPTIONS. The provisions of this section do not apply to discharges to the City wastewater system which are governed by State law and other ordinances, including Chapter 29 of this Municipal Code.

**Section 35.** Section 6.15(10) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

- (10) DISCHARGE COVERED BY SPILL CONTROL PREVENTION PROGRAM; AUTHORITY OF DIRECTOR OF WATER RESOURCES. The City of Beloit's Director of Water Resources shall have the same powers and authority as the Fire Chief under this section with respect to hazardous substance discharges subject to a Spill Control Prevention Program under section 29.17 of this Municipal Code.

**Section 36.** Section 25.04(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to include, in numerical order, the following deletions to the schedule of cash deposits:

Section	Offense	First Offense	Second Offense	Third and Subsequent Offense
<del>29.045(2)</del>	<del>Plumbing violations</del>	<del>100</del>	<del>200</del>	<del>500</del>
<del>29.045(3)</del>	<del>Failure to connect to sewer system</del>	<del>100</del>	<del>200</del>	<del>500</del>
<del>29.045(5)</del>	<del>Connecting to City sewer without permission</del>	<del>200</del>	<del>300</del>	<del>500</del>
<del>29.045(6)</del>	<del>Hauling waste without a license</del>	<del>100</del>	<del>200</del>	<del>500</del>
<del>29.10(1)</del>	<del>Discharging wastewater that passes through or interferes with POTW</del>	<del>1,000</del>	<del>3,000</del>	<del>5,000</del>
<del>29.10(2)(a)</del>	<del>Discharging explosive or flammable substances when:</del>			
	<del>1. No damage</del>	<del>100</del>	<del>200</del>	<del>500</del>
	<del>2. Damage</del>	<del>1,000</del>	<del>5,000</del>	<del>10,000</del>
<del>29.10(2)(b)</del>	<del>Discharging waste having illegal closed cup flashpoint when:</del>			
	<del>1. No damage</del>	<del>100</del>	<del>200</del>	<del>500</del>
	<del>2. Damage</del>	<del>1,000</del>	<del>5,000</del>	<del>10,000</del>
<del>29.10(2)(c)</del>	<del>Discharging waste more than 5% above lower explosive limit when:</del>			
	<del>1. No damage</del>	<del>100</del>	<del>200</del>	<del>500</del>
	<del>2. Damage</del>	<del>1,000</del>	<del>5,000</del>	<del>10,000</del>
<del>29.10(2)(d)</del>	<del>Discharging waste more than 10% above lower explosive limit when:</del>			
	<del>1. No damage</del>	<del>100</del>	<del>200</del>	<del>500</del>
	<del>2. Damage</del>	<del>1,000</del>	<del>5,000</del>	<del>10,000</del>
<del>29.10(2)(e)</del>	<del>Discharging specified substances determined to be fire hazards when:</del>			
	<del>1. No damage</del>	<del>100</del>	<del>200</del>	<del>500</del>

	2.- Damage	1,000	5,000	10,000
29.10(2)(f)	Discharging substances which obstruct sewer when:			
	1.- No damage	50	100	300
	2.- Damage	100	300	500
29.10(2)(g)	Discharging corrosive wastewater or wastewater with a pH of 5.5 to 6.0, when:			
	1.- No damage	25	50	100
	2.- Damage	100	300	500
29.10(2)(g)	Discharging wastewater with a pH of less than 5.5, when:			
	1.- No damage	100	150	200
	2.- Damage	1,000	2,000	5,000
29.10(2)(h)	Discharging wastewater with a pH of 9.0 to 10.0, when:			
	1.- No damage	25	50	100
	2.- Damage	100	200	300
29.10(2)(h)	Discharging wastewater with a pH in excess of 10.0, when:			
	1.- No damage	100	150	200
	2.- Damage	1,000	2,000	5,000
29.10(2)(j)	Discharging a toxic pollutant when:			
	1.- No damage	200	500	1,000
	2.- Damage	3,000	5,000	10,000
29.10(2)(k)	Discharging noxious or malodorous substance which:			
	1.- Creates a public nuisance	25	50	100
	2.- Is life-threatening	200	500	1,000
	3.- Prevents entry into the sewer	100	200	300

29.10(2)(l)	Discharging substance which makes POTW product unsuitable for reclamation	2,000	5,000	10,000
29.10(2)(m)	Discharging substance causing POTW to violate sludge or disposal law or criteria	2,000	5,000	10,000
29.10(2)(n)	Discharging substance causing POTW to violate permit	5,000	5,000	10,000
29.10(2)(r)	Discharging liquids that may solidify and interfere with the POTW when:			
	1. No damage	50	100	300
	2. Damage	200	300	1,000
29.10(2)(s)	Discharging suspended or dissolved solids which interfere with the POTW's operation when:			
	1. No damage	50	100	300
	2. Damage	200	300	1,000
29.10(2)(t)	Discharging radioactive waste or isotopes when:			
	1. No damage	200	300	500
	2. Damage	1,000	3,000	5,000
29.13(1)	Discharging wastewater which contains metals in excess of the established limits, when:			
	1. No damage	100	200	300
	2. Damage	1,000	2,000	5,000
29.16	Dissolution of discharge	1,000	2,000	5,000
29.30(1)(a)	Failure to obtain a SIU wastewater discharge permit before connecting to the POTW or discharging into the POTW	1,000	5,000	10,000
29.30(1)(b)	Failure to obtain industrial/commercial permit when required to do so	200	500	1,000
29.31(1)(a), (b)	Failure to submit initial compliance report	100	200	300
29.31(2)(a)	Failure to file semi-annual compliance report	100	300	500
29.31(3)(a)	Failure to calibrate flow meter	50	100	200

29.31(4)	Refusal to permit City to inspect user's monitoring and sampling facilities	100	200	300
29.31(4)	Refusal to permit City to inspect user's premises	1,000	2,000	5,000
29.31(5)(a)	Failure to provide pretreatment facilities or adequate pretreatment facilities	1,000	3,000	5,000
29.40(1)	Failure to notify City of slug or accidental discharge when:			
	1. No damage	100	200	300
	2. Operational upset	1,000	3,000	5,000
29.40(2)	Failure to file written report of slug or accidental discharge	50	100	300
29.41(1)(a)	Failure to accurately report wastewater constituents and characteristics	1,000	2,000	5,000
29.41(1)(b)	Failure to report significant changes in operation or wastewater constituents or characteristics	1,000	2,000	5,000
29.41(1)(c)	Tampering with measurement equipment	1,000	2,000	5,000
29.41(2)(b)	Discharging wastewater after suspension of permit	5,000	10,000	10,000
29.42(4)	Failure to respond to notice of violation	50	100	300
29.425(1)	Failure to obey compliance order	1,000	3,000	5,000
29.46	Failure to maintain monitoring records	100	200	500
29.51	Providing false information	500	1,000	3,000



**Section 37. Section 25.04(4)(cg) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:**

(cg) Schedule of Cash Deposits for Certain Chapter 29 Violations. The schedule of cash deposits for the following ordinance violations shall be as follows, plus the penalty surcharge imposed by §757.05, Wis. Stats., jail surcharge imposed by §302.46(1), Wis. Stats., crime laboratories and drug law enforcement surcharge imposed by §165.755(1), Wis. Stats., and court costs of \$38, or other fees imposed by Ch. 814, Wis. Stats.:

CODE SECTION	OFFENSE	CASH DEPOSIT		
		FIRST CITATION	SECOND CITATION	THIRD AND SUBSEQUENT CITATIONS
29.035	Failure to use public sewers	Non-SIU - \$250 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$750 SIU - \$1500
29.04(2)	Failure to properly install or maintain sewer lateral	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(b)	Failure to install grease, oil and sand interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(c)	Discharge of fats, oils, grease or similar waste products without an approved grease interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(d)	Violation of discharge limits for fats, oils, grease or similar waste products	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(e)	Failure to have a Sampling Port	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(f)	Discharge of oil, lubricating grease or similar materials without a an approved oil interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(g)	Discharge of sand, grit, earth or other similar solids without an approved sand interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(h)	Failure to maintain grease, oil or sand interceptor, or failure to maintain log records of interceptor	Non-SIU - \$100 SIU - \$1000	Non-SIU - \$200 SIU - \$2000	Non-SIU - \$300 SIU - \$3000
29.045(2)	Performing plumbing work in connection City sewer system without a plumber's license or City approval or Failure to notify City if blockage released to sewer	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(3)	Failure to connect building used for human habitation to sewer	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(4)	Using or maintaining private sewage disposal system	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(5)	Connection to City sewer system without a permit	Non-SIU - \$250 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$750 SIU - \$3000
29.045(6)	Disposing septage or other wastewater into City's POTW without a permit or contrary to permit conditions	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(7)	Failure to notify City of vacation of premises or disconnection of sewer service	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(11)	Failure to properly excavate or restore after excavation near city sewer area	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(12)	Failure to use backwater drain stops or drain valves	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.10(1)	Discharge of wastewater that passes through or interferes with POTW	\$1000	\$3000	\$5000
29.10(2)(a)	Discharge of substance that may cause fire or explosion or injury to the POTW or to the operation of the POTW			
	1. No harm	Non-SIU - \$250 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$750 SIU - \$1500
	2. Harm	Non-SIU - \$1,500 SIU - \$4000	Non-SIU - \$3000 SIU - \$8000	Non-SIU - \$4500 SIU - \$10,000
29.10(2)(b)	Discharge of waste with a flashpoint < 140°F	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4000	Non-SIU - \$1,500 SIU - \$6000
29.10(2)(c)	Discharge of liquids, solids or gases that register > 5% above lower explosive limit in two successive readings	Non-SIU - \$250 SIU - \$1000	Non-SIU - \$500 SIU - 2000	Non-SIU - \$750 SIU - \$3000
29.10(2)(d)	Discharge of liquids, solids or gases that register >10% of lower explosive reading in one reading	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4,000	Non-SIU - \$1,500 SIU - \$6000
29.10(2)(e)	Discharge of gas, antifreeze, sulfur, or similar substances in quantities that may cause damage, harm, pass through, or interference to the City's sewer system or process			
	1. No harm	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$2000

	2. Harm	Non-SIU - \$1000 SIU - \$3000	Non-SIU - \$2000 SIU - \$6000	Non-SIU - \$3000 SIU - \$9000
29.10(2)(f)	Discharge of solids or other material that may cause blockage in the City's system	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$2000
	Discharge of solids or other material that does cause a blockage in or otherwise interferes with the City's system	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4000	Non-SIU - \$1500 SIU - \$6000
29.10(2)(g) & (h)	<b>PH EXCURSIONS- RESIDENTIAL OR COMMERCIAL – WITH OR WITHOUT PERMIT</b>			
	Discharge with pH <6.0 or >9.0, but >5.0 and <10.0, 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> citation in 12 months, no harm	Non-SIU - \$30	Non SIU \$100	Non-SIU - \$200
	Discharge with pH <6.0 or >9.0, but >5.0 and <10.0, 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> and subsequent citation in 12 months, no harm	Non-SIU - \$300	Non-SIU - \$400	Non-SIU - \$500
	Discharge with pH < 5.0 or >10.0, no harm	Non-SIU - \$300	Non-SIU - \$500	Non-SIU - \$750
	Discharge outside limit and/or harm	Non-SIU - \$500	Non-SIU - \$750	Non-SIU - \$1000
29.10(2)(g) & (h)	<b>DAILY PH MONITORING FOR PERMITTED SIUs WITH PERMIT LIMITS</b>			
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> citation in 12 months	SIU - \$30	SIU - \$100	SIU - \$200
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> citation in 12 months	SIU - \$400	SIU - \$500	SIU - \$600
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 7 <sup>th</sup> , 8 <sup>th</sup> and 9 <sup>th</sup> or subsequent citation in 12 months	SIU - \$700	SIU - \$800	SIU - \$1000
	Discharge with pH outside permit limits and <5.0 or >11.0, 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> citation in 12 months, no harm	SIU - \$250	SIU - \$500	SIU - \$700
	Discharge with pH outside permit limits and <5.0 or >11.0, 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> or subsequent citation in 12 months, no harm	SIU - \$1000	SIU - \$1500	SIU - \$2000
	Discharge with pH outside permit and causes damage, process interference, or harm	SIU - \$2000	SIU - \$3000	SIU - \$5000
29.10(2)(g) & (h)	<b>CONTINUOUS PH 24-HOUR MONITORING FOR SIUs</b>			
	Discharge with pH outside permit limits but >5.0 and <11.0 for less than 30 continuous minutes within 24-hour period, no harm	SIU - \$30	SIU - \$100	SIU - \$200
	Discharge with pH outside permit limits but >5.0 and <11.0 for greater than 30 continuous minutes but less than 60 total minutes within a 24-hour period, no harm	SIU - \$300	SIU - \$500	SIU - \$700
	Discharge with pH outside permit limits but >5.0 and <11.0 for 60 or more total minutes within a 24-hour period, no harm	SIU - \$700	SIU - \$1000	SIU - \$1500
	Discharge with pH outside permit limits but >5.0 and <11.0 for more than 7 hours and 26 minutes in a calendar month, no harm	SIU - \$700	SIU - \$1000	SIU - \$1500
	Discharge with pH outside permit limits and <5.0 or >11.0, 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> citations in 12 months, no harm	SIU - \$100	SIU - \$200	SIU - \$300
	Discharge with pH outside permit limits and <5.0 or >11.0, 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> citations in 12 months, no harm	SIU - \$500	SIU - \$600	SIU - \$700
	Discharge with pH outside permit limits and <5.0 or >11.0, 7 <sup>th</sup> , 8 <sup>th</sup> or 9 <sup>th</sup> and subsequent citations in 12 months, or harm	SIU - \$1000	SIU - \$1500	SIU - \$2000
29.10(2)(i)	Discharge material containing toxic pollutants in sufficient quantity to alone or by interaction with other pollutants create a hazard			
	1. No harm, no safety risk	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4000	Non-SIU - \$1,500 SIU - \$6000
	2. Harm or safety risk	Non-SIU - \$1000 SIU - \$3000	Non-SIU - \$2000 SIU - \$6000	Non-SIU - \$3000 SIU - \$9000
29.10(2)(j)	Discharge toxic material as identified in §307(a) of the Clean Water Act or Wis. Stat. Ch. 147	Non-SIU - \$1000 SIU - \$3000	Non-SIU - \$2000 SIU - \$6000	Non-SIU - \$3000 SIU - \$9000
29.10(2)(k)	Discharge noxious or malodorous substance which:			
	1. Creates a public nuisance	\$100	\$300	\$500
	2. Is life-threatening	\$2000	\$5000	\$7000
	3. Prevents entry into the sewer	\$500	\$700	\$1000
29.10(2)(l)	Discharge substance that causes POTW's effluent or sludge to be unsuitable for reclamation or reuse	\$10,000	\$10,000	\$10,000
29.10(2)(m)	Discharge substance which causes the POTW to violate sludge use or disposal criteria	\$10,000	\$10,000	\$10,000
29.10(2)(n)	Discharge substance causing POTW to violate WPDES permit	\$5000	\$7000	\$10,000
29.10(2)(o)	Discharge wastewater with objectionable color not removed in the treatment process	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.10(2)(p)	Discharge wastewater with a temperature which will interfere with POTW operations, or discharge of industrial wastewater with a temperature of 150 <sup>o</sup> F or more	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.10(2)(q)	Discharge unpolluted water such as cooling water, storm water or groundwater without City approval	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500

29.10(2)(r)	Discharge wastewater containing fat, wax, grease or oil > 300 mg/L, or discharge of wastewater containing grease or oil of mineral origin >25 mg/l	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.10(2)(s)	Discharge radioactive material which exceeds the half-life or concentration limits established by local, state, or federal regulations	Non-SIU – \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1,500 SIU - \$6000
29.10(2)(t)	Discharge waste or wastewater which will cause sanitary sewer overflows	Non-SIU – \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1,500 SIU - \$6000
29.10(2)(u)	Discharge any pollutant at a flow rate or concentration which exceeds the user's permit (not specifically enumerated)			
	1. No Harm	Non-SIU – \$250 SIU – \$1000	Non-SIU – \$500 SIU - \$2000	Non-SIU – \$750 SIU - \$3000
	2. Harm Caused	Non-SIU – \$500 SIU – \$3000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.10(2)(u)	Discharge BOD, COD or TSS at a flow rate or concentration which exceeds the user's permit			
	<500 lbs over monthly/max/day	SIU - \$100	SIU - \$500	SIU - \$1500
	> 500 lbs but <1000 lbs over monthly/max/day	SIU - \$500	SIU - \$1000	SIU - \$1500
	>1000 lbs but <5000 lbs over monthly/max day	SIU – \$1000	SIU - \$2000	SIU - \$3000
	>5000 lbs over monthly/max/day, No harm	SIU – \$2000	SIU - \$4000	SIU - \$6000
	>5000 lbs over monthly/max/day, Upset or harm caused or endangerment to people or structures	Non-SIU – \$1000 SIU – \$5000	Non-SIU – \$2000 SIU - \$8000	Non-SIU – \$3000 SIU - \$10,000
29.13, 29.14	Discharge any pollutant at a flow rate or concentration which exceeds the local or state limit.			
	1. No Harm	Non-SIU – \$250 SIU – \$1000	Non-SIU – \$500 SIU - \$2000	Non-SIU – \$750 SIU - \$3000
	2. Harm Caused	Non-SIU – \$500 SIU – \$3000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.16	Diluting discharge as a substitute for adequate treatment to achieve compliance			
	1. No harm	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
	2. Harm	Non-SIU \$500 SIU – \$1000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.17(1)	Failure to prepare and maintain a spill control prevention program	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.17(4)	Failure to train personnel on SCPP or failure to properly document SCPP training	Non-SIU \$100 SIU \$300	Non-SIU \$300 SIU \$ 500	Non-SIU \$500 SIU \$ 1000
29.18 (1)	Failure to notify the City of an illicit/slug/non- permitted discharge to the wastewater system	Non-SIU - \$200 SIU - \$300	Non-SIU - \$300 SIU - \$500	Non-SIU - \$500 SIU - \$1000
29.18 (2)	Failure to notify of hazardous substance release to the environment	Non-SIU - \$300 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$3000
29.18 (3)	Failure to mitigate the impact of an unpermitted discharge to the wastewater system or hazardous substance release to the environment	Non-SIU - \$300 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$3000
29.30(1)(a)	Failure to obtain a Wastewater Discharge Permit (SIUs)	\$1000	\$3000	\$5000
29.30(1)(b)	Failure to obtain Business Permit (commercial/industrial users)	\$100	\$200	\$300
29.30(4)	Failure to report violation of permit within 24 hours or Failure to resample within 30 days			
	1. No Harm	\$100	\$200	\$300
	2. Harm	\$1,000	\$3,000	\$5,000
29.30(8)	Installation of pretreatment equipment without approval or failure to properly maintain pretreatment equipment	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$400 SIU - \$2000	Non-SIU - \$600 SIU - \$3000
29.30(10)	Violation of Permit	Non-SIU - \$200 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$1000 SIU - \$2000
29.31(1),(2) or (3)	Failure to accurately report wastewater constituents and characteristics	\$1000	\$2000	\$5000
29.31(1)	Failure to submit initial compliance report			
	1. Less than 30 days late	\$ 200	\$ 300	\$500
	2. More than 30 days late	\$1000	\$2000	\$3000
29.31(2)	Failure to submit compliance report			
	1. Less than 30 days late	200	300	500
	2. More than 30 days late (each 10 days)	\$1000	\$2000	\$3000
29.31(3)(a)	Failure to submit a semi-annual compliance report			
	1. Less than 30 days late	\$200	\$300	\$500
	2. More than 30 days late (separate violation for each 10 days late in excess of 30 days late)	\$500	\$1000	\$3000
29.31(3)(b)	Using improper sampling techniques (per sample type) or improper analytical techniques (per test method)	\$1000	\$2000	\$3000
29.31(3)(b)	Failure to analyze (per test method) all required parameters; or failure to sample or resample (per sample type) all parameters	\$200	\$300	\$500

29.31(4)(a)	Failure to calibrate flow meter and/or file report			
	1. Less than 30 days late	\$500	\$1,000	\$2,000
	2. More than 30 days late	\$1000	\$2000	\$3000
29.31(4)(b)	Failure to install monitoring facilities	\$1000	\$2000	\$3000
29.31(4)(c)	Failure to provide for proper space requirements and maintenance	\$1000	\$2000	\$3000
29.31(4)(d)	Failure to complete construction	\$1000	\$2000	\$3000
29.31(4)(e)	Failure to construct and maintain monitoring facilities in accordance with required standards and specifications	\$1500	\$2500	\$5000
29.31(5)	Refusal to permit City to inspect monitoring and sampling facilities	2000	3000	\$5000
29.31(5)	Failure to allow for City inspection of premises	\$1,000	\$2000	\$5000
29.31(6)(a)	Failure to provide adequate pretreatment facilities	\$1000	\$3000	\$5000
29.31(6)(a)	Failure to properly operate and maintain pretreatment equipment			
	1. No Harm	\$500	\$1000	\$1500
	2. No Harm, uncorrected after 45 days	\$2000	\$3000	\$5000
	3. Harm Caused, or Economic Benefit	\$5000	\$6000	\$9000
29.31(6)(a)	Failure to notify of change in waste stream, process, or chemical use/storage	\$1000	\$2000	\$3000
29.31(6)(b)	Failure to produce/maintain records	\$100	\$200	\$500
29.51	Falsifying documents or tampering with any monitoring or measuring device	Non-SIU - \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1500 SIU - \$6000

**Section 37.** Chapter 7 of the City’s Industrial Pretreatment Manual titled “Enforcement Response Plan” is hereby approved. The Public Works Director may make minor changes to the plan provided that such changes do not fundamentally alter the substance of the information contained therein.

**Section 38.** If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

**Section 39.** This ordinance shall be in force and take effect upon passage and publication.

Adopted this \_\_\_\_\_ day of April, 2017.

BELOIT CITY COUNCIL

By: \_\_\_\_\_  
David F. Luebke, President

ATTEST:

By: \_\_\_\_\_  
Lorena Rae Stottler, City Clerk

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

01-611100-5231- \_\_\_\_\_

tdh/ordinances/29 = ORD 20170328 (16-1036)

## **CHAPTER 7**

### **ENFORCEMENT RESPONSE PLAN**

This Plan provides guidance in selecting initial and follow-up enforcement action, indicates the staff responsible for these actions, and specifies timeframes in which to make them. The program reflects the City's primary responsibility to enforce all applicable pretreatment requirements and standards as detailed in 40 CFR 403.8(f)(1) and (f)(2).

## TABLE OF CONTENTS

<b>7.1</b>	<b>GENERAL</b>	<b>1</b>
	7.1.1 Basis for Enforcement Response Plan	1
	7.1.2 Purpose	1
	7.1.3 Benefits	1
<b>7.2</b>	<b>ELEMENTS</b>	<b>2</b>
	7.2.1 Five Elements	2
	7.2.2 Implementation	2
	7.2.3 Review of Commercial and Industrial Inventory	2
	7.2.4 Compliance Monitoring Procedures	3
	7.2.5 Enforcement Authority	3
<b>7.3</b>	<b>REPORTING SIGNIFICANT NONCOMPLIANCE</b>	<b>4</b>
<b>7.4</b>	<b>ENFORCEMENT RESPONSES</b>	<b>4</b>
<b>7.5</b>	<b>NOTICE OF VIOLATION OR DEFICIENCY</b>	<b>5</b>
<b>7.6</b>	<b>CITATIONS</b>	<b>5</b>
<b>7.7</b>	<b>ADMINISTRATIVE ORDERS</b>	<b>6</b>
	7.7.1 Compliance Orders	7
	7.7.2 Consent Orders	7
	7.7.3 Cease and Desist Orders	7
	7.7.4 Show Cause Orders	7
<b>7.8</b>	<b>CIVIL LITIGATION</b>	<b>8</b>
<b>7.9</b>	<b>CRIMINAL PROSECUTION</b>	<b>9</b>
<b>7.10</b>	<b>SUSPENSION OR TERMINATION OF SERVICE</b>	<b>9</b>
<b>7.11</b>	<b>RESPONSIBILITY FOR ENFORCEMENT/TIMETABLE</b>	<b>10</b>
<b>7.12</b>	<b>GUIDANCE CHART FOR ENFORCEMENT</b>	<b>11</b>
 <b>ATTACHMENTS</b>		
<b>7-A</b>	<b>Forfeiture Schedule</b>	<b>A1</b>
<b>7-B</b>	<b>Notice of Violation Template</b>	<b>A5</b>
<b>7-C</b>	<b>Administrative Order Guidance</b>	<b>A6</b>
<b>7-D</b>	<b>Deviation Report Template</b>	<b>A8</b>

## 7.1 GENERAL

### 7.1.1 **Authority**

This Plan is based on EPA's Guidance for Developing Control Authority Enforcement Response Plan, as modified to meet the City of Beloit's needs. This Plan provides guidance in developing an enforcement response plan to remedy violations of local, state and federal pretreatment regulations. This Plan outlines procedures to be followed by the City to identify, document and respond to program violations to enforce all applicable requirements as detailed in 40 CFR 403.8.

### 7.1.2 **Purpose.** A comprehensive and effective enforcement response plan:

- A. Reflects the City's primary responsibility and authority to enforce all applicable pretreatment standards and requirements.
- B. Describes how the City will investigate noncompliance.
- C. Describes the types of initial and escalated enforcement actions that the City will take in response to anticipated user violations and the time periods within which to initiate and follow up on these actions.
- D. Provides for inspections of Significant Industrial Users and Commercial Users.
- E. Provides for the reporting of compliance data and investigations in a manner that will enable the information to be used as evidence in administrative and judicial enforcement actions.
- F. Describes a system for tracking compliance status, due dates, and pending enforcement action.
- G. Establishes criteria, responsible personnel and procedures for the enforcement responses provided in the plan.

### 7.1.3 **Benefits**

The Enforcement Response Plan assists the City in enforcing its pretreatment programs. The Plan strengthens coordination among City staff by clearly establishing the enforcement responsibility of each person. The Plan helps each person clearly understand the importance of his/her role, so that he or she can perform his/her duties when enforcement action is necessary.

A second benefit of the Plan is the enhancement of the City's reputation as a responsible public agent. Adherence to the Plan makes it less likely that the City will react inconsistently to similar instances of noncompliance or will arbitrarily select enforcement measures. Because the Plan provides that the City will follow documented procedures, industries will not view the City's enforcement action as subjective. The regulated community will understand that certain violations will result in particular enforcement responses.

A third benefit of the Plan is that it provides an opportunity to involve public services and regulatory agencies, other than the City's Water Resources Department. For example, the police department may assist in gathering evidence of violations and preparing warrants of industrial inspections. Similarly, the fire department may assist with information related to possible violations. Both the POTW and the fire department gather information on industrial/commercial chemical storage, possible hazards and those who may pose a threat to the community. Information gathered by all City departments will be shared and used by the City in any enforcement response.

## 7.2 ELEMENTS

**7.2.1 Elements of Plan.** There are five basic elements of this enforcement response plan:

1. Identifying appropriate personnel to carry out the Plan.
2. Reviewing the commercial and industrial user inventory.
3. Establishing compliance monitoring procedures.
4. Creating procedures to monitor compliance data.
5. Evaluating the City's sewer use ordinance for content and consistency with the Plan.

### **7.2.2 Implementation**

This Plan establishes City staff responsibilities for taking enforcement action. The Environmental Coordinator is responsible for coordinating the developmental aspects of the Plan. A City team of qualified and experienced personnel familiar with local water pollution enforcement policies will work together to carry out the program. For example, Environmental Specialists are authorized to issue notices of violation (NOV) on-site and immediately initiate administrative action. This procedure provides a more timely response and establishes an enforcement routine for users, the public and the City. The Plan provides, however, that some decisions, such as whether to pursue civil litigation or to terminate service, must involve City management.

The Plan requires the issuance of NOVs, citations and administrative orders to be signed by either the Environmental Coordinator or an Environmental Specialist. The Public Works Director or the Director of Water Resources may sign the enforcement action as provided in the Plan.

It is the Environmental Coordinator's responsibility to ensure that the Plan is followed. If the City takes enforcement action that differs from the Plan, the City must document its reasons for not following the Plan. A sample of this document is set forth in Attachment 7-D. Two City signatures are required on that document; one signature must be from the Environmental Coordinator or Environmental Specialist and the second required signature must be the Public Works Director. In the absence of the Public Works Director, the Director of Water Resources or the City Manager may sign. A copy of this document must be kept on file for periodic audits conducted by the DNR and the EPA.

### **7.2.3 Review of Commercial and Industrial Inventory**

The City's Water Resources Department will conduct annual commercial and industrial waste surveys to identify non-residential users with activities, processes or chemical uses that could have an adverse effect on the City's wastewater system. One or more of the following techniques will be used to keep the user inventory up to date:

- Periodic review of the phone book and City directory.
- Building and plumbing permits.
- Community development plans.
- Notice from the City Clerk, City Treasurer, or Utility Billing Office of changes of ownership of commercial or industrial properties.
- City Assessor's office records.
- Fire Department Inspection records.
- Other methods, as necessary.



Permits will be issued as required in accordance with Chapter 4 of the City's Pretreatment Manual.

#### **7.2.4 Compliance Monitoring Procedures**

The City will follow the compliance monitoring activities as outlined in Chapters 5 and 6 of the City's Pretreatment Manual. The City's compliance monitoring activities must, in compliance with 40 CFR 136, detect and document violations in a manner that ensures that the results are admissible as evidence in judicial proceedings. Compliance data is collected in two ways: 1) self-monitoring by the user with reported findings submitted to the City within thirty (30) days of receiving the results or reports, and 2) inspection and direct sampling by the City.

Basic procedures to be followed after receiving compliance data are to:

1. Screen data within five working days.
2. Place pertinent data on selected monitoring format.
3. Compare analytical data to local, categorical and special discharge limits for violations.
4. Track enforcement action if reports are not submitted on time.
5. Alert Environmental Coordinator for proper enforcement measurements.

#### **7.2.5 Enforcement Authority under the City's Sewer Use Ordinance**

The City's ability to take effective enforcement action is determined by its legal authority under State law. Under Wisconsin law, municipalities have broad regulatory powers. This legal authority allows the City to tailor its local pretreatment program to the individual circumstances of the City while at the same time satisfying the minimum federal pretreatment program requirements.

The City's pretreatment program is reflected in the City's Sewer Use Ordinance. The legal authority set out in the City's Sewer Use Ordinance is both comprehensive and specific. Neither the City's Sewer Use Ordinance nor any other City ordinance contains obstacles to effective enforcement.

The City will enforce its Sewer Use Ordinance on a strict liability basis. Strict liability means that every instance of noncompliance (regardless of fault, negligence, or intent) is a violation of the Sewer Use Ordinance and subjects the user to enforcement. Each individual situation will be evaluated to determine which enforcement response from the range of enforcement options is an appropriate response to the violation.

The City's Sewer Use Ordinance does not include obstacles that limit the use of enforcement responses. The authority to take enforcement action resides with the Environmental Coordinator, or his/her designee, except in situations where the City seeks to pursue civil or criminal litigation or to terminate service. While senior City officials should be kept informed of enforcement activities, experience has shown that enforcement is most expedient, effective, and consistently applied if taken by officials who are familiar with the pretreatment program.

The Environmental Coordinator has the discretion to use whatever action he/she deems necessary to initially respond to a violation. The City's Water Resources Director, the Public Works Director, or in the absence of those two city officers, the Environmental Coordinator, has the authority to respond to emergency situations quickly and is authorized to suspend wastewater services when necessary to stop an actual or imminent discharge which may cause an imminent or substantial danger or harm.

### 7.3 REPORTING SIGNIFICANT NONCOMPLIANCE (SNC)

Any violation of pretreatment requirements (effluent limits, sampling analysis, reporting and meeting compliance schedules, regulatory deadlines, etc.) is an instance of noncompliance. If a user is frequently in violation or develops a pattern of violations, the user may be considered in “Significant Noncompliance.” Major violations are those that exceed limits frequently and/or by a large quantity; impede the determination of compliance status; or have caused or have the potential to cause adverse environmental effects, public safety issues or interference with the POTW’s treatment capability. Any violation which meets the definition of Significant Noncompliance is considered a major violation.

The City is required on an annual basis to report users in Significant Noncompliance to the Wisconsin Department of Natural Resources and publish their names in the newspaper. The EPA defines instances of Significant Noncompliance in 40 CFR 403.8(f)(2)(viii) as follows:

A Significant Industrial User (or any Industrial User which violates 40 CFR 403.8 (f)(2)(viii)(C), (D), or (H)) is in significant noncompliance if its violation meets one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (B) Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program.

### 7.4 ENFORCEMENT RESPONSES

Once the City identifies that a user has violated the City’s Sewer Use Ordinance or the user’s permit, the City will determine the most appropriate enforcement response. The response should be proportionate to the violation’s severity, promote compliance in a timely manner, and be authorized under State law and City ordinances.



State law and the City ordinance provide for various types of enforcement responses. The City's choice of response depends on the violation severity, duration, impact, and the user's good faith in taking corrective action. The types of enforcement are:

- Notice of Violation (NOV) or Notices of Deficiencies
- Citations
- Administrative Orders
- Civil Litigation
- Criminal Prosecution
- Termination or Suspension of Service

All written enforcement shall be sent or delivered to the user. If the user is a business, enforcement will be delivered to the owner of the business. If the business has a corporate office in another state, enforcement will be mailed to the corporate address. For local business owners enforcement may be hand-delivered to the business premises.

Documentation on enforcement actions will be kept in Munis or by some other similar means in the Environmental Office of the City's Water Resources Division.

The City must include all correspondence or other documentation relating to violations and enforcement in its semi-annual and annual reports to the WDNR and EPA.

#### **7.5 NOTICE OF VIOLATION OR DEFICIENCY**

A Notice of Violation (NOV) is a communication between the City and the user that notifies the user of a violation. A NOV may be issued informally by a phone call, email, or in-person visit for an isolated, non-significant violation causing no harm, or may be issued in writing. A NOV may be issued either with or without a citation. A sample of a written NOV is set forth in Attachment 7-B.

The City may issue a NOV without a citation where the City is trying to resolve a user's noncompliance without penalty. NOVs, without citations, may be appropriate for minor or infrequent violations such as a user failing to file for a permit, insignificant exceedances, inadvertently using incorrect sample collection procedures, failure to sign or certify monitoring reports, or filing monitoring reports less than 30 days late.

If a violation is not resolved, or if circumstances require a more stringent approach, the City may issue a NOV with a citation.

A NOV may require that a user acknowledge a NOV in writing, provide an explanation on why the violation occurred, and propose corrective action. The user must include the violation on its semi-annual report.

#### **7.6 CITATIONS**

The City may issue a citation if a user violates the user's permit, the City's Sewer Use Ordinance, or an order issued in accordance with the City's Sewer Use Ordinance. Typically, the City will issue citations if a violation is not resolved after the issuance of an NOV, or if circumstances require a more stringent approach. The Enforcement Guidance Chart set out in section 7.12 of this Plan provides guidance on the selection of enforcement responses and the escalation of those responses.



The City's Sewer Use Ordinance authorizes the Environmental Coordinator, Environmental Specialist, the Director of Water Resources and the Public Works Director to issue citations. Citations will be issued in the form of uniform citations which conform to State law. Forfeiture amounts are as set forth in City ordinance and this Enforcement Response Plan at Attachment 7-A. Forfeiture amounts escalate for subsequent violations as provided in City ordinance and the Enforcement Response Plan.

Each citation must include a date, time and place for a court appearance. A user issued a citation may pay the forfeiture amount by the court date, or may challenge the citation in court as provided by State law. Staff shall provide a court informational brochure to anyone issued a citation.

## **7.7 ADMINISTRATIVE ORDERS**

Administrative Orders (AO) are enforcement documents that direct the user to undertake or to cease specific activities. Typically, the City will issue an administrative order if a user fails or refuses to resolve violations, or if compliance with a user's permit or the City's Sewer Use Ordinance requires construction, repairs, or process changes.

Administrative orders may or may not be negotiated with the user. Administrative orders may incorporate compliance schedules, administrative penalties, and termination of service orders. Common elements of the Administrative Order include:

- Title, type of order being issued,
- Legal authority including ordinance or state law
- Finding of noncompliance. All violations should be carefully described, including dates, specific permit or ordinance provision violated or any damages attributable to the violation.
- Ordered activity. All orders shall clearly set out all ordered activity including installation of treatment technology, additional monitoring, appearance at a show cause hearing, etc.
- Milestone dates for corrective action. When compliance schedules are used, all progress or "milestones" dates must be clearly established, including due dates for any required written reports.
- Standard clauses. Clauses provide that: 1) compliance with the terms and conditions of the AO will not be construed to relieve the user of its obligation to comply with federal, state or local law; 2) violation of the AO itself may subject the user to all penalties available under the Sewer Use Ordinance; 3) no provision of the order will be construed to limit the City's authority to issue supplementary or additional orders or take other action deemed necessary to implement its pretreatment program; and 4) the provisions of the order shall be binding upon the user, its officers, directors, agents and employees.

An example of the contents that may be included in an administrative order is set forth in Attachment 7-C. A user may appeal the issuance of an administrative order as provided by City ordinance and State law.

Various common types of administrative orders are as follows:

- Compliance Orders
- Consent Orders
- Cease and Desist Orders
- Show Cause Orders

### **7.7.1 Compliance Orders**

A Compliance Order is an order issued by the Environmental Coordinator, or his/her designee, directing a user to cease committing a violation of the user's permit or the City's Sewer Use Ordinance, and to comply with the order by a specified date. A Compliance Order must identify and describe the violation, and the action required to correct the violation.

Compliance Orders are issued unilaterally by the City and its terms need not be discussed with the user in advance. If a user does not dispute that the violation described in the Compliance Order occurred, the City may enter into a Compliance Agreement with the user. The Environmental Coordinator is authorized to enter into a written compliance agreement with the user whereby the user agrees to correct the violation upon agreed upon terms and conditions.

Failure on the part of the user to fully comply with the conditions of a Compliance Order will result in escalated enforcement which may include a Show Cause Hearing or judicial enforcement.

### **7.7.2 Consent Orders**

A Consent Order is an administrative order issued by the City which may be used when the user assumes responsibility for its noncompliance and is willing, in good faith, to correct its cause. The user need not admit the noncompliance in the text of the Order. Signing the Order is neither an admission of liability for purposes of civil litigation nor a plea of guilty for the purposes of criminal prosecution. However, the City must make sure the Consent Order prohibits future violations and provides for corrective action on the part of the user.

A Consent Order incorporates the terms and conditions of a compliance agreement and contains the following additional elements: 1) a compliance schedule; 2) stipulated forfeitures, if any; 3) a plan for remediating the violation; and 4) signatures of the City and a representative of the user.

Failure on the part of the user to fully comply with the conditions of a Consent Order will result in escalated enforcement which may include a Show Cause Hearing or judicial enforcement.

### **7.7.3 Cease and Desist Orders**

The City may issue a Cease and Desist Order where a user has violated, or continues to violate the user's permit, the City's Sewer Use Ordinance, an order issued pursuant to the City's Sewer Use ordinance or causes pass through or interference. A Cease and Desist Order directs a non-compliant user to cease all violations, to immediately comply with all applicable requirements, and to take the appropriate remedial or preventative action needed to properly address a continuing or threatened violation.

Failure on the part of the user to fully comply with the conditions of a Cease and Desist Order will result in escalated enforcement which may include a Show Cause Hearing or judicial enforcement.

In an emergency situation, the City may suspend or terminate sewer service to a user as allowed by the City's Sewer Use Ordinance and section 7.10 in addition to issuing a Cease and Desist Order.

### **7.7.4 Show Cause Orders**

The City may issue a Show Cause Order to any user who violates or continues to violate its permit, the City's Sewer Use Ordinance, or an order issued under the City's Sewer Use Ordinance. A Show Cause Order directs the user to appear before the City Council, explain its noncompliance, and show cause as



to why its sewer service should not be discontinued. A Show Cause Order is typically only issued after NOVs, citations, and compliance orders have failed to resolve noncompliance.

A Show Cause Order must describe the user's noncompliance, the proposed enforcement action, and provide a time and place for the user to file a written response to the Show Cause Order. If the user does not dispute the Show Cause Order and submits a written response addressing each violation alleged in the Show Cause Order and the steps the user intends to take to address the violations, the City may accept the response and document it in a Consent Order. If the City does not accept the user's written response, or if the user disputes the Show Cause Order, the matter will be scheduled for a hearing.

If a hearing is requested or required, the City Council may conduct the hearing itself or it may designate any of its members or an officer or employee of the City or a Hearing Officer to conduct the hearing. The person conducting the hearing must carefully document the evidence offered at the hearing, and transmit a report of the testimony and evidence, together with recommendations, to the City Council for action.

The City Council, after reviewing the evidence received, may issue an order directing that sewer service to the user be discontinued following a specified time period, unless adequate treatment facilities, devices or other related appurtenances have been installed or existing treatment facilities and such devices or other related appurtenances are properly operated. In addition, or as an alternative, the City Council may issue other orders and directives it concludes are necessary and appropriate. If the user violates a City Council order, the City may terminate service or take judicial action to enforce the City Council's order.

## **7.8 CIVIL LITIGATION**

Both Wisconsin law and the City's Sewer Use Ordinance authorize the City to commence judicial action against any user who discharges wastewater into the City's POTW in violation of any local, state or federal law, regulation, or order. Typically the City will use administrative enforcement mechanisms to obtain a user's compliance with its permit, the City's Sewer Use Ordinance, or orders issued under the Ordinance. However, in emergency situations, or when administrative enforcement is not effective or sufficient, the City may pursue judicial action.

Under the Clean Water Act, users are "strictly liable" for all pretreatment violations (see 33 U.S.C. 1319). Strict liability is a legal standard which means that users are held legally responsible for noncompliance, regardless of intent or negligence.

In emergency situations where discharges may threaten human health or the environment, or interfere with POTW operations, the City may need to rely upon judicial enforcement and injunctive relief in order to protect the public, the environment or the POTW from harm. Injunctions are court orders that direct parties to do something or refrain from doing something. In emergency situations, the City should consider initiating civil litigation and requesting that the court grant the City preliminary injunctive relief to prevent the occurrence of irreparable harm which could result from the discharge before the lawsuit is resolved.

Civil litigation may also be called for when efforts to restore compliance using administrative tools have failed or are inadequate. In those situations, the City may seek to obtain a court order requiring compliance and then rely upon the court's power to enforce its own orders to ensure that compliance is



achieved. The City may also seek to rely upon the court's enforcement powers to enforce an agreement between the City and a user. If the City initiates civil litigation against a user, an agreement reached between the City and the user can become a court-supervised Consent Decree if the judge assigned to the case signs the agreement.

Civil litigation may also be necessary in order to recover civil penalties and losses incurred due to noncompliance.

In any civil action, the City will seek to recover the costs incurred by the City that are related to the violation. If a user's discharge caused damage, an obstruction, or an impairment to the City's sewerage system, then the City should seek to recover the costs of cleaning, repairing, or replacing the affected components from the user. The City may also seek to recover the administrative costs of the enforcement action from the user.

## **7.9 CRIMINAL PROSECUTION**

If any person willfully or negligently violates any pretreatment standard or requirement, knowingly makes a false statement, representation or certification, or knowingly falsifies, tampers with, or renders inaccurate any monitoring device or analytical method, then that person may be subject to prosecution under the criminal laws of the State of Wisconsin or the United States, in addition to actions for civil remedies.

The City will referred alleged criminal violations to the Rock County District Attorney, the Wisconsin Department of Natural Resources, the Wisconsin Attorney General, the U.S. EPA, U.S. Attorney or other party having jurisdiction over the alleged criminal violation.

## **7.10 SUSPENSION OR TERMINATION OF SERVICE**

The City may suspend or terminate a user's wastewater service or permit following a Show Cause Order and Hearing. A user may appeal the City's determination to suspend or terminate a user's wastewater service or permit following a Show Cause Hearing as provided by City ordinance and State law. If the user fails to comply with the City's suspension or termination order, the City shall take all steps as deemed necessary to halt the discharge including blocking or severing the sewer connection.

The City may immediately suspend a user's wastewater treatment service or a user's permit without first holding a Show Cause Hearing if such suspension is necessary to stop an actual or threatened discharge which:

1. Presents an imminent or substantial danger to the health, safety or welfare of persons or the environment;
2. Causes or may cause interference with the POTW; or
3. Causes or may cause the City to violate any condition of its WPDES Permit.

Any user notified of an immediate suspension of its utility service or its permit shall immediately stop discharging wastewater into the POTW. If the user fails to comply with the suspension order, the City may immediately sever or block the user's sewer connection so as to prevent or minimize damage to the POTW or injury to persons or the environment. The City will only reinstate the permit and the wastewater treatment service upon proof that the user has eliminated the noncomplying discharge and after the user pays any costs for disconnection and reconnection of sewer service.



**7.11 PARTY RESPONSIBLE FOR ENFORCEMENT AND TIMETABLE FOR ENFORCEMENT**

<i>Enforcement Response</i>	<i>Timetable for Enforcement</i>	<i>Enforcement Responsibility</i>
<b>Notice of Deficiency</b>	15 Days	ES, EC
<b>Notice of Violation (NOV)</b>	15 Days	ES, EC
<b>Citation with Forfeiture</b>	15 Days	ES, EC, DWR
<b>Compliance Order</b>	30 Days	ES, EC
<b>Compliance Agreement</b>	30 Days	ES, EC
<b>Consent Order</b>	30 Days	ES, EC, DWR
<b>Cease and Desist Order</b>	30 Days	EC, ES, DWR
<b>Show Cause Order</b>	30 Days	DWR, EC, ES
<b>Documentation of City Council Action Revoking Permit/Suspending Service Following Show Cause Hearing</b>	60 Days	EC, DWR
<b>Suspend Service (Emergency Situation)</b>	Immediately	EC, DWR, ES, PWD
<b>Judicial Action</b>	60 Days	Refer to CA
<b>Consent Decree</b>	60 days	Refer to CA
<b>Criminal Action</b>	90 Days	Refer to District Attorney
EC = Environmental Coordinator; PWD = Public Works Director; ES = Environmental Specialist; CA = City Attorney, DWR-Director of Water Resources		

The first person listed in the Responsible for Enforcement column has the primary responsibility to initiate the enforcement. If that person is unavailable, the second person listed will have the primary responsibility and so on.



**7.12 GUIDANCE CHART FOR ENFORCEMENT**

The following Enforcement Guidance Chart provides City staff with guidance in evaluating enforcement options for a variety of violations within the pretreatment program. Not all violations or circumstances may be listed. If a violation is not listed, the City should choose an enforcement option for a similar violation that is listed. The enforcement option selected should fit the type and severity of the violation. For example, NOVs may be issued informally such as by a phone call, email or visit for isolated and/or nonsignificant violations, or may be issued in writing. This Chart does not prohibit the City from selecting an enforcement action different from that shown on the chart.

<i>Violation Guide</i>	<i>Enforcement Action</i>
<b>1. Unpermitted discharge</b>	
Unaware of requirement, No harm	NOV, Citation
After notification, continued violation, no harm potential harm to environment/health/safety	NOV, Citation, AO
Harm or potential harm to environment/health/safety, no corrective action required	NOV, Citation, AO
Harm or potential harm to environment/health/safety, corrective action required	Citation, AO, SCO, termination
<b>2. Discharge Limit Violation-federal, state, local</b>	
Isolated, not significant	NOV, Citation
Isolated, significant, no harm	NOV, Citation, AO
Isolated, harm	NOV, Citation, AO, civil action
Recurring, no harm	Citation, AO
Recurring, significant, harm, after order	Citation, AO, SCO, termination
<b>3. Reporting Violations</b>	
Report improperly signed or certified	NOV
Report improperly signed or certified after notice	Citation, AO, SCO
Report late <30 days	NOV, Citation,
Report late > 30 days	Citation, AO, SCO,
Failure to report spill or changed discharge-no harm	NOV, citation
Failure to report noncompliance within 24 hours	NOV, Citation
Failure to report spill or changed discharge- harm	NOV, Citation, AO, civil action
Repeat failure to report spills or change in discharge	Citation, AO, criminal, termination
Falsification	Citation, SCO, criminal, termination
<b>4. Monitoring</b>	
Failure to monitor all pollutants as required, resample 30 days	NOV, Citation, AO
Improper sampling location or sample type /analyses	NOV, Citation, AO
Failure to install monitoring equipment less than 30 days	NOV, citation
Failure to install monitoring equipment more than 30 days	NOV, citation, AO
<b>5. Compliance schedules or Orders</b>	
Missed milestone less than 30 days	NOV, citation
Missed milestone by more than 30 days-good reason for delay	Citation, AO
Missed milestone by more than 30 days- no-good reason for delay	Citation, SCO, termination
Failure to follow special orders	Citation, SCO, termination

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<b>Violation Guide</b>	<b>Enforcement Action</b>
<b>6. Waste stream diluted in lieu of treatment</b>	NOV, citation, AO
<b>7. Failure to mitigate noncompliance or halt production</b>	
Failure to mitigate noncompliance or halt production- no harm	NOV, Citation, AO
Failure to mitigate noncompliance or halt production- harm	NOV, citation, AO, SC, Criminal
<b>8. Failure to properly operate and maintain pretreatment facility/equipment</b>	NOV, citation, AO,
<b>9. Deny entry</b>	NOV, citation, warrant, termination
<b>10. Illegal discharge, permit or SUO violations (other than specific limits)</b>	
No harm to POTW, no impact on environment, health, safety	NOV, citation
No harm to POTW , potential impact on environment/health/safety	NOV, citation, AO
Disrupts POTW operations, prevents entry to sewer, creates hazard	Citation, AO, Civil
Recurring, violates AO	Criminal, termination
<b>11. Inadequate recordkeeping</b>	
First offense, incomplete	NOV, citation
Recurring	Citation, AO, SCO
Failure to submit additional reporting requirements	Citation, AO, SCO
<b>12. Failure to apply for a permit</b>	
Failure to submit application, pay fee- initial	NOV
Failure to submit application, pay fee after notice > 30 days	NOV, citation
Failure to submit application, pay fee after notice > 60 days	NOV, citation, termination
<b>See Attachment 7-A for citation forfeitures</b>	

For the purposes of this Chart,

1. The term “days” or “day” refers to the “due date” and is a calendar day. If the “due date” falls on a weekend or legal holiday, the next business day becomes the legal “due date.”
2. The term “report” is defined as any required submission as specified by a user’s permit or the City’s Sewer Use Ordinance.

**ATTACHMENT 7-A**

**FORFEITURE SCHEDULE**

CODE SECTION	OFFENSE	CASH DEPOSIT		
		FIRST CITATION	SECOND CITATION	THIRD AND SUBSEQUENT CITATIONS
29.035	Failure to use public sewers	Non-SIU - \$250 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$750 SIU - \$1500
29.04(2)	Failure to properly install or maintain sewer lateral	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(b)	Failure to install grease, oil and sand interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(c)	Discharge of fats, oils, grease or similar waste products without an approved grease interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(d)	Violation of discharge limits for fats, oils, grease or similar waste products	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(e)	Failure to have a Sampling Port	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(f)	Discharge of oil, lubricating grease or similar materials without a an approved oil interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(g)	Discharge of sand, grit, earth or other similar solids without an approved sand interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(h)	Failure to maintain grease, oil or sand interceptor, or failure to maintain log records of interceptor	Non-SIU - \$100 SIU - \$1000	Non-SIU - \$200 SIU - \$2000	Non-SIU - \$300 SIU - \$3000
29.045(2)	Performing plumbing work in connection City sewer system without a plumber's license or City approval or Failure to notify City if blockage released to sewer	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(3)	Failure to connect building used for human habitation to sewer	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(4)	Using or maintaining private sewage disposal system	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(5)	Connection to City sewer system without a permit	Non-SIU - \$250 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$750 SIU - \$3000
29.045(6)	Disposing septage or other wastewater into City's POTW without a permit or contrary to permit conditions	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(7)	Failure to notify City of vacation of premises or disconnection of sewer service	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(11)	Failure to properly excavate or restore after excavation near city sewer area	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(12)	Failure to use backwater drain stops or drain valves	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.10(1)	Discharge of wastewater that passes through or interferes with POTW	\$1000	\$3000	\$5000
29.10(2)(a)	Discharge of substance that may cause fire or explosion or injury to the POTW or to the operation of the POTW			
	1. No harm	Non-SIU - \$250 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$750 SIU - \$1500
	2. Harm	Non-SIU - \$1,500 SIU - \$4000	Non-SIU - \$3000 SIU - \$8000	Non-SIU - \$4500 SIU - \$10,000
29.10(2)(b)	Discharge of waste with a flashpoint < 140°F	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4000	Non-SIU - \$1,500 SIU - \$6000
29.10(2)(c)	Discharge of liquids, solids or gases that register > 5% above lower explosive limit in two successive readings	Non-SIU - \$250 SIU - \$1000	Non-SIU - \$500 SIU - 2000	Non-SIU - \$750 SIU - \$3000
29.10(2)(d)	Discharge of liquids, solids or gases that register >10% of lower explosive reading in one reading	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4,000	Non-SIU - \$1,500 SIU - \$6000

29.10(2)(e)	Discharge of gas, antifreeze, sulfur, or similar substances in quantities that may cause damage, harm, pass through, or interference to the City's sewer system or process			
	1. No harm	Non-SIU – \$100 SIU – \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$2000
29.10(2)(f)	2. Harm	Non-SIU - \$1000 SIU - \$3000	Non-SIU – \$2000 SIU - \$6000	Non-SIU – \$3000 SIU - \$9000
	Discharge of solids or other material that may cause blockage in the City's system	Non-SIU – \$100 SIU – \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$2000
29.10(2)(g) & (h)	Discharge of solids or other material that does cause a blockage in or otherwise interferes with the City's system	Non-SIU - \$500	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1500 SIU - \$6000
	<b>PH EXCURSIONS- RESIDENTIAL OR COMMERCIAL – WITH OR WITHOUT PERMIT</b>			
	Discharge with pH <6.0 or >9.0, but >5.0 and <10.0, 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> citation in 12 months, no harm	Non-SIU - \$30	Non SIU \$100	Non-SIU – \$200
	Discharge with pH <6.0 or >9.0, but >5.0 and <10.0, 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> and subsequent citation in 12 months, no harm	Non-SIU – \$300	Non-SIU – \$400	Non-SIU – \$500
29.10(2)(g) & (h)	Discharge with pH < 5.0 or >10.0, no harm	Non-SIU - \$300	Non-SIU – \$500	Non-SIU – \$750
	Discharge outside limit and/or harm	Non-SIU - \$500	Non-SIU – \$750	Non-SIU – \$1000
	<b>DAILY PH MONITORING FOR PERMITTED SIUs WITH PERMIT LIMITS</b>			
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> citation in 12 months	SIU - \$30	SIU - \$100	SIU - \$200
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> citation in 12 months	SIU - \$400	SIU - \$500	SIU - \$600
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 7 <sup>th</sup> , 8 <sup>th</sup> and 9 <sup>th</sup> or subsequent citation in 12 months	SIU - \$700	SIU - \$800	SIU - \$1000
	Discharge with pH outside permit limits and <5.0 or >11.0, 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> citation in 12 months, no harm	SIU - \$250	SIU - \$500	SIU - \$700
29.10(2)(g) & (h)	Discharge with pH outside permit limits and <5.0 or >11.0, 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> or subsequent citation in 12 months, no harm	SIU - \$1000	SIU - \$1500	SIU - \$2000
	Discharge with pH outside permit and causes damage, process interference, or harm	SIU – \$2000	SIU - \$3000	SIU - \$5000
	<b>CONTINUOUS PH 24-HOUR MONITORING FOR SIUs</b>			
	Discharge with pH outside permit limits but >5.0 and <11.0 for less than 30 continuous minutes within 24-hour period, no harm	SIU - \$30	SIU - \$100	SIU - \$200
	Discharge with pH outside permit limits but >5.0 and <11.0 for greater than 30 continuous minutes but less than 60 total minutes within a 24-hour period, no harm	SIU - \$300	SIU - \$500	SIU - \$700
	Discharge with pH outside permit limits but >5.0 and <11.0 for 60 or more total minutes within a 24-hour period, no harm	SIU - \$700	SIU - \$1000	SIU - \$1500
	Discharge with pH outside permit limits but >5.0 and <11.0 for more than 7 hours and 26 minutes in a calendar month, no harm	SIU - \$700	SIU - \$1000	SIU - \$1500
29.10(2)(i)	Discharge with pH outside permit limits and <5.0 or >11.0, 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> citations in 12 months, no harm	SIU - \$100	SIU - \$200	SIU - \$300
	Discharge with pH outside permit limits and <5.0 or >11.0, 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> citations in 12 months, no harm	SIU - \$500	SIU - \$600	SIU - \$700
	Discharge with pH outside permit limits and <5.0 or >11.0, 7 <sup>th</sup> , 8 <sup>th</sup> or 9 <sup>th</sup> and subsequent citations in 12 months, or harm	SIU - \$1000	SIU - \$1500	SIU - \$2000
	Discharge material containing toxic pollutants in sufficient quantity to alone or by interaction with other pollutants create a hazard			
	1. No harm, no safety risk	Non-SIU – \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1,500 SIU - \$6000
	2. Harm or safety risk	Non-SIU – \$1000 SIU – \$3000	Non-SIU – \$2000 SIU - \$6000	Non-SIU – \$3000 SIU - \$9000
	29.10(2)(j)	Discharge toxic material as identified in §307(a) of the Clean Water Act or Wis. Stat. Ch. 147	Non-SIU – \$1000 SIU – \$3000	Non-SIU – \$2000 SIU - \$6000
29.10(2)(k)	Discharge noxious or malodorous substance which:			
	1. Creates a public nuisance	\$100	\$300	\$500
	2. Is life-threatening	\$2000	\$5000	\$7000
29.10(2)(l)	3. Prevents entry into the sewer	\$500	\$700	\$1000
	Discharge substance that causes POTW's effluent or sludge to be unsuitable for reclamation or reuse	\$10,000	\$10,000	\$10,000
29.10(2)(m)	Discharge substance which causes the POTW to violate sludge use or disposal criteria	\$10,000	\$10,000	\$10,000

29.10(2)(n)	Discharge substance causing POTW to violate WPDES permit	\$5000	\$7000	\$10,000
29.10(2)(o)	Discharge wastewater with objectionable color not removed in the treatment process	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.10(2)(p)	Discharge wastewater with a temperature which will interfere with POTW operations, or discharge of industrial wastewater with a temperature of 150 <sup>o</sup> F or more	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.10(2)(q)	Discharge unpolluted water such as cooling water, storm water or groundwater without City approval	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.10(2)(r)	Discharge wastewater containing fat, wax, grease or oil > 300 mg/L, or discharge of wastewater containing grease or oil of mineral origin >25 mg/l	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.10(2)(s)	Discharge radioactive material which exceeds the half-life or concentration limits established by local, state, or federal regulations	Non-SIU – \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1,500 SIU - \$6000
29.10(2)(t)	Discharge waste or wastewater which will cause sanitary sewer overflows	Non-SIU – \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1,500 SIU - \$6000
29.10(2)(u)	Discharge any pollutant at a flow rate or concentration which exceeds the user's permit (not specifically enumerated)			
	1. No Harm	Non-SIU – \$250 SIU – \$1000	Non-SIU – \$500 SIU - \$2000	Non-SIU – \$750 SIU - \$3000
	2. Harm Caused	Non-SIU – \$500 SIU – \$3000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.10(2)(u)	Discharge BOD, COD or TSS at a flow rate or concentration which exceeds the user's permit			
	<500 lbs over monthly/max/day	SIU - \$100	SIU - \$500	SIU - \$1500
	> 500 lbs but <1000 lbs over monthly/max/day	SIU - \$500	SIU - \$1000	SIU - \$1500
	>1000 lbs but <5000 lbs over monthly/max day	SIU – \$1000	SIU - \$2000	SIU - \$3000
	>5000 lbs over monthly/max/day, No harm	SIU – \$2000	SIU - \$4000	SIU - \$6000
	>5000 lbs over monthly/max/day, Upset or harm caused or endangerment to people or structures	Non-SIU – \$1000 SIU – \$5000	Non-SIU – \$2000 SIU - \$8000	Non-SIU – \$3000 SIU - \$10,000
29.13, 29.14	Discharge any pollutant at a flow rate or concentration which exceeds the local or state limit.			
	1. No Harm	Non-SIU – \$250 SIU – \$1000	Non-SIU – \$500 SIU - \$2000	Non-SIU – \$750 SIU - \$3000
	2. Harm Caused	Non-SIU – \$500 SIU – \$3000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.16	Diluting discharge as a substitute for adequate treatment to achieve compliance			
	1. No harm	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
	2. Harm	Non SIU \$500 SIU – \$1000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.17(1)	Failure to prepare and maintain a spill control prevention program	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.17(4)	Failure to train personnel on SCPP or failure to properly document SCPP training	Non-SIU \$100 SIU \$300	Non-SIU \$300 SIU \$ 500	Non-SIU \$500 SIU \$ 1000
29.18 (1)	Failure to notify the City of an illicit/slug/non- permitted discharge to the wastewater system	Non-SIU - \$200 SIU - \$300	Non-SIU - \$300 SIU - \$500	Non-SIU - \$500 SIU - \$1000
29.18 (2)	Failure to notify of hazardous substance release to the environment	Non-SIU - \$300 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$3000
29.18 (3)	Failure to mitigate the impact of an unpermitted discharge to the wastewater system or hazardous substance release to the environment	Non-SIU - \$300 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$3000
29.30(1)(a)	Failure to obtain a Wastewater Discharge Permit (SIUs)	\$1000	\$3000	\$5000
29.30(1)(b)	Failure to obtain Business Permit (commercial/industrial users)	\$100	\$200	\$300
29.30(4)	Failure to report violation of permit within 24 hours or Failure to resample within 30 days			
	1. No Harm	\$100	\$200	\$300
	2. Harm	\$1,000	\$3,000	\$5,000
29.30(8)	Installation of pretreatment equipment without approval or failure to properly maintain pretreatment equipment	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$400 SIU - \$2000	Non-SIU - \$600 SIU - \$3000
29.30(10)	Violation of Permit	Non-SIU - \$200 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$1000 SIU - \$2000
29.31(1),(2) or (3)	Failure to accurately report wastewater constituents and characteristics	\$1000	\$2000	\$5000
29.31(1)	Failure to submit initial compliance report			
	1. Less than 30 days late	\$ 200	\$ 300	\$500



	2. More than 30 days late	\$1000	\$2000	\$3000
29.31(2)	Failure to submit compliance report			
	1. Less than 30 days late	200	300	500
	2. More than 30 days late (each 10 days)	\$1000	\$2000	\$3000
29.31(3)(a)	Failure to submit a semi-annual compliance report			
	1. Less than 30 days late	\$200	\$300	\$500
	2. More than 30 days late (separate violation for each 10 days late in excess of 30 days late)	\$500	\$1000	\$3000
29.31(3)(b)	Using improper sampling techniques (per sample type) or improper analytical techniques (per test method)	\$1000	\$2000	\$3000
29.31(3)(b)	Failure to analyze (per test method) all required parameters; or failure to sample or resample (per sample type) all parameters	\$200	\$300	\$500
29.31(4)(a)	Failure to calibrate flow meter and/or file report			
	1. Less than 30 days late	\$500	\$1,000	\$2,000
	2. More than 30 days late	\$1000	\$2000	\$3000
29.31(4)(b)	Failure to install monitoring facilities	\$1000	\$2000	\$3000
29.31(4)(c)	Failure to provide for proper space requirements and maintenance	\$1000	\$2000	\$3000
29.31(4)(d)	Failure to complete construction	\$1000	\$2000	\$3000
29.31(4)(e)	Failure to construct and maintain monitoring facilities in accordance with required standards and specifications	\$1500	\$2500	\$5000
29.31(5)	Refusal to permit City to inspect monitoring and sampling facilities	2000	3000	\$5000
29.31(5)	Failure to allow for City inspection of premises	\$1,000	\$2000	\$5000
29.31(6)(a)	Failure to provide adequate pretreatment facilities	\$1000	\$3000	\$5000
29.31(6)(a)	Failure to properly operate and maintain pretreatment equipment			
	1. No Harm	\$500	\$1000	\$1500
	2. No Harm, uncorrected after 45 days	\$2000	\$3000	\$5000
	3. Harm Caused, or Economic Benefit	\$5000	\$6000	\$9000
29.31(6)(a)	Failure to notify of change in waste stream, process, or chemical use/storage	\$1000	\$2000	\$3000
29.31(6)(b)	Failure to produce/maintain records	\$100	\$200	\$500
29.51	Falsifying documents or tampering with any monitoring or measuring device	Non-SIU - \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1500 SIU - \$6000

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**ATTACHMENT 7-B**

**NOTICE OF VIOLATION TEMPLATE**

**Notice of Violation**

**Date**

**SIU Name:**

**Address:**

**Permit Number:**

**Date of Violation:**

**Ordinance Violated:**

**Description of Violation:**

**Written Response Required: Yes/No**

**If 'Yes' is selected above, you are hereby ordered to provide a written response to this Notice of Violation. Your response must include the cause of violation(s) and steps that you have taken or will take to prevent reoccurrence.**

**Written Response Due Date:**

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**Name of Issuing Staff**

**Title**

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## ATTACHMENT 7-C

### GUIDANCE FOR ADMINISTRATIVE ORDERS

(Order to be printed on City letterhead)

**Title:** Specify the type of order being issued – Consent Order, Compliance Order or Cease and Desist Order.

**Order Identification Number:**

**Identification of Violator:** Identify the violator, the address of the premises, and the violator’s permit number.

**City’s Legal Authority:** The legal authority under which the City issues the order.

*Sample Language:* The City has the power and duty imposed by the City’s Sewer Use Ordinance to investigate the user’s compliance with its wastewater discharge permit and the City’s Sewer Use Ordinance.

**Finding of Noncompliance:** All violations must be described, including the date(s), the specific permit conditions/ordinance provisions violated, and any damages attributed to the violations.

*Sample Language:* The City has determined that the user violated pollutant limits in the user’s wastewater discharge permit or the City’s Sewer Use Ordinance as further described below.

**Description Of Prior Enforcement Activities.** Describe prior enforcement activities, by the City, if any.

**Ordered Activity:** All orders should clearly set out all ordered activity including installation of treatment technology, additional monitoring, appearance at a show cause hearing, etc.

**Milestone Dates For Corrective Actions:** Where compliance schedules are used, all progress “milestone” dates must be clearly established, including due dates for any required written reports.

**Consent Order Provisions, if Applicable:**

*Sample Language:* To ensure user is in compliance with its permit limits it is hereby agreed and ordered, between user and the City of Beloit, that the user shall accomplish each task identified in the Consent Order by the date established for that task.

*Sample Language:* User shall pay \$1,000 per day for each and every day it fails to comply with the schedule set forth in the Consent Order. The \$1,000 per day penalty shall be paid to the City Treasurer within 5 days of being demanded by the City.

**Standard Provisions:**

- Compliance with the terms and conditions of the Order will not be construed to relieve the user of its obligation to comply with federal, state and local law.

*Sample Language:* Compliance with the terms and conditions of this Order shall not be construed to relieve the user of its obligation to comply with its wastewater discharge permit which remains in full





force and effect. The City reserves the right to seek any and all remedies available under the Sewer Use Ordinance for any violation cited by this Order.

- Violation of the Order itself may subject the user to penalties available under the Sewer Use Ordinance.

*Sample Language:* Violations of this Consent Order shall constitute a further violation of the City's Sewer Use Ordinance and subjects the user to all penalties described by the Sewer Use Ordinance.

- No provision of the Order will be construed to limit the City's authority to issue supplementary or additional orders to take other action deemed necessary to implement its pretreatment program.

*Sample Language:* Nothing in this Order shall be construed to limit any authority of the City to issue any other orders or take any other action which it deems necessary to protect the wastewater treatment plant, the environment or the public health and safety.

- The provisions of the Order shall be binding upon the user, its officers, directors, agents, employees, successors, assigns, and all persons, firms, corporations acting under, through, or on behalf of the user.

**Appeal Rights:** A person aggrieved by the issuance of the Order may seek administrative review as provided by the City's Code of Ordinances. Attach the applicable City ordinance setting out the user's appeal rights.

#### **Dates and Signatories**

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**ATTACHMENT 7-D**

**CITY OF БЕЛОIT WATER RESOURCES  
2400 SPRINGBROOK CT. БЕЛОIT, WI 53511  
608-364-2888 FAX: 608-364-2879 [www.beloitwi.gov](http://www.beloitwi.gov)**

**DEVIATION REPORT TEMPLATE**

Based on the information contained herein, the City has decided to deviate from the Plan for reasons stated below. In accordance with Section 7.2.2 of the City's Enforcement Response Plan, this document shall be kept in the Environmental Office along with other enforcement or communication documents pertinent to this case.

A copy of this form will be placed in the user's file and sent to the DNR and EPA, upon request.

**Name of Permittee or interested party:**

**Address:**

**Permit #:**

**Date of Violation:**

**Section of Ordinance or permit violated:**

**General description of events:**

**Findings of investigative facts:**

**Determination by the City:**

\_\_\_\_\_  
Environmental Coordinator or designee:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Public Works Director or designee

\_\_\_\_\_  
Date

**Two signatures from the City are required if there is a variance from the approved program.**