

ORDINANCE #2018-7

**AN ORDINANCE AMENDING THE CITY OF ARCADIA CODE OF ORDINANCES
RELATING TO THE REGULATION OF BUSINESS OCCUPANCY REGISTRATION IN THE
CITY OF ARCADIA, WISCONSIN**

The Common Council of the City of Arcadia, Wisconsin do ordain as follows:

SECTION 1. Section 168. of City of Arcadia Code of Ordinances is created to read:

“§ 168-1 Title.

This chapter shall be known as the "City of Arcadia Business Occupancy Registration Ordinance" and shall herein be referred to as "this chapter."

§ 168-2 Purpose.

Due to the complexity of state and local requirements for various commercial and industrial uses of real property within the City of Arcadia, it is deemed important that a review of business type and use versus proposed location be conducted to ensure compatibility of use and minimum safety standards prior to the premises being occupied for a commercial or industrial use. This chapter is created to, but is not designed to ensure or verify code compliance of any structure. See also § **168-12**.

§ 168-3 Scope.

The provisions of this chapter shall govern the occupancy of any premises within the City of Arcadia for any commercial or industrial use. For purposes of this chapter, "businesses" shall include any individual or legal entity occupying a premises within the City of Arcadia for any commercial or industrial use. Exception: A home occupation as defined by Chapter **425**, Zoning of the City Code shall not be subject to the requirements of this chapter.

§ 168-4 Application procedure.

All businesses hereafter located or relocated within the City of Arcadia shall comply with the provisions of this chapter, subject to the following procedure:

- A. All businesses locating within the City of Arcadia shall complete a business registration form, which can be obtained from the Planning or Building Inspection Division located in City Hall. Packet shall be completed by business owner or authorized agent. For purposes of this chapter, authorized agent status shall be verified through the use of a form provided by the City which the business owner signs, thus authorizing agent status.
- B. The completed business registration form shall be returned to the Building Inspection Division for distribution to the Planning Division to review the same, within five business days of receipt, and forward findings in writing to the Building Inspection Division. The Planning Division review will be conducted to determine any possible conflicts that may exist between the proposed business and applicable zoning or land use codes.
- C. Should the Planning Division staff be unable to approve the proposed business without Plan Commission or other committee approvals, the Building Inspection Division shall place its review on hold until it has been determined that the business has completed all zoning-related approvals.
- D. Upon favorable review and conditional approval by the Planning Division, the Building Inspection Division will perform a review of the proposal within five business days and determine whether an inspection of the site will be required using the criteria set forth in § **168-7**.

- E. If no inspection is required and the Planning Division and Building Inspection Division find the proposed business to be compatible with existing zoning, land use and structures, then upon payment of an occupancy registration fee a conditional occupancy registration certificate shall be issued. Such certificate shall be posted in a conspicuous location on the business premises at all times.
- F. Should an inspection be required, the criteria for performing such inspection shall be as listed in § 168-8.
- G. Upon correction to the inspector's satisfaction of any items found to be unacceptable during inspection and payment of the applicable occupancy registration fee, the Building Inspection Division shall issue a conditional occupancy registration certificate, which shall be posted in a conspicuous location on the business premises at all times.

§ 168-5 Registration fee.

Prior to issuance of a conditional occupancy registration certificate, a registration fee, as from time to time established by resolution of the Common Council and listed in annual fee schedule, shall be collected.

§ 168-6 Other agencies notified.

Upon issuance of a conditional occupancy registration certificate, the Building Inspection Division shall provide notification to respective agencies.

§ 168-7 Determining need for inspection.

Inspection shall be required when:

- A. The proposed location and/or structure has a history of orders or violations which according to records available to the Planning Division or Building Inspection Division staff have not been adequately addressed or corrected.
- B. The proposed business is of a different category of use or occupancy as defined by the State of Wisconsin's Commercial Building Code than that of the prior occupant of the building.
- C. The Fire Department has listed the structure as a building it has been denied access to within the last 12 months.

§ 168-8 Inspection criteria.

Inspections required by this chapter shall be limited to the following areas:

- A. Outstanding orders, violations or existing conditions of approval corrected and/or in compliance.
- B. Required occupancy or fire separations intact and correct for intended use and in consideration of adjacent tenants where applicable.
- C. Fire extinguisher available. For purposes of this chapter, the number, size, type and location will not be verified or inspected. The inspection will only determine that at least one fully charged fire extinguisher is available. The Fire Department shall be responsible for number, size, type and location details under separate inspection.
- D. City-issued building numbers in place.
- E. Property free of junk and debris; yard mowed to six inches or less.

- F. Building exterior, gutters and eaves maintained so as not to detract from the visual character of the adjacent property; downspouts not directed to adjacent property.
- G. Exterior of structure weatherproof.
- H. Interior and exterior stairways, patios, walks or decks in good condition. For purposes of this chapter, "good condition" shall mean no surface irregularities in excess of 3/4 inch, nor voids in surface in excess of 3/4 inch. Guardrails and/or handrails shall be in sound condition. However, for purposes of this chapter, the height of guardrails and spacing of balusters will not be measured or verified, unless permits have been obtained to modify the same.
- I. Windows in good condition; operable windows have screens or storms installed and are in good condition.
- J. Exterior electrical fixtures/receptacles adequately protected from the weather and appear intact.
- K. Entry and egress doors operate freely and pathways to and from the same are clear and unobstructed. Interior keyed deadbolts are prohibited.
- L. Hot and cold running water available, where applicable.
- M. Interior electrical fixtures/receptacles in good condition. For purposes of this chapter, "good condition" shall mean the fixture assembly is complete and receptacle covers are in place and are not cracked or broken.
- N. Toilet rooms have hot and cold running water, light fixture and operable exhaust fan or openable window.
- O. Toilet room floors are in a sanitary condition. For purposes of this chapter, "sanitary" shall mean free from elements of filth and/or noticeable molds or fungus.
- P. Plumbing fixtures functional and free from leaks.
- Q. No plumbing cross-connections apparent.
- R. Sump pump discharges in accordance with § 162-8(e) of the City Code.
- S. Backflow protection measures in place.
- T. Smoke detectors in place and functional.
- U. Electrical panel enclosure intact, cover or door operates properly, any unused openings plugged, and overcurrent devices labeled.
- V. Exterior enclosure of heating units and exhaust vent pipes (to chimney) have no readily visible cracks or voids (no inspection of heat exchanger performed).
- W. Chimney flue not affected by installation of high-efficiency equipment (newer equipment may require resizing or relining of chimney).
- X. Exterior inspection (from grade level) of chimney reveals no obvious defects. No attic or interior inspection of chimney performed.

Y. Awnings and flags do not disrupt patrons/public from use of sidewalk.

§ 168-9 Records.

Records of conditional occupancy registration certificates issued and related inspection details, when applicable, shall be kept in the Building Inspection Division and shall be available for viewing upon request.

§ 168-10 Violations and penalties.

It shall be unlawful for any person, firm or corporation to locate or relocate within the City of Arcadia without first obtaining a conditional occupancy registration certificate. Persons, firms or corporations violating any provision of this chapter shall, upon conviction, be subject to a penalty as provided in § 1-4 of this Code. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that such violation is permitted to continue shall constitute a separate offense.

§ 168-11 Code compliance not determined.

The following text is provided to further explain the scope and purpose of this chapter:

- A. This chapter is intended to be used as a tool to ensure minimum safety standards are met, while attempting to assist businesses in finding compatible facilities for their operations, with the least possible expense. It is not intended to verify compliance with all applicable plumbing, heating, air conditioning, electrical, building or zoning codes. It is recommended that a professional engineer, architect or other qualified individual be retained to perform a complete and comprehensive inspection of the premises if verification of complete code compliance is desired.
- B. Code-specific issues such as guardrail height or baluster spacing will not be verified through this chapter. Inspection will be limited to verifying that a sturdy guardrail is in place but will not verify the actual height of the same.
- C. Permit research will not be performed, other than to determine if there are outstanding orders or violations relative to the structure, building location or owner. Exception: In cases where work is in progress or recently completed or in cases where an installation is obviously hazardous, an inspection of the Building Inspection Division records may be performed to determine if proper permits have been obtained. Work found to be performed without a valid permit shall require the current building owner to obtain the required permits (certain work may require a licensed contractor to be hired who would be responsible for obtaining permits). All such after-the-fact permits shall be assessed a penalty fee as listed in Table 1 (available for viewing at the Building Inspection Division counter).

§ 168-13 Liability.

This chapter shall not be construed to relieve from or lessen the responsibility or liability of previous or current owners or person(s) who have performed work on said structure, including but not limited to using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting or maintaining any electrical, plumbing, heating/air conditioning, or building code related items, for damages to persons or property caused by any defect therein or therefrom, nor shall the City or its authorized inspectors be held as assuming any such responsibility or liability by reason of issuance or failure to issue any conditional occupancy registration certificate, or the inspection or reinspection authorized by this chapter, or by reason of the approval or disapproval of any items addressed by this chapter, nor shall the City or its authorized inspectors be held liable for any damages resulting from the enforcement of this chapter.”

SECTION 2. This Ordinance #2018-7 shall be effective upon passage and publication as required by law.

ADOPTED at a regular meeting of the City of Arcadia Common Council this 3rd day of October, 2018.

