

STATE OF WISCONSIN

VILLAGE OF ELM GROVE

WAUKESHA COUNTY

An ordinance amending Chapters: 65 (A) Records Retention Schedule; 106-6 (A)(1) Building Construction; 116-11 Cable Television Initial franchise costs and 116-17 Public Notice; §171-5 (B) Intoxicating Liquor and Fermented Malt Beverages License Applications; §232-15(E) Sewers Local user charge system; § 243-14 Streets and Sidewalks Snow and Ice Removal Notice; §266-3 (B) Trees and Vegetation Dutch elm disease control and prevention and §266-6 (D) (2) Regulation of vegetation and §266-6 (H) Regulation of vegetation; §275-11(C) (2) Vehicles and Traffic Abandoned vehicles; Floodplain Zoning §330-26 (B) (2) (a) (2) Appeals to the Board and §330-33 Definitions and word usage; Zoning § 335-71 (A) Board of Appeals Hearings and Article X Changes and amendments § 335-79. Hearings upon changes and §335-86 (D) Conditional use permit and §335-88 (D) (2) (b) [2] Site plan and building plan approval of the Village Code or Ordinances

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

Section 1: The Village of Elm Grove Code of Ordinances is hereby amended by the deletion of text with ~~strike-outs~~ and the addition of underlined text as follows:

§65 Records

§65-12 (A) Records Retention schedule

<u>Record</u>	<u>Retention Period</u>	<u>Notice Requirement</u>
<u>General Government Records</u>		
Village Board records		
Minute book	Permanent	N/A
Ordinances	Permanent	N/A
Resolutions	Permanent	N/A
Ordinance book	Permanent	N/A
Affidavits of publication <u>or posting</u> (ordinances)	Permanent	N/A
Affidavits of publication <u>or posting</u> (other)	EVT + 3 years	W

Elections

Proofs of publication <u>and posting</u> and correspondence relative to publications <u>and posting</u>	EVT + 1 year after the election (22 months for federal election)	W
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§ 65-12 (C) Retention Schedule

Audio recordings of meetings. Notwithstanding any provision in this article to the contrary, pursuant to § 19.21(7), Wis. Stats., any tape recording of any meeting may be destroyed no sooner than 90 days after the minutes have been approved (and published or posted where required by the Wisconsin statutes) if the purpose of the recording was to make minutes of the meeting.

§ 106 Building Construction

§106-6 (A) (1) Razing Buildings

The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or his or her agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons in the Circuit Court. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by ~~publishing in the~~

~~official newspaper of the municipality for two consecutive publications~~ posting for fourteen days at least 10 days before the time limit in the order commences to run.

§116 Cable Television

§ 116-11. Initial franchise costs.

Costs to be borne by the grantee shall include any requirements or charges incidental to awarding or enforcing an initial franchise under this chapter but shall not be limited to all costs of ~~publication~~ posting of notices prior to any public meeting provided for pursuant to this franchise and any costs not covered by application fees incurred by the village in its study, preparation of proposal documents, evaluation of all applications and examinations of the applicants' qualifications. An advance deposit of funds for this purpose may be required by the village.

§ 116-17. Public notice.

Minimum public notice of any public meeting relating to this franchise shall be by ~~publication~~ posting at least 24 hours prior to the meeting.

§171 Intoxicating Liquor and Fermented Malt Beverages

§171-5 (B) License Applications

Prior to approval of a license application under this chapter, the Village Clerk shall publish each application for a Class "A," Class "B," "Class A" or "Class B" license, except for temporary Class "B" and temporary "Class B" license applications. Said notice shall be published in a newspaper having the largest circulation within the village ~~and designated by the Village Board~~. If the ~~designated~~ newspaper is a daily newspaper, notice shall be published on three successive occasions or at least one time if the ~~designated~~ newspaper is a weekly newspaper. Such publication shall include the name and address of the applicant, the kind of license applied for and the location of the premises to be licensed. *Note this is required by state statute*

§ 232 Sewers

§232-15(E) Local user charge system

User notification. The Village of Elm Grove will ~~publish~~ post at least annually the rate being charged for operation and maintenance including replacement of the collection system. This notification will display separately MMSD treatment charges and local operation, maintenance and replacement rates.

§243 Street and Sidewalks

Snow and Ice Removal

§ 243-14. Notice.

