

PUBLIC NOTICE

AGENDA FOR REGULAR VILLAGE BOARD MEETING #1981

Wednesday, February 21, 2018 at 7:00 PM

Village Hall Board Room, 12621 W. Hampton Avenue

PLEASE TAKE NOTICE that a Regular Meeting of the Butler Village Board will be held on the 21st day of February, 2018 at 7:00 PM at the Village Hall Board Room, 12621 W. Hampton Avenue, Butler, Wisconsin, at which time and place the following items of business will be considered and possibly acted upon:

- I. Pledge of Allegiance
- II. Roll Call
- III. Persons Desiring to be Heard
- IV. Consent Agenda:
Note: Prior to voting on the Consent Agenda, items may be removed at the request of any Trustee and be placed on the agenda under New Business.
 - 1) February 6, 2018 Regular Meeting Minutes
 - 2) Current Invoices
 - 3) January Statement of Revenues and Expenditures
 - 4) January Monthly Department Reports
 - 5) Bartender's License - Tina M. Hamelin, Bottoms Up
- V. Communications
- VI. Committee Reports
 - 1) Building Board
 - 2) Finance Committee
 - 3) Library Board
- VII. Report of the Administrator
- VIII. New Business
 - A. Discussion and Possible Action on Writing Off a portion of 2017 Personal Property Taxes for Elite Energy Distribution, 4701 N. 124th Street due to an assessment error.
 - B. Discussion on driveway apron replacements for the 2018 Road Replacement Program.
 - C. Discussion and Possible Action on approving Ordinance No. 18-01; an Ordinance to Repeal and Recreate Article VI, Chapter 24 of the Municipal Code of the Village of Butler Related to Sex Offender Residency.
 - D. Discussion and Possible Action on approving Ordinance No. 18-02; an Ordinance to Repeal and Recreate Section 32-76 of the Village of Butler Municipal Code with Regard to Front and Side Yard Parking in Residential and Business Districts.
- IX. Adjournment

Dated: February 16, 2018

VILLAGE OF BUTLER

Patricia Tiarks, President

Kayla Chadwick, Administrator/ Clerk

Notice: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village 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. Please note that, upon reasonable notice, good faith efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Administrator /Clerk at 262-783-2525 at least 24 hours in advance of the meeting.

To: President Tiarks
 Village Board of Trustees
From: Kayla Chadwick, Village Administrator
Date: February 16, 2018
Re: February 21st Supplemental Agenda



**VILLAGE OF
 BUTLER**
 EST 1913

VIII. New Business

(A) Discussion and Possible Action on writing off a portion of 2017 Personal Property Taxes for Elite Energy Distribution, 4701 N. 124th Street due to an assessment error.

During the 2017 personal property assessment process, Elite Energy Distribution accidentally reported their personal property for their Brookfield facility to the Village of Butler, and did not recognize their error until tax bills were issued. This resulted in a personal property tax bill of about \$900 more than what has historically been owed from Elite Energy. I have spoken with the Village Assessor as well as David Strange, the President of Elite Energy Distribution regarding this issue, and since the Board of Review has finalized the assessment and a bill has been issued the only action is for the Board to write off the excess portion of the personal property tax bill.

Based on their 2016 report, Elite Energy reported \$5,700 of taxable personal property versus the \$57,190 that was reported in 2017. Below is a breakout calculation of the difference.

Year	Pers Prop Assessment	Mill Rate	Tax Owed
2016	\$ 7,500.00	\$ 18.30	\$ 137.23
2017	\$ 57,190.00	\$ 17.66	\$ 1,010.19
2017 S/B	\$ 7,500.00	\$ 17.66	\$ 132.48
Amount to be Written Off			\$ 877.71

Staff recommends writing off \$877.71 of 2017 Personal Property Taxes for Elite Energy Distribution, 4701 N. 124th Street Tax Key, BV E028.

(B) Discussion on Driveway Apron Replacements for the 2018 Road Replacement Program.

As part of the 2018 Road Replacement Program, RA Smith has identified some driveway aprons that need either full or partial replacement. Historically, property owners have been responsible for the replacement of driveway aprons after their initial installment (which was done by the Village).

Included in your packet is a breakdown of several options for driveway aprons. We could force all business owners in the area go to a uniform size driveway apron, replace their existing apron (or portions of), or leave it up to the business owner if they wish to replace their apron. Any of these could be at either the Village's or at the Businesses expense. Staff is looking for guidance on which the board prefers. **Staff prefers to leave it up to each individual business owner to decide on a replacement plan at their own expense.**

(C) Discussion and Possible Action on Ordinance No. 18-01; an Ordinance to Repeal and Recreate Article VI, Chapter 24 of the Municipal Code of the Village of Butler Related to Sex Offender Residency.

This is adopting the ordinance we discussed in length at the February 6, 2018 meeting. It includes all the recommendations of the Village Attorney, a 750 foot radius from schools, churches, parks, and the Library, and outlines an appeal process for any designated offender prohibited from residency in the Village.

Staff recommends approval.

(D) Discussion and Possible Action on approving Ordinance No. 18-02; an Ordinance to Repeal and Recreate Section 32-76 of the Village of Butler Municipal Code with Regard to Front and Side Yard Parking in Residential and Business Districts.

Staff has noticed an increasing issue with off-street parking on unimproved front and side yard lots in business districts. Our code currently only specifically details a prohibition of this type of parking in the residential districts. This new ordinance would make uniform parking standards for front and side yard parking in both the residential and business zoning districts. This gives the CSO and Police more authority to enforce parking violations (such as parking on the grass, or in the off-street ROW) in the business districts.

Staff recommends approval.

OF THE BUTLER VILLAGE BOARD

Minutes not formally approved until Regular Board Meeting on February 21, 2018.

Village President Patricia Tiarks called the Board Meeting to order at 7:00 PM at the Village Hall Board Room.

ROLL CALL

Present: Village President Patricia Tiarks, Trustees Marc Van Gompel, Jerry Orvis, Thomas Sardina, and Mark Holdmann.

Excused: William Benjamin

Also present: Administrator Kayla Chadwick and Police Chief Wentlandt

PERSONS DESIRING TO BE HEARD: None

CONSENT AGENDA:

- 1) January 16, 2018 Regular Meeting Minutes
- 2) Resolution No. 18-01; A Resolution to Increase Stormwater Equivalent Runoff Unit (ERU) Rates
- 3) Resolution 18-02; A Resolution Rescheduling Certain Village Board and Committee Meetings due to Scheduled 2018 Elections
- 4) Application for License to Sell Cigarettes
- 5) Bartender's License - Dillon R. Hager Kwik Trip

Motion by Van Gompel; second by Thew to approve Consent Agenda. Motion carried unanimously.

COMMUNICATIONS: None

COMMITTEE REPORTSBuilding Board

Trustee Van Gompel reported the following occupancy permits were approved:

Na Hale Studios (Hale O Malo Productions, LLC), 12519 W. Hampton Ave.
Integrated Roofing LLC, 4712 N. 125 Street
Walt Buckhanan Insurance Agency, 4790 N. 126 Street

Trustee Van Gompel reported the following building permit was approved.
4531 N. 127 Street, Fence

Library Board

Trustee Sardina reported the Library Board met. Various items were discussed.

Park & Recreation Commission

Trustee Orvis reported on the Park & Recreation Commission and various items were discussed.

REPORT OF THE ADMINISTRATOR Administrator Chadwick informed Village Board on recent snow removal operations; spoke about the DNR Grant and the Narcan Training which Chief Wendtlandt, Lt. Engleman and Court Clerk Mateicka attended.

CLOSED SESSION

The Board may consider convening into Closed Session pursuant to Section 19.85(1) (g) to confer with legal counsel for the purpose of obtaining oral or written advice concerning strategy to be adopted by the body with respect to present and prospective litigation directly involving the Village Board.

Items of Discussion:

1. Sex Offender Residency Ordinance

The Board remained in open session.

The Board discussed a proposed ordinance which would make Butler's sex offender residency restrictions more acceptable under a recent court ruling, as well as adding appeal provisions for offender that are denies residency under the ordinance. No action was taken.

ADJOURNMENT

Motion by Thew; second by Sardina to adjourn. Motion carried unanimously. The meeting was adjourned at 7:51 PM.

Submitted by:
Kayla Chadwick
Village Administrator/Clerk

Approval Date: _____

Correction/Amendment:

To: President Tiarks
Village Board of Trustees
From: Kayla Chadwick, Village Administrator
Date: February 15, 2018
Re: January Administration/Finance Report



Administrator

- Attended 5 meetings on behalf of the Village.
- Prepared for 1 Village Board Meeting and 1 Finance Committee Meeting, and 1 building board.
- Attended a breakfast with the Waukesha County Administrators.
- Participated in a Milwaukee Water Works Rate Increase Work Group Conference Call.
- Covered office operations during a staff vacation.

Clerk

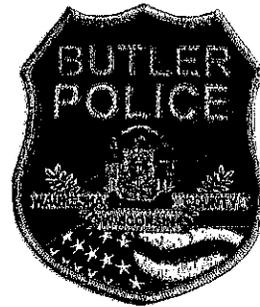
- Prepared Absentee Ballots and Mailed Ballots on January 30, 2018
- Filed and distributed permits to businesses/residents.
- Prepared and distributed agenda, packets/minutes for all public meetings.

Treasurer

- Completed payroll and accounts payable activities.
- Prepared journal entries.
- Entered 2018 budget amounts into Financial Software

Building

- Issued 12 Permits
 - 0 Sign
 - 3 HVAC Permit
 - 6 Electrical
 - 1 Plumbing
 - 2 Building
 - 0 Zoning
 - 0 Occupancy
 - 0 Fire System
 - 0 Plan Review
- Issued permits resulted in \$3,360.79 of revenue.



To: President Tiarks
 Village Board of Trustees
From: David Wentlandt, Chief of Police
Date: February 9, 2018
Re: January Police Report

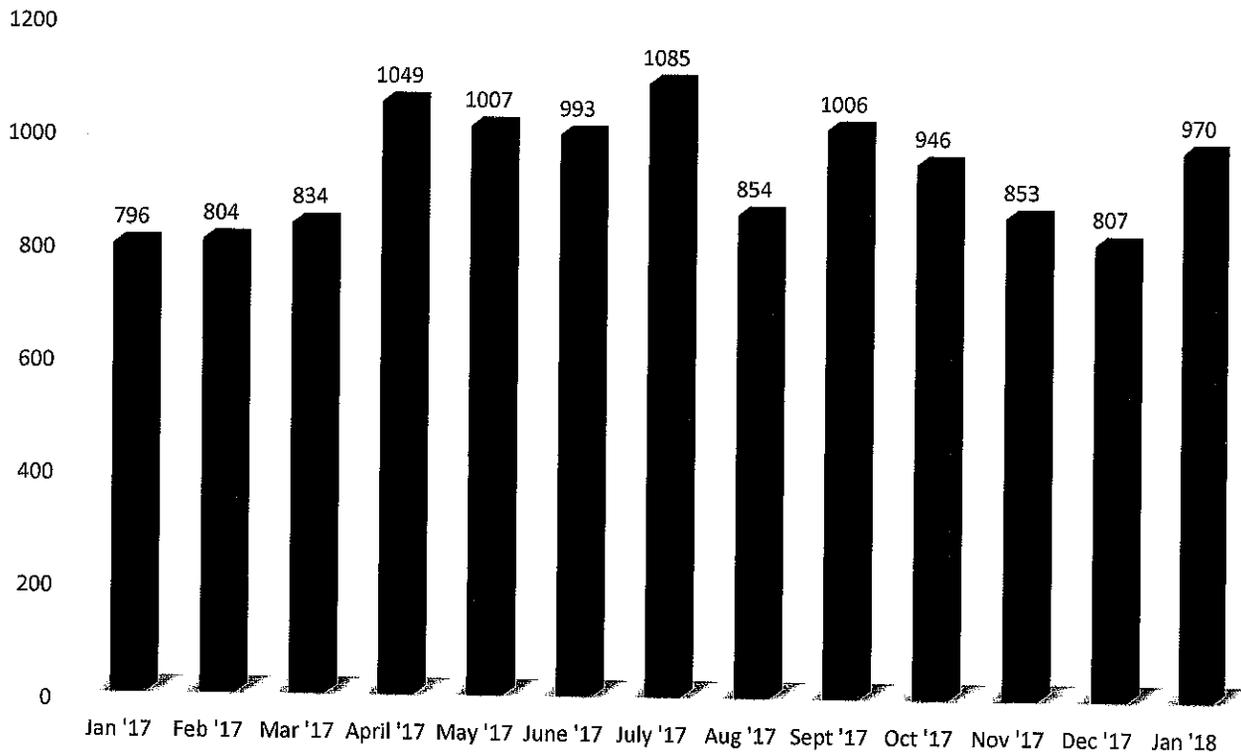
Squad Car Usage

	<u>Miles</u>	<u>Gallons</u>	<u>MPG</u>
All Squads	3297	451.184	7.30

Notes of Interest

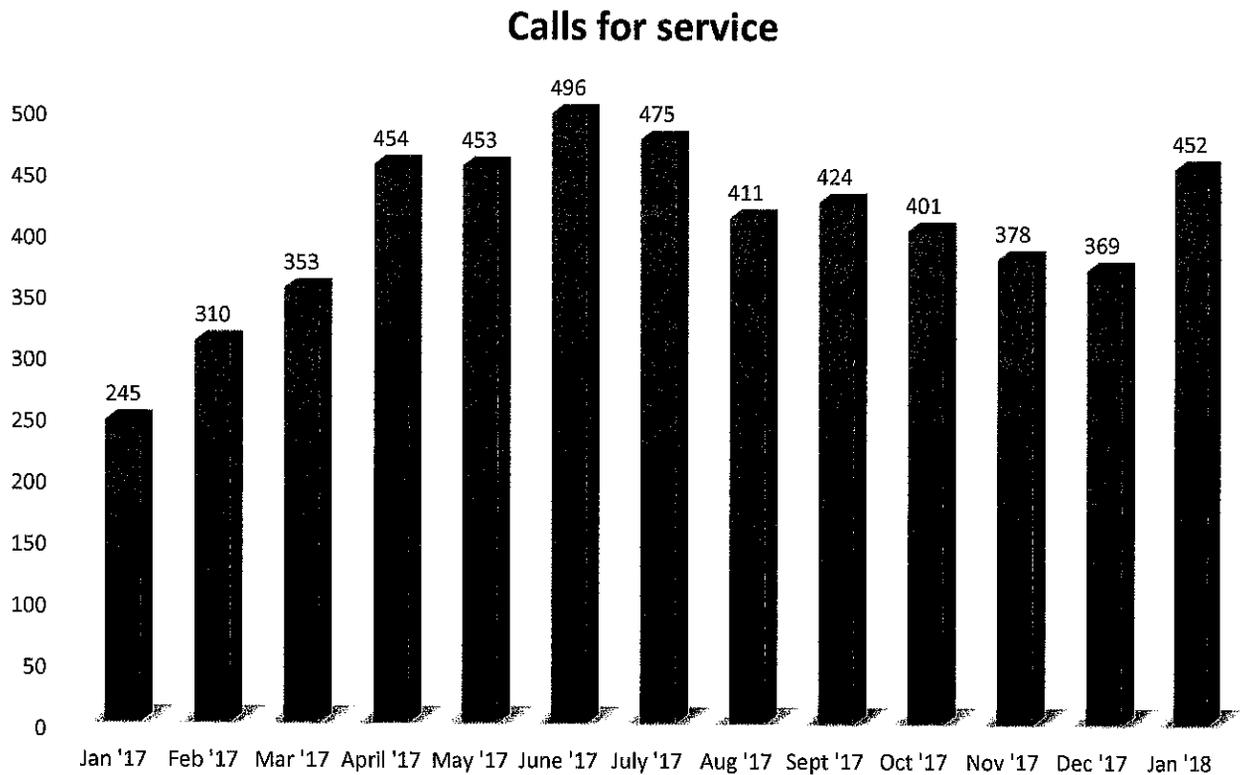
- Officer Eisenhardt was sworn in and is doing an outstanding job in field training.
- Officers had a total of 970 citizen contacts throughout the month. This equals 31.29 contacts per day or just over 10.43 contacts per shift.
- The Village of Butler Police Department had 452 calls for service in January 2018.

Citizen Contacts