CITY OF ARCADIA

By: _____

Robert Reichwein, Mayor

ATTEST: Angela Berg
Angela Berg, Clerk

Adopted: October 3, 2018

Published: October 17, 2018



BUSINESS REGISTRATION APPLICATION

PRINT

DATE: 07/11/2018

Business Name: _____ Previous Use of Space: _____
 Property Address: _____ Business Phone No.: _____
 Hours of Operation: _____ No. of Employees (Full/Part): _____ Area of Space (in SF): _____
 No. of Toilet Fixtures: _____ Seating Cap. (If Appl.): _____
 Hazardous Chemicals used or stored on site: Yes No Sprinkler System: Yes No
 If a separate water meter is present for tenant space, who will pay water bill? Tenant Property Owner
 What date would this water bill be effective as of: _____
 Intended Business Use: _____

APPLICANT INFORMATION (Usually Business Owner):

Name: _____ Phone: _____ Email: _____
 Address: _____
 Emergency Contact & Phone: _____

By submitting this permit the applicant above agrees to comply with all applicable codes, statues, ordinances, and with all the conditions of this permit. Further, applicant agrees to allow City staff reasonable access to the property affected by this permit, if necessary, to verify compliance with the applicable Municipal Codes and understands that the issuance of this permit creates no legal liability, expressed or implied, on the Department or Municipality and certify that all the above information is accurate.

SCHEDULE OF FEES

Base Fee (\$125) - Triple permit fees will be assessed if work is started without a valid permit.

	\$125.00
TOTAL	\$125.00

PERMIT REQUIREMENTS

Activities Requiring a Business Registration Permit

- Any new business moving into an existing tenant space or existing overall structure
- Any new business occupying a new structure or tenant space
- Any change in owner or business name

NOTE: A permit is required for a business even if they are moving from one Arcadia location to another

Submittal Requirements

- Completed Application Form
- Payment of \$125 Fee
- Narrative Letter: Letter identifying all details of the proposed business and how the business will operate on the property. The details should include projected customer counts, water and sewer usage, parking needs, loading requirements, exterior storage/display needs, proposed alterations to the building exterior, the site, lighting, signage, parking, potential nuisances, and possible expansions.
- Completed Police Form (Page 2)

SUBMIT FORM TO:

CITY OF ARCADIA
203 W MAIN STREET
ARCADIA, WI 54612
 Email: cityadmin@cityofarcadiawi.com
608-323-3359 Ext. 30



BUSINESS REGISTRATION APPLICATION

ARCADIA POLICE DEPARTMENT FORM

203 W MAIN STREET, ARCADIA, WI 54612

NON-EMERGENCY LINE (608) 323-3359 EXT. 28 (608)323-2257

DATE:

This form is confidential and is not subject to Open Records Requests or Public Access as outlined in Chapter 108 of the City of Arcadia Municipal Code or Wisconsin Statutes 19.35(1)(am). Only the City of Arcadia Police Department will maintain this portion of the document in any file for public safety and dispatch purposes.

PUBLIC DISPATCH INFORMATION

Burglar Alarm System: Yes No

Safe/Cash Box on Site: Yes No

Location of Alarm Panel:

Location of Safe:

Was Alarm Permit Issued:

Safe Visible From Outside: Yes No

Interior lights left on when Business is closed: Yes No If Yes, Location:

Exterior lights left on when Business is closed: Yes No If Yes, Location:

Security Cameras:

Inside: Yes No

Outside: Yes No If Yes, What direction Facing:

BUSINESS KEY HOLDER INFORMATION

1ST Key Holder Name:

Phone Number:

Mobile Number:

2ND Key Holder Name:

Phone Number:

Mobile Number:

3RD Key Holder Name:

Phone Number:

Mobile Number:

Would your business be interested in information about crime prevention or safety for employees? Yes No

CITY OF ARCADIA ORDINANCE #2018-7
An Ordinance Amending the City of Arcadia Code of Ordinances relating to the Regulation of
Business Occupancy Registration in the City of Arcadia, Wisconsin

ENACTED OCTOBER 3, 2018

The following is a summary of Ordinance #2018-7, in accordance with Wis. Stat. § 62.11(4)(c):

City of Arcadia Ordinance #2018-7 amends Section 168 of the City of Arcadia Ordinance to establish certain standards and procedures related to the new requirement that all businesses located within the City of Arcadia complete and file a business registration form, which can be obtained from the City of Arcadia Planning Division or City of Arcadia Building Inspection Division, located at City Hall, 203 W. Main Street, Arcadia, Wisconsin. The registration forms must be completed by the business owner or authorized agent of the business.

After the completed business registration form is filed with the City of Arcadia Building Inspection Division, the business registration form will be reviewed. Upon completion of the review of the business registration form by the City of Arcadia Planning Division and the City of Arcadia Building Inspection Division, the applicant for the new business in the City of Arcadia shall be informed if the proposed business is approved, not approved, or if an inspection of the proposed business site is required. If the proposed business is approved, the new business shall be required to pay a registration fee prior to the issuance of a conditional occupancy registration certificate.

If a person or business violates the business registration requirement of City of Arcadia Ordinance #2018-7, each day the violation continues shall constitute a separate offense.

The full text of this Ordinance may be obtained by contacting the city clerk for the City of Arcadia at 608-323-3359. The full text of this Ordinance may also be viewed at City Hall, 203 W. Main Street, Arcadia, Wisconsin, or by visiting <http://www.cityofarcadiawi.com>.