

Memo

To: Finance and Human Resources Committee Members
From: Brenda Ayers
Date: January 8, 2021
Re: 2021 Fee Schedule

In December, the Council approved the 2021 Fee Schedule but questioned some of the items on the fee schedule (i.e. bicycle licenses).

I spoke with staff members to identify fees that are on the fee schedule but are not being collected. The research revealed that while the City does not currently enforce all provisions, they appear in our Ordinances. Here is a summary of what I found:

1) **Bicycle License- Ordinance 325-13** requires a permit for bicycles ridden or used on any public street, highway or alley in the City and pay a fee set by Common Council via resolution.

- Staff has confirmed with the Police Department that we do not currently issue permits for bicycles.

Options to consider:

- Develop a process for issuing permits and collecting the fee.
- Rescind the bicycle ordinance at a future meeting and remove the fee from the schedule upon rescission.

2) **Dog License- Multiple Dogs- Ordinance 114-3 B. (1)** gives persons owning more than one dog the option to apply for a multiple dog license and pay a fee set by Common Council via resolution.

- Staff responsible for issuing licenses have indicated that we do not currently issue multiple dog licenses.
- According to Statutes, fee for multiple dog licenses is \$35 for up to twelve dogs and an additional \$3 for each dog in excess of twelve. Our Fee Schedule lists the fee as \$75.
- The City ordinances limit the number of animals to six (this is combined total of dogs and cats)

Options to consider:

- Since multiple dog licenses are prescribed in State Statutes, the City needs to keep this ordinance on the books and issue the licenses for up to the six dogs prescribed by its ordinances even though we have not received any applications in recent years.
- Update the fee schedule to reflect the fee prescribed in State Statutes.

3) **Registration Fee for Tree Trimmers-** *Ordinance 127-23 requires any person or company engaging in the business of cutting down, trimming or removing trees in the City to obtain a certificate of registration with the City Clerk and pay a fee set by Common Council via resolution.*

- Staff has indicated that we do not currently issue tree trimming registration certificates.

Options to consider:

- Develop a process for issuing tree trimming registration certificates and collecting the fee.
- Rescind the registration for tree trimmers ordinance at a future meeting and remove the fee from the schedule upon rescission.

4) **Retaining Wall Permit -** *Ordinance 127-28 requires a building permit when a retaining wall is constructed within five feet of a property line or abutting a public street, alley, highway or sidewalk and pay a fee as provided on the current fee schedule on file with the City Clerk.*

- In January 2019 the Council voted to approve the 2019 Fee Schedule-striking Retaining Wall Permit in its entirety.
- The Retaining Wall Permit Fee did not appear in the 2019 or 2020 Fee Schedule.
- In 2021 I included the Retaining Wall Permit Fee on the fee schedule with "No Fee" in the amount column because the ordinance indicates the fee is on the schedule.
- It is my understanding that since retaining walls are not considered structures by the Uniform Dwelling Code (UDC), the Building Inspector does not have a mechanism for issuing permits for retaining walls.

Options to consider:

- Revise the ordinance to require a permit issued by the Director of Operations, develop a process for the issuance and establish a fee on the fee schedule.
- Rescind the retaining wall ordinance at future meeting and remove the item from the fee schedule upon rescission.

Copies of the above referenced ordinances are included on the pages following this memo. At this time, I suggest that the 2021 Fee Schedule stands as adopted in December until the above items are resolved; at which time I will prepare a revised schedule for your consideration and recommendation.

City of Lodi, WI
Thursday, January 7, 2021

Chapter 325. Vehicles and Traffic

§ 325-13. Bicycles.

No person shall ride, use or permit use of a bicycle upon any public street, highway or alley in the City of Lodi unless the same shall have been licensed and registered at the Lodi Police Department. The fee for such license shall be set by the Common Council by resolution and shall be paid to the Police Department. Each bicycle license when issued shall be effective until the bicycle is no longer operable or until the licensee shall sell or transfer interest to said bicycle, whichever event first occurs after the license is issued. License tags shall not be transferable from one bicycle to another.

Chapter 114. Animals

§ 114-3. Issuance of dog and multiple-dog licenses.

A. Dog licenses.

- (1) It is unlawful for any person in the City to own, harbor or keep any dog more than five months of age without complying with the provisions of §§ 174.05 through 174.07, Wis. Stats., relating to the licensing and tagging of the same.
- (2) The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay a license tax and obtain a license for such dog.
- (3) The Common Council will set the license tax by resolution.
- (4) Upon payment of the required license tax, the City Clerk shall complete and issue to the owner a license for such dog containing all information required by state law. The City Clerk shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar, and the collar with the tag attached shall be kept on the dog for which the license is issued at all times. The requirement to keep the collar with license tag attached on the dog shall not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area.
- (6) The fact that a dog is without a tag attached to the dog by means of a collar in violation of Subsection A(5) above shall be presumptive evidence that the dog is unlicensed. Any City police officers may seize, impound or restrain any dog for which a dog license is required which is found without such tag attached in violation of Subsection A(5) above.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Clerk upon application therefor.

B. Multiple-dog licenses.

- (1) Any person who keeps more than one dog may, instead of the license tax for each dog required by this chapter, apply for a multiple-dog license for the keeping of the dogs, pursuant to § 174.053, Wis. Stats.
- (2) The owner or keeper for which a multiple-dog license has been issued shall keep at all times a multiple-dog license tag attached to the collar of each dog over five months old kept by said owner or keeper, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. An owner or keeper may transfer a multiple-dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. No dog bearing a multiple-dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is on leash or temporarily out for the purposes of hunting, breeding, trial, training or competition.
- (3) Unless clearly inapplicable, all other provisions of Subsection A of this section and §§ 174.05 through 174.07, Wis. Stats., shall apply to multiple-dog licenses and tags.

ernmental commission shall cause the notices under subs. (1) and (2) to be published.

History: 1979 c. 289; 2003 a. 133.

174.053 Multiple dog licenses. (1) **MULTIPLE DOG LICENSE OPTION.** Any person who keeps more than one dog may, instead of the license tax for each dog required by this chapter, apply to the collecting official for a multiple dog license for the keeping of the dogs. Such person shall pay for the license year a license tax of \$35 for 12 or fewer dogs and an additional \$3 for each dog in excess of 12. Upon payment of the required multiple dog license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue the multiple dog license and a number of tags equal to the number of dogs authorized to be kept by the person.

(2) **MULTIPLE DOG LICENSE TAGS.** Multiple dog license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of dogs for which a multiple dog license has been issued shall keep at all times a multiple dog license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a multiple dog license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. No dog bearing a multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is in leash or temporarily out for the purposes of hunting, breeding, trial, training, or competition.

(3) **APPLICABILITY OF OTHER REQUIREMENTS.** Unless clearly inapplicable, all the provisions of this chapter relating to the individual dog license tax, licenses, and tags shall apply to the multiple dog license and tags.

History: 1979 c. 289 ss. 12, 18, 19, 21; 1981 c. 285; 1983 a. 451; 1991 a. 39; 2001 a. 16.

174.054 Exemption for owners of dogs kept for educational or scientific purposes. Sections 95.21 (2) (a), 174.05 (1) and 174.07 (1) (a) do not apply to a person who owns dogs that are kept only for educational or scientific purposes.

History: 1983 a. 451.

174.055 Exemption of dogs for blind, deaf and mobility-impaired. Every dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.

History: 1979 c. 247; 1985 a. 67.

174.06 Listing. (1) **RESPONSIBILITY TO LIST.** Every town, village and city shall annually, by September 1, ascertain by diligent inquiry the dogs owned or kept within the assessment district.

(2) **LISTING OFFICIAL; GENERALLY.** In a city or village the listing official is the municipal clerk, unless the common council or village board provides by ordinance or resolution for the appointment of a different person. In a town, the town board shall designate a person to be the listing official.

(3) **COMPENSATION.** (a) Except as provided in par. (b), a listing official who is not a full-time, salaried municipal employee shall receive as compensation 50 cents for each dog listed, or a greater amount established by the county board by ordinance or resolution, to be audited and allowed by the county board as other claims against the county and to be paid out of the dog license fund. A listing official who is a full-time, salaried municipal employee

shall receive this compensation from the county board but shall be required to pay the compensation into the town, village, or city treasury.

(b) In a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall pay the compensation required under par. (a).

(4) **COOPERATION WITH LISTING OFFICIAL.** Every person shall answer frankly and fully all questions asked by the listing official relative to the ownership or keeping of dogs within the district.

(5) **RECORDS.** The listing official shall enter in the records for personal property assessments, or in a separate record, all dogs in the district subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or unneutered, breed and color of each dog. The listing official shall make in triplicate a list of the owners of all dogs assessed.

(6) **MULTIPLE DOG LICENSE RECORDS.** The listing official shall make in triplicate a list of the names of persons holding multiple dog licenses and the number of dogs kept by each of those persons.

(7) **LIST DELIVERY.** The listing official shall, by September 15, deliver one copy of the list under sub. (5) or (6) to the county clerk and one copy to the official to whom license taxes are paid under s. 174.08, and retain one copy for his or her files.

(8) **ASSESSMENT OR TAX ROLL.** Dog licenses need not be entered on any assessment or tax roll other than the lists prepared by the listing official under subs. (5) and (6). These lists may be deemed property assessment and tax rolls for all tax collection purposes.

History: 1973 c. 90, 333; 1975 c. 290, 421; 1977 c. 29 s. 1650m (4); 1979 c. 289; 1981 c. 285, 314; 1983 a. 451; 2001 a. 16; 2003 a. 133.

174.065 Collection. (1) **COLLECTING OFFICIAL.** The collecting official is any city, village, or town treasurer or other tax collecting officer or any person deputized by the treasurer or tax collecting official, unless the common council or village or town board provides by ordinance or resolution for the appointment of a different person. Veterinarians and humane societies may voluntarily become collecting officials for a city, village, or town if the governing body of the city, village, or town by resolution or ordinance provides that veterinarians and humane societies may be collecting officials for the city, village, or town. In a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission is also a collecting official for a city, village, or town if the governing body of the city, village, or town by resolution or ordinance provides that the intergovernmental commission is a collecting official.

(3) **COLLECTION OF DELINQUENT DOG LICENSE TAXES.** Delinquent dog license taxes may be collected in the same manner as in s. 74.55 and ch. 799 for the collecting of personal property taxes.

History: 1979 c. 289 ss. 14, 24; 1981 c. 285; 1987 a. 378; 2001 a. 16; 2003 a. 133.

174.07 Dog licenses and collar tags. (1) (a) *License required.* Except as provided in s. 174.054, a dog license is necessary for the keeping of any dog over 5 months of age.

(b) *Licenses.* Upon payment of the required dog license tax and, except as provided in s. 95.21 (9) (d), upon presentation of evidence that the dog is currently immunized against rabies, the collecting official shall complete and issue to the owner a license for the dog bearing a serial number and in the form prescribed by the department stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog.

(c) *Copies.* The collecting official shall keep a duplicate copy of the license on file. In counties having a population of 750,000 or more, the collecting official shall immediately send to the county clerk or whatever agency the county board may direct, a triplicate copy of the license. A collecting official who is not the official to whom license taxes are paid under s. 174.08 shall provide a copy of each license issued to the official to whom license taxes are paid under s. 174.08.

Chapter 114. Animals

§ 114-5. Restrictions on keeping of animals.

- A. General restrictions. It shall be unlawful for any person within the City to own, harbor or keep any animal which:
- (1) Frequently pursues any vehicle upon any public street, alley or highway in the City.
 - (2) Assaults or attacks any person or animals or damages property.
 - (3) Is at large within the limits of the City.
 - (4) Frequently barks, howls, cries or makes other noises, which barks, howls, cries or other noises cause substantial annoyance or disturbance to any person or persons who are of ordinary sensibilities.
[Amended 10-10-2006 by Ord. No. A-361]
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed in violation of § 114-3.
- B. Vicious dogs.
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purpose of enforcing this Subsection **B(1)**, a dog shall be considered vicious if, within any twelve-month period, it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any law enforcement officer and delivered to proper authorities.
 - (2) A court judgment may be obtained under § 174.02(3), Wis. Stats., ordering a law enforcement officer to kill a dog in the situation described in said statute.
- C. Animals at large.
- (1) No owner of any animal shall allow the same to be at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep his or her animal tied or enclosed in a proper enclosure. Any animal which is found at large or is unlicensed (if required by state law or City ordinance to be licensed) may be seized and impounded by a law enforcement officer.
 - (2) A dog or cat shall not be considered to be running at large if a person is present with the animal and meets one of the following requirements:
 - (a) Has the animal on a leash and is physically able to control the animal.
 - (b) Has the animal under direct control by voice commands.
- D. Penalties on owner of dog causing damage. The provisions of § 174.02(2), Wis. Stats., relating to the penalties imposed on owners of dogs causing damage, together with the penalties therein set forth, are adopted and incorporated herein by reference.
- E. Number of dogs and cats limited. In order to protect the public health and public sanitation, no more than six animals in total (which could, for example, be made up of two dogs and four cats) shall be kept in or upon the grounds of any one residential unit or by one or more persons who inhabit one residential unit, unless the premises is operated as a commercial kennel in a properly zoned district.

City of Lodi, WI
Thursday, January 7, 2021

Chapter 127. Building Construction

§ 127-23. Tree trimming.

- A. Annual certificate of registration. No person or company shall engage in the business of cutting down, trimming, or removing trees or parts of trees in the City until such person or company has been issued a certificate of registration by the City Clerk. Such certificate shall not be issued until such person or company complies with the following provisions:
- (1) Fee. Such person or company shall pay an annual registration fee as set by the Common Council by resolution, which registration shall expire on December 31 of each year. Fees to be paid for the first time, and at times other than December 31, shall be prorated over the balance of the registration period.
 - (2) Bond. Such person or company has executed a surety bond in the sum of \$1,000 to the City and conditioned that such person or company shall comply with the ordinances and laws relating to his or its work and that he or it shall pay all damages to public property and costs that may be caused by his or its negligence. Such bond will be executed for a period of one year.
 - (3) Responsibility for others. The person or company executing such bond may engage or take under his or its supervision the assistance and help necessary to execute any job, but he or it shall take full responsibility for the tree work that such help and assistance performs.
 - (4) Insurance. The person or company executing such bond must also furnish satisfactory written evidence that he or it has in force and will maintain during the life of the certificate public liability insurance of not less than \$100,000 for one person and \$300,000 for one accident and property damage insurance of not less than \$50,000.
- B. Private tree trimming not covered. The annual registration requirement does not apply to persons cutting or trimming trees on their own property, but such persons will have to obtain a permit as required in the following subsection if the trees being cut or trimmed are in or adjacent to a street or utility line.
- C. Permit for tree trimming jobs on or adjacent to public property. No person or company shall without permit remove or trim any trees standing in or adjacent to any highway or street or public utility in or where the tree or parts thereof will fall on any highway or street without first obtaining a permit from the City Clerk. Before such permit is granted, the Director of Public Works shall examine and report to the Clerk on the application, and the permit will be granted only if it appears that proper precautionary measures will be taken to protect the public and public property from injury or damage. There will be no charge for these permits, and the permit may include as many trees as are included in the particular job being done.

City of Lodi, WI
Thursday, January 7, 2021

Chapter 127. Building Construction

§ 127-28. Retaining walls.

[Added 12-4-2018 by Ord. No. A-524]

No person shall build, repair, or maintain a retaining wall within the City except in accordance with the provisions of this section.

- A. **Defined.** A retaining wall is defined as a structure constructed of any material, whether masonry, wood, metal, or any other material that is fastened together, mortared or loosely stacked, which is built to resist the lateral displacement of any material.
- B. **Owner to construct.** It shall be the duty of the owner of a lot that abuts a public street, alley, highway, or sidewalk in the City to build, repair, and perpetually maintain retaining walls as required by the City and to pay the entire cost thereof.
- C. **Permit required.** A building permit shall be obtained whenever a retaining wall is to be constructed, repaired or reconstructed within five feet of a property line, or abutting a public street, alley, highway, or sidewalk. A building permit shall also be obtained whenever a retaining wall is to be constructed, repaired, or reconstructed that meets or exceeds three feet in height elsewhere on a property. Prior to the issuance of such a permit, construction, repair, or reconstruction plans and design data of the proposed structure shall be submitted to and approved by the Building Inspector.
- D. **Fee.** The permit fee shall be as provided on the current fee schedule on file with the City Clerk.
- E. **Appeal.** Denial of a permit may be appealed before the Zoning Board of Appeals.
- F. **Maintenance and repair.**
 - (1) The property owner shall maintain and keep all retaining walls on the property in reasonably safe and aesthetic condition.
 - (2) If, in the opinion of the Building Inspector, a retaining wall is beyond safe repair or is creating a hazard to the public, the Building Inspector shall order the removal, repair, or reconstruction of the retaining wall, and set a reasonable time limit for compliance.
 - (3) If the property owner refuses to repair or replace as ordered within the time limit specified, the City may accomplish the necessary work or contract the work to others, and all costs therefor shall be charged against the property as a special charge pursuant to § 66.0627 of the Wisconsin Statutes.