The Village shall annually notify, through ~~publication~~, posting all owners or persons in possession of property identified on the Snow Removal Property Inventory, as referenced in § 243-13, to keep such sidewalks free from snow and ice and to remove the same within 24 hours after every fall or accumulation of snow or ice. Said notice shall further provide that if the owner or person in possession fails to remove the snow or ice within 24 hours of the falling or accumulation thereof, that the Village may cause said snow or ice to be removed and charge the cost to the abutting property

§ 266 Trees and Vegetation

§266-6 (D) (2) Regulation of vegetation

No person, or entity shall place brush on any public right-of-way or any public property for the purpose of its removal by the Village Department of Public Works or any other entity more than 72 hours in advance of the first day of the week ~~published~~ posted for municipal brush pickup in the respective area where placed or more than 72 hours in advance of any contracted pickup time. Violators of this provision shall be subject to a special charge per Village truckload at the current rate of service, or fraction thereof, for removal of brush by the Village.

§266-6 (H) Regulation of vegetation

Public notice to destroy regulated vegetation. The President of the Village Board shall compel the ~~publication-posting~~ annually on or before May 15 by the Village Manager of a ~~Class 2 notice, under Chapter 985, Wis. Stats., for fourteen days~~ that every person or legal entity owning, occupying or controlling land located in Elm Grove is required by law to destroy all regulated vegetation.

§ 275 Vehicles and Traffic

§275-11(C) (2) Abandoned vehicles

In the event an abandoned vehicle determined to exceed \$100 in value is not reclaimed within the period and under the conditions as provided above, it may be sold by auction or by sealed bids. The description of the vehicle and the terms of sale shall be ~~published as a Class 4 notice and~~ posted five days before the sale.

§ 330 Floodplain Zoning

§330-26 (B) (2) (a) (2) Appeals to the Board

B. Appeals to the Board.

(1) Appeals to the Board may be taken by any person aggrieved or by any officer or department of the Village of Elm Grove affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question and, with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

(2) Notice and hearing for appeals including variances.

(a) Notice. The Board shall:

[1] Fix a reasonable time for the hearing.

[2] ~~Publish~~ Post adequate notice, pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing. 330-26

§ 330 Floodplain Zoning

§330-33 Definitions and word usage

HEARING NOTICE -- ~~Publication or Posting~~ meeting the requirements of Ch. 985, Wis. Stats. For appeals, a ~~Class 4 notice, published once~~ shall be posted at least one week (seven days) before the hearing, ~~is required~~; for all zoning ordinances and amendments, a ~~Class 2 a notice, published twice, once each~~ shall be posted for fourteen days week consecutively, the last and at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

§335 Zoning

§ 335-71 (A) Board of Appeals Hearings.

A. The Board of Appeals shall fix a reasonable time and place for the hearing, ~~publish post~~ a ~~Class Two~~ notice for at least fourteen days before the hearing thereof and shall give due notice to the parties in interest, the Zoning Administrator and the Village Plan Commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney.

Article X Changes and Amendments

§ 335-79. Hearings upon changes.

The Village Board shall hold a public hearing upon each proposed change or amendment recommended by the Plan Commission, giving notice of the time, place and the change or amendment proposed by ~~publication of a Class Two notice~~ posting a notice for at least fourteen days prior to the public hearing , pursuant to Ch. 985, Wis. Stats. The Village Board shall also give at least 10 days'

prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

§335-86 (D) Conditional use permit

D. Public hearing. The Village Board shall hold a public hearing upon each application after receiving the recommendation from the Plan Commission. A ~~Class Two~~ notice shall be ~~published~~ posted for at least fourteen days prior to the public hearing ~~giving concerning~~ the time and place for the hearing and due notice shall be given to the parties in interest. At the hearing, the applicant may appear in person or by his or her agent or attorney.

E 335-86

§335-88 (D) (2) (b) [2] Site plan and building plan approval

[2] When the Building Board determines that a public hearing is necessary to make a decision on any application, the Village Clerk shall ~~publish a Class I~~ post a notice at least seven days before the public hearing giving the time and place of the hearing and the matters to be considered. All parties in interest, as defined in this chapter, shall be mailed notice of the public hearing. The Building Board shall grant or deny a building permit within 48 hours following the public hearing and shall report its decision in writing to the Village Clerk.

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

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

Passed and approved this day of 2008.

VILLAGE OF ELM GROVE

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk