



Committee of the Whole MEETING AGENDA

June 27, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Published: 6/23/2023

AGENDA

1. **CALL MEETING TO ORDER**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. June 13, 2023 Committee of the Whole Meeting
4. **UTILITY & FINANCE**
 - A. Discussion and recommendation to the Common Council approval of the June 28th, 2023 Water Utility claims in the amount of \$39,765.52, Sewer Utility claims in the amount of \$678,542.41 and General City claims in the amount of \$1,530,191.04
5. **LICENSES & PERMITS**
 - A. Discussion and recommendation to the Common Council approval of the alcohol license applications for the licensing period of July 1st, 2023 to June 30th, 2024 per the list as presented
6. **MISCELLANEOUS**
 - A. Library Department Update by Director Natalie Beacom
 - B. Recommend to Common Council that a public hearing be set for August 14, 2023 at 6:00 PM to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275)
 - C. Discussion and recommendation to Common Council approval of the Department of Public Works RAS for one new Custodial Position effective September 1, 2023
 - D. Recommend to Common Council to amend Section 261-4(F) of the Municipal Code of the City of New Berlin regarding restrictions on parking on city right-of-way and city property by order of the Chief of Police
 - E. Recommend to Common Council to approve the attached 2023 Salary Table effective 7/1/2023
 - F. Discussion and possible action on risk transfer policy for block party special event permits
 - G. Discussion and recommendation to approve Ordinance No. 2673, an ordinance to create Section 152-24 of the New Berlin City Code regarding Transient Lodging
 - H. Discussion and recommendation to amend the City Clerk 2023 Fee List to add a Transient/Short Term Lodging license fee in the amount of \$200 per calendar year
7. **ADJOURN**

Supplemental Information:

- The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.
- It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order.
- You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.
- The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least

48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.

- *It is also possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.*



Committee of the Whole MEETING MINUTES

June 13, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Please note: Minutes are unofficial until approved at the next regular scheduled meeting.

MINUTES

1. CALL MEETING TO ORDER

Mayor Dave Ament called the meeting to order at 6:01 PM.

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk Rubina R. Medina took the roll call as follows:

Present: Alderperson Hopkins, Alderperson Maxey, Alderperson Harenda, Alderperson Stribl, Alderperson La Fever, Alderperson Kroupa, Alderperson Horbinski

Excused: None

Staff Present: Finance Director Ralph Chipman, Police Chief Jeff Hingiss, City Attorney Mark Blum, City Clerk Administrative Specialist Joelle Erickson, City Clerk Rubina Medina

City Clerk stated that a quorum has been met and the meeting was properly noticed.

3. APPROVAL OF MINUTES

A. May 23, 2023 Committee of the Whole Meeting Minutes

MOTION: Motion to approve

VOTE: Motion by: Kroupa
Second by: Maxey
Motion 7-0

4. UTILITY & FINANCE

A. Discussion and recommendation to the Common Council approval of the June 14th, 2023 Water Utility claims in the amount of \$160,761.36, Sewer Utility claims in the amount of \$1,381.98 and General City claims in the amount of \$1,191,341.32. US Bank VISA EFT of \$18,622.31.

MOTION: Motion to approve

VOTE: Motion by: Stribl
Second by: Kroupa
Motion 7-0

5. LICENSES & PERMITS

A. Discussion and recommendation to the Common Council approval of the alcohol license applications for the licensing year of July 1st, 2023 to June 30th, 2024 per the list as presented

MOTION: Motion to approve

VOTE: Motion by: Hopkins
Second by: Harenda
Motion 7-0

6. MISCELLANEOUS

- A.** Police Department Update by Chief Hingiss
Police Chief Jeff Hingiss provided a department update to the Council. A PDF of the presentation is attached to the agenda packet.
- B.** Set goals and directives for 2024 budget, including tax levy target.
Finance Director Ralph Chipman provided a brief overview of the budget process.

7. ADJOURN

MOTION: Motion to adjourn at 6:47 PM.

VOTE: Motion by: Kroupa
Second by: Harenda
Motion 7-0

*Respectfully Submitted,
Rubina R. Medina, City Clerk*

RENEWAL ALCOHOL LICENSE APPLICANTS

Council Meeting Date: June 27, 2023

The below individuals hereby make application to the Common Council of the City of New Berlin for an Alcohol License and premise description as described below subject to Wisconsin Statutes and City of New Berlin Ordinances for the period ending June 30, 2024. Licenses are issued by the City Clerk pending all requirements are met and fees paid.

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Trade Name		Invited Agent	Applying for License
1.	Martin's Tap LLC	John C. Schober	"Class B" - Combo
	Location:	Premise Description: Interior of building located at 19550 W. National Avenue.	
2.	Jay & Sons, Inc.	Jayesh V. Patel	"Class A" Retail - Combo
	Location:	Premise Description: NEW BERLIN MOBIL - Self standing building, gas station. The bldg is approximately 1,000 sq. ft. Coolers and storage.	



New Berlin Public Library Building Community Connections

Kids in Motion

B93.3 Lagniappe

1848 Coffee PBS

Gamer's Realm

Burghardt's Sporting Goods

Big Backyard Twins Flowers

Marcus Ridge

Cleveland Pub & Grill

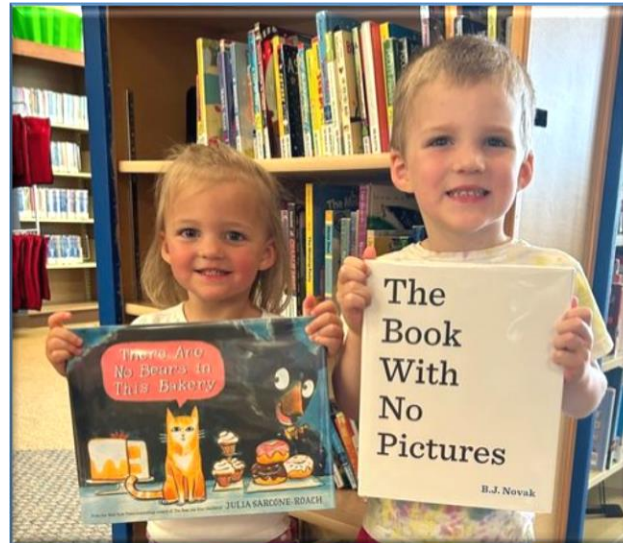
Children's Orchard

EMC Industries

Citizens Bank



Community Connections



2023 NEW BERLIN LIBRARY SCHOLARSHIP

The **Friends of New Berlin Public Library** and the **New Berlin Public Library** have partnered to award two student scholarships in 2023. As organizations, we are committed to our community and continuing education. We hope to assist students navigate their learning paths through library programming, test preparation, technology and library collections.



Visit the Library website at www.newberlinlibrary.org for application criteria and details details. Application deadline is **May 1st, 2023**.

Please contact Teen Librarian, Shannon Gulgren, with any questions!
sgulgren@newberlinlibrary.org

REQUESTED ACTION STATEMENT

MEMO TO: Mayor David Ament
Common Council

CC: Plan Commission (via email)

MEMO FROM: Gregory Kessler, AICP – Director of Community Development

DATE: June 27, 2023

ISSUE: Common Council to set the public hearing date for updates to the Zoning Code.

REQUESTED: Recommend to Common Council that a public hearing be set for August 14, 2023 at 6:00 p.m. to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275).

RATIONALE: Per Chapter 275-15D(1) of the City's Zoning Code, the Department of Community Development is recommending an update to the Zoning Code.

The Common Council sets the date for the public hearing that will take place before the Plan Commission. The Plan Commission will then take action to approve the proposed amendments and will forward their recommendation to the Common Council for final action via ordinance.

The draft changes will be available for review on the City's website and the amendments will be presented/introduced at the August 14, 2023 Plan Commission meeting with possible action the same meeting.



City of New Berlin
3805 South Casper Drive P.O. Box 510921
New Berlin, Wisconsin 53151-0921

(262) 786-8610
Fax (262) 786-6121

REQUESTED ACTION STATEMENT

DATE: June 20, 2023
TO: Committee of the Whole & Common Council
FROM: Josh Radomski, DPW Director
ISSUE: New Position Request – FT Custodian

REQUESTED:

The DPW - Buildings and Grounds Division is requesting to add an additional full-time custodial position effective September 4, 2023.

FISCAL IMPACT:

The 2023 Budget impact for this request will be approximately \$17,512 to \$21,933, dependent on the choice of benefits of the new employee. The DPW anticipates that we will have the funding available within our current budget to finance the new position.

RATIONALE:

With the addition of the new Activity and Recreation Center, it has become apparent that our custodial staffing levels are inadequate for the number of buildings that we are required to clean and maintain on a daily basis. Currently we have 3 full-time custodial staff servicing the Safety Building, City Hall, Community Center and Activity and Recreation Center. The remaining city buildings utilize other staffing to clean their buildings. The addition of this position will allow us to expand our custodial services to the Streets Department, Parks Department, Historic Museum as well as provide additional cleaning and room setups at the Activity and Recreation Center.

RECOMMENDATION:

Recommend Common Council approve the addition of a Full-Time Custodial Position with a start date of September 4, 2023.



REQUESTED ACTION STATEMENT

June 21, 2023

TO: Mayor Ament
Common Council

FROM: Jeff Hingiss, Police Department

ISSUE:

Ordinance to Amend Section 261-4 (F) of the Municipal Code of the City of New Berlin

REQUESTED:

Recommend to Council to Amend section 261-4(F) of the Municipal Code of the City of New Berlin regarding restrictions on parking on city right-of-way and city property by order of the Chief of Police.

FISCAL IMPACT:

Fiscal impact to support this request is minimal. The streets department already has temporary signage created should Section 1(F)(1) be approved. Should Section 1(F)(2) be approved, the designated police/fire employee parking areas within the Public Safety Building site would need to be appropriately posted. The police/fire admin would request the Streets Department to manufacture signage and install as necessary.

RATIONALE:

Due to recent hazardous spills, the need exists to restrict vehicular and/or pedestrian traffic within affected public right-of-ways. The amendment of Section 1(F)(1) would enable the city to protect public health, safety, and welfare due to hazards for a limited period of time. Temporary restrictions could be extended beyond thirty (30) days with Council action.

The creation of Section 1(F)(2) is necessary to limit vehicular and/or pedestrian traffic within designated areas of the Public Safety Building grounds, specifically those areas where city owned vehicles routinely operate and employees park personal vehicles. The purpose is to protect the public from vehicle movement and to protect city/employee property from damage. In addition, training or supervised public tours often takes place within these areas and this action would further protect the site from unauthorized access.

ORDINANCE NO. ____

**ORDINANCE TO AMEND SECTION 261-4 (F) OF THE
MUNICIPAL CODE OF THE CITY OF NEW BERLIN
REGARDING RESTRICTIONS ON PARKING ON CITY RIGHT OF WAY
AND CITY PROPERTY BY ORDER OF THE CHIEF OF POLICE**

The Common Council of the City of New Berlin do ordain as follows:

Section 261-4, F, the Municipal Code of the City of New Berlin is hereby amended to read as follows:

SECTION I

Section 261-4, F, shall be amended to read as follows:

F. Parking Restriction by Order of the Chief of Police.

- (1) In case of emergency, the Chief of Police may regulate and enforce temporary parking regulations to cover special conditions. In addition, in order to protect the general public health, safety and welfare, the restriction of parking on public rights-of-way may be necessary for a limited period of time. The Chief of Police shall have the authority to restrict parking on public rights-of-way when necessary to protect public health, welfare and safety or to allow for construction or other activities which may be necessary for limited periods of time. Said parking restrictions shall be allowed for up to thirty (30) days and may be extended thereafter by action of the Common Council. The Chief of Police shall provide notice to the Common Council of any orders issued under this Subsection.
- (2) Parking and pedestrian traffic may be restricted by order of the Chief of Police on the public safety building property, where necessary and appropriate for security of the site, and to protect public health, welfare and safety. The Chief of Police may designate areas of the public safety building site for parking only to authorized individuals and may also restrict those areas of the public safety building site where pedestrians are prohibited from entering.

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this

Ordinance are hereby to that extent repealed.

SECTION III

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION IV

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this _____ day of _____, 2023.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

DATE: June 27, 2023

TO: Mayor Ament
Common Council

FROM: Mayor Ament
Melissa Beck, Human Resource Director
Ralph Chipman, Director of Finance

REQUESTED ACTION:

Recommendation to Council to approve the attached 2023 Salary Table effective 07/01/2023.

FISCAL IMPACT:

The related salary range adjustments are accounted for in the 2023 approved operating budget.

RATIONALE:

The attached 2023 Salary Grade Table reflects an additional increase to 2023 salary ranges for all non-represented staff effective 7/1/2023:

- Salary Range 1 = 3% increase
- Salary Ranges 2 through 16 = 2% increase

Adjustments to the salary ranges allows the City to attract and retain a talented workforce.

ATTACHMENTS:

7/1/2023 Non-represented Employee Salary Ranges 1 through 16

Range	Min	Q1	Midpoint	Q3	Maximum
1	15.72	17.10	18.47	19.85	21.23
2	19.78	21.50	23.23	24.96	26.68
3	21.15	23.01	24.86	26.71	28.56
4	22.64	24.63	26.61	28.59	30.57
5	24.24	26.35	28.47	30.58	32.70
5	50,386.57	54,795.27	59,203.96	63,612.66	68,021.35
6	25.92	28.19	30.46	32.73	35.00
6	53,913.53	58,630.44	63,347.36	68,064.27	72,781.18
7	28.24	30.71	33.19	35.66	38.13
7	58,757.63	63,898.77	69,039.90	74,181.04	79,322.18
8	30.22	32.87	35.52	38.16	40.81
8	62,870.33	68,371.19	73,872.04	79,372.90	84,873.75
9	67,270.18	73,156.51	79,042.83	84,929.15	90,815.48
10	71,980.07	78,278.14	84,576.20	90,874.26	97,172.32
11	77,017.69	83,756.88	90,496.07	97,235.26	103,974.45
12	81,084.61	88,179.36	95,274.11	102,368.86	109,463.61
13	85,949.52	93,470.06	100,990.59	108,511.12	116,031.65
14	91,105.75	99,077.81	107,049.88	115,021.94	122,994.01
15	96,573.05	105,023.18	113,473.31	121,923.44	130,373.56
16	102,367.04	111,324.36	120,281.68	129,239.01	138,196.33

ORDINANCE NO. 2673

**ORDINANCE TO CREATE SECTION 152-24 OF THE CITY CODE OF
THE CITY OF NEW BERLIN REGARDING TRANSIENT LODGING**

The Common Council of the City of New Berlin, Waukesha County, Wisconsin do ordain as follows:

SECTION I

Section 152-24 of the City of the City of New Berlin is hereby created to read as follows:

Section 152-24 – Transient Lodging. Any person or entity which maintains, manages or operates a short-term rental (which means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days) shall be required to do the following:

- A. Obtain from the Department of Agriculture, Trade and Consumer Protection a license as a tourist rooming house as defined in Wisconsin Statute Sec. 97.01(15k) when required to do so under said Statute; and any person who maintains, manages or operates a short-term rental as defined in this subsection shall obtain from the City a short-term rental license as provided for in in this Section. The City shall establish a license fee from time to time based on the City's actual cost of issuing and monitoring said license. The Common Council shall establish such license fee by Resolution from time to time.
- B. Short Term Rental License. The City Clerk shall issue a short-term rental license if an applicant follows the procedures set forth in Subsection C of this Ordinance and demonstrates compliance with the provisions of this Section of the Code. A short-term rental license is issued for one (1) license year, and may be renewed annually as provided for in this Section. The short-term license shall contain the following information:
 - (1) The name of the property owner and if applicable the property manager, with contact information including mailing address and a telephone number where the property owner or property manager is available.
 - (2) The license term.
 - (3) The State of Wisconsin Tourist Rooming House License Number.

Upon issuance, a license-holder shall provide a copy of this Code section and a copy of the license to all parties using the property for short-term rental use, prior to the commencement of each such use.

C. Short-Term Rental License Application, Renewal, and Revocation Procedure.

- (1) Applications. All applications for short term rental licenses shall be filed with the City Clerk. No license shall be issued unless a completed

application form is accompanied by payment of the required application fee, which fee shall be non-refundable. Each application shall include the following information and documentation for each short-term rental unit in order to demonstrate compliance with the requirements of this Section:

- a. The name of the property owner and or property manager, with contact information including mailing address and a telephone number at which the property owner and/or property manager is readily available.
- b. The street address of the property proposed to be made available for short term rental use.
- c. A description of the premises proposed to be made available for short term rental use.
- d. A copy of the Department of Agriculture, Trade and Consumer Protection Tourism House License, as defined in Wisconsin Statute Sec. 97.01(15k), in effect during the short-term license year.
- e. Written certification by the property owner that the short-term rental meets the following requirements:
 - i. All short-term rental properties shall be subject to and comply with Wisconsin Administrative Code ATCP 72, which is hereby fully incorporated by reference:
 - ii. A minimum of one (1) off-street parking stall shall be provided for every guest bedroom with a minimum of two (2) parking stalls required. All parking areas shall meet the applicable size and location requirements of the City Code, and shall be hard-surfaced and maintained in a reasonably dust-free condition;
 - iii. The property owner and/or property manager shall be available at all times when the property is rented. The property owner must notify the City Clerk within three (3) business days of any change in the contact information for the property owner or property manager and submit the revised contact information to the City Clerk within the same time period.
 - iv. The “property manager” shall be defined as any person who is not the property owner and is authorized by the property owner, expressly or impliedly, to act as agent and as the local contact person on behalf of the property owner for one or more short-term rental, and to take remedial action and promptly respond to any violation of this Section or the City Code relating to the licensed premises.
 - v. Sleeping quarters related to a short-term rental shall only be located within the principal structure on a lot. Accessory buildings shall not be used for sleeping quarters.
 - vi. Occupancy limits shall not exceed the number of occupants allowed in Wisconsin Administrative Code Section ATCP 72.14(2)(b) per bedroom, and also shall not exceed 8 per 1,000 square feet of living area within the principal structure.
 - vii. A short-term rental property shall not have more people on site than the higher of twenty (20) people or the maximum

number of people allowed under Wisconsin Administrative Code Section ATCP 72.14(2)(b).

- viii. The property boundaries shall be reasonably delineated by approved fences, vegetation or other means to ensure that all users can identify the boundaries of the property and can accordingly confine their use to the licensed parcel. The applicant shall provide a survey or sketch showing the property boundaries and provide it to the City Clerk, as well as to any proposed tenant.
- ix. All refuse containers shall be screened from public view, as required by any applicable zoning or building code requirements.
- x. In addition to possible revocation of the short-term rental license provided in this Section, any failure by the license holder, after the issuance of a license, to adhere to the requirements of this Section shall be considered a violation of this Ordinance and shall be enforced in accordance with Section 1-18 of the City of New Berlin Municipal Code. Each day that a violation occurs and continues shall be considered a separate violation and will be enforced accordingly.

- (2) Upon the filing of an application pursuant to this section, and prior to the issuance of any license, the property described in the application shall be inspected by the City Building Inspector, as well as the Fire Department, to investigate and determine if the property is in compliance with applicable state, county, or local ordinances, rules or regulations including, but not limited to, this Subsection and the terms of the Fire Code requiring a working smoke detector and carbon monoxide detector on each level of the building. Each department conducting such an inspection shall provide a written report to the City Clerk confirming compliance or, alternatively, detailing any observed violations. Any observed violations shall be corrected by the applicant prior to the issuance of any license. In the event the applicant fails to correct any observed violations or if the property fails to meet the requirements of Section, the City Clerk shall deny the application for a license. In no event shall a license be issued, and any issued license shall be deemed suspended, when the property which is the subject of the license is under an order issued by the Building Inspector to bring the premises into compliance with state, county, or local ordinances, rules or regulations.
- (3) **Renewal.** Each application for a renewal of a short-term rental license shall include all information and documentation required as part of the original application in an updated form and payment of a renewal fee which shall be non-refundable. A renewal application and the applicable fee must be filed with the City Clerk at least 45 days prior to the license expiration date in order to allow the City Clerk adequate time to review and investigate the application. No renewal license shall be issued unless a completed application form is accompanied by payment of the required application fee.

Upon the filing of a renewal application pursuant to this section, and prior to the issuance of any renewal license, the property described in the application shall be inspected by the Fire Department and Building Inspector to investigate and determine if the property is in compliance with applicable state, county, or local ordinances, rules or regulations including, but not limited to, this Section. Each department conducting such an inspection shall provide a written report to the City Clerk confirming compliance or, alternatively, detailing any observed violations. Any observed violations shall be corrected by the applicant prior to the renewal of any license. In the event the applicant fails to correct any observed violations or if the property fails to meet the requirements of this Section, the City Clerk shall deny the application for a renewal license. Additionally, the City Clerk may request reports from the Police Department, Fire Department and Building Inspector regarding any enforcement actions occurring at the property in the preceding short-term rental license year. The Clerk shall review the application and any enforcement actions and may approve or deny the application after considering the number, frequency, and/or severity of any previous enforcement action related to the property, and whether the conduct related to the previous enforcement action substantially harms or adversely impacts the predominantly residential uses and nature of the surrounding neighborhood. If the City Clerk determines to deny an application to renew the license, the Clerk shall notify the applicant in writing of the reason(s) for such decision and the applicant's right to appeal to the Common Council as provided in this section. In no event shall a renewal license be issued, and any issued license shall be deemed suspended, when the property which is the subject of the license is under an order issued by the Building Inspector to bring the premises into compliance with state, county, or local statutes, ordinances, rules or regulations.

- (4) Revocation. A short term rental license may be revoked by the Common Council, after notice to the licensee and a hearing, during the term of a license year and for one or more of the following reasons:
- a. Failure by the licensee to make payment of delinquent fees, taxes, special charges, forfeitures, or other debt owed to the City.
 - b. The issuance of three (3) or more total citations during any short term rental license year for violations of the Municipal Code of the City of New Berlin occurring at the licensed property. For purposes of this subsection, the total number of citations related to the licensed property shall be considered for the necessary calculation, notwithstanding whether such citations are issued to the license holder, the management company or a user of the property for short term rental use.
 - c. Failure by the licensee, at any time, to adhere to any requirements certified pursuant this Section.

Any resident of the City, or the City of its own accord, may file a sworn written complaint with the City Clerk alleging one or more of the reasons

set forth in this section as grounds for revocation of the short-term rental license. Upon filing of the complaint, the City Clerk shall notify the licensee of the complaint by certified mail, return receipt requested and provide the licensee with a copy of the complaint. Such notice shall also contain the time and place of the hearing before the Common Council on said complaint and consideration of revocation under this section. Any hearing under this section shall be held no sooner than 30 days after the notice required by this section is mailed to the licensee.

- (5) Appeal. The City Clerk's decision to deny an initial license or to deny renewal of a license may be appealed to the Common Council by filing a written appeal with the Clerk within 30 days after the date of mailing of the written notice of the City Clerk's decision. The Common Council shall hold a hearing within 30 days of the City's receipt of the written appeal, or the license shall be deemed granted. The City Clerk shall provide written notice of the date, time, and place of any appeal hearing to the licensee by certified mail return receipt requested. Any hearing under this section shall be held no sooner than 10 days after such notice is mailed to the appellant. If the Common Council finds the City Clerk's reasons for his or her decision to be sufficient, the decision shall be affirmed. If the Common Council finds the City Clerk's reasons for his or her decision insufficient, the decision shall be reversed, and the license shall be granted and issued. The Common Council shall provide appellant a written decision specifying the reasons for its determination, and provide such written decision to the appellant within 10 days of such determination.
- (6) Restrictions on License Transfers. Transfer of a short term license because of transfer or sale of the licensed property is not permissible. Should the licensed property be sold, transferred, or otherwise conveyed by the named applicant, then the issued license shall become void. Whenever a property changes ownership, a new license shall be required to ensure compliance with all applicable state and local laws and ordinances.

D. Violations of this Ordinance shall be enforced in accordance Section 250-6 of the City of New Berlin Municipal Code. Each day that a violation occurs shall be considered a separate violation and will be enforced accordingly.

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION IV

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this 27th day of June, 2023.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

APPLICATION FOR YEARLY TRANSIENT/SHORT TERM LODGING LICENSE

♦ PROPERTY OWNER INFORMATION / APPLICANT INFORMATION

- In case of emergency the Property Owner will be contacted first, if unable to reach, the Secondary Contact will be called.

Property Owner Name: _____ FEIN #: _____

Property Owner Address: _____

Primary Phone #: _____ Secondary Phone #: _____

Secondary Contact: _____ Phone #: _____

If the owner is a business please select type and list all owners below. Individual _____ Partnership _____ LLC _____ Corporation _____

Designated Agent: _____

Owners & Property Manager Contacts

Name:	Address:
Phone #:	Email:
Name:	Address:
Phone #:	Email:
Name:	Address:
Phone #:	Email:
Name:	Address:
Phone #:	Email:

♦ TRANSIENT PROPERTY INFORMATION

Property Address in the City of New Berlin: _____

Premise Description (what area is being rented): _____

State of Wisconsin Tourist Rooming House License # _____

♦ REQUIRED ITEMS / RESPONSES (FILL IN AND INTIAL BELOW)

I certify that I have acknowledged and completed the following (please fill in blanks and initial to the left once completed):

- ☐ Included a copy of the Department of Agriculture, Trade and Consumer Protection tourism house license is attached, as defined in WI § 97.01 (15k).
- ☐ Include a sketch of where screened refuse containers will be located.
- ☐ Number of sleeping quarters: _____ (sleeping quarters shall be located within the principal structure on the lot.)
- ☐ The property as listed above complies with the [Wisconsin Administrative Code ATCP 72](#)
- ☐ A minimum of one off-street parking stall for every guest bedroom is required (with a minimum of 2 parking stalls). Included stalls on sketch.
- ☐ Property Owner / Property Manager (circle one) resides within 5 miles of the property listed above.
- ☐ Number of maximum occupants is _____. The maximum occupancy does not exceed the number of occupants allowed per the ATCP 72.14(2)(b) with the maximum not higher than 20 people.
- ☐ Please describe how the property boundaries are delineated: _____
- ☐ I confirm that there are working smoke and carbon monoxide detectors on each floor of the premises and in particular, outside of the sleeping quarters.
- ☐ Proof of comprehensive general liability insurance, covering \$1,000,000.00.

♦ SIGNATURE OF APPLICANT

I certify that I have read City Ordinance Section 152.24 regarding Transient Commercial Lodging and State of Wisconsin's Administrative Code (ATCP) Chapter 72. I certify that the answers and attachments to this application are true to the best of my knowledge. I understand that I must renew the Transient Commercial Lodging License every year at least 45 days before December 31 of each year and that the Fire Department, Police Department and Building Inspector will inspect the property and approve the premise for transient commercial lodging before any license will be granted. I hereby certify that the property meets the Ordinance Code and WI Admin Code requirements. I hereby designate the listed Designated Manager as an Agent for the purpose of accepting service of process in a civil action arising out of or in conjunction with the use of this License in the event I cannot, after reasonable efforts, be served personally. I understand that it is my responsibility to promptly report any changes to my responses to this application to the City of New Berlin as needed. I understand that if any of the information in this application is inaccurate/incomplete or if there are violations of the City Ordinances that this license may be revoked.

Signature: _____ Date: _____

State of Wisconsin, County of: _____

This document was signed before me on this _____ day of _____, 20____.

Notary Signature: _____ My Commission Expires _____

OFFICE USE ONLY: Date Application Received: _____ Initials: _____

Council Date: _____ License # Issued _____

CITY CLERK 2023 APPROVED FEE LIST

Approved by Common Council on 11/15/2022

License Type	Comments	2023 Fee
Adult-Oriented		
Adult-Oriented Establishment	<i>Per license year</i>	\$ 250.00
Adult-Oriented Establishment - late renewal penalty	<i>If filed after the deadline</i>	\$ 100.00
Alarm System License		
Alarm System License - Commercial	<i>One-time fee</i>	\$ 100.00
Alarm System License - Residential	<i>One-time fee</i>	\$ 50.00
Alcohol License		
Class "A" (beer)	<i>Per license year</i>	\$ 300.00
"Class A" (liquor)	<i>Per license year</i>	\$ 500.00
Class "B" (beer)	<i>Per license year</i>	\$ 100.00
"Class B" (liquor)	<i>Per license year</i>	\$ 500.00
"Class B RESERVE (limited to quota)	<i>One-time fee</i>	\$ 10,000.00
"Class C" (Wine)	<i>Per license year</i>	\$ 100.00
Alcohol - Extension of Premise	<i>Per event</i>	\$ 50.00
Alcohol - Change of Agent	<i>Must also pay background check fee</i>	\$ 10.00
Alcohol - Temporary Retail (often referred to as picnic license)	<i>Per event</i>	\$ 10.00
Publication Fee (for all liquor applications)	<i>Per publication</i>	\$ 35.00
Amusement		
Amusement Device (pool table, juke box, electronic games, etc.)	<i>Per device, per license year</i>	\$ 35.00
Amusement Vendor	<i>Per license year</i>	\$ 150.00
Archery Range	<i>Per license year</i>	\$ 50.00
Background Check		
Background Check Fee - In State	<i>Per license year</i>	\$ 10.00
Background Check Fee - Out of State	<i>Per license year</i>	\$ 18.00
Burn Permit Fee		
Burn Permit	<i>per calendar year</i>	\$ 10.00
Animal License		
Cat - Neutered Male / Spayed Female	<i>per license year</i>	\$ 10.00
Cat - Non-neutered male / non-spayed female	<i>per license year</i>	\$ 15.00
Dog - Dangerous Yearly Admin Fee	<i>per license year</i>	\$ 50.00
Dog - Late Applicant Fee	<i>per license year</i>	\$ 5.00
Dog - Neutered Male / Spayed Female	<i>per license year</i>	\$ 10.00
Dog - Non-neutered male / non-spayed female	<i>per license year</i>	\$ 15.00
Dog - Potentially Dangerous Yearly Admin Fee	<i>per license year</i>	\$ 50.00
Cigarette / Tobacco		
Cigarette	<i>per license year</i>	\$ 100.00
City Map / Computer Generated / Copies		
City Map	<i>per map</i>	\$ 10.00
Computer Generated Data - CDROM	<i>per cd-rom</i>	\$ 15.00
Computer Generated Data - DVD	<i>per dvd</i>	\$ 15.00
Computer Generated Data - Labels	<i>per label</i>	\$ 0.08
Computer Generated Data - USB	<i>per usb</i>	\$ 10.00
Computer Generated Data - WisVote Data Reports	<i>\$25 plus \$5 per 1,000 voters</i>	\$ 25.00
Copy Fee - Black and white	<i>each page copied</i>	\$ 0.25
Copy Fee - Color	<i>each page copied</i>	\$ 0.50
Direct Seller		
Direct Seller - Business	<i>Per calendar year, up to 3 employees</i>	\$ 150.00
Direct Seller - Single Applicant (must also pay background check fee)	<i>Per day, per person</i>	\$ 10.00

License Type	Comments	2023 Fee
Entertainment - Dance		
Entertainment (Dancing)	<i>Per license year</i>	\$ 25.00
Escort License		
Escort License (per applicant)	<i>Per license year</i>	\$ 250.00
Fireworks		
Fireworks		\$ -
Massage		
Massage Establishment License	<i>Per license year</i>	\$ 150.00
Massage Technician/Therapist	<i>Applicant must be licensed with the State of WI. Fee is waived, but application material must be completed and background check fee must be paid</i>	\$ 50.00
Massage Establishment Admin/Transfer Fee	<i>For applicant that wishes to surrender license mid-year so another applicant can apply</i>	\$ 100.00
Operator / Bartender		
Operator/Bartender License - Regular	<i>2 year license - must also pay background check fee</i>	\$ 60.00
Operator/Bartender License - Provisional	<i>(must apply for the Regular license to qualify)</i>	\$ 15.00
Operator/Bartender License - Temporary	<i>2 week license</i>	\$ 15.00
Rubbish		
Rubbish Collection - includes 1 vehicle	<i>Per license year</i>	\$ 75.00
Rubbish Collection - each vehicle over one	<i>Per license year</i>	\$ 25.00
Secondhand Article Dealer		
Secondhand Article Dealer	<i>Per event</i>	\$ 50.00
Special Council Meeting		
Special Council Meeting to consider Late Filing Applicant	<i>For liquor license or extension of premise applicants that fail to apply by the deadline and need their application to be approved by Council. \$350</i>	\$ 250.00
Taxi		
Taxi Cab Business	<i>Per license year</i>	\$ 125.00
Taxi Cab Driver	<i>Per license year</i>	\$ 25.00
Theatre		
Theatres - 1201 or more seats	<i>Per license year</i>	\$ 200.00
Theatres - 1-700 seats	<i>Per license year</i>	\$ 100.00
Theatres - 701 - 1200 seats	<i>Per license year</i>	\$ 125.00
Transient Lodging		
*Transient Lodging/Short Term Lodging License	<i>Per Calendar year</i>	\$ 200.00
Trapshooting		
Trapshooting	<i>Per license year</i>	\$ 50.00
Weights & Measures		
Weights & Measures License	<i>Per license year</i>	\$ 25.00

**Item highlighted in yellow will be recommended to Council at the 6/27/2023 Mtg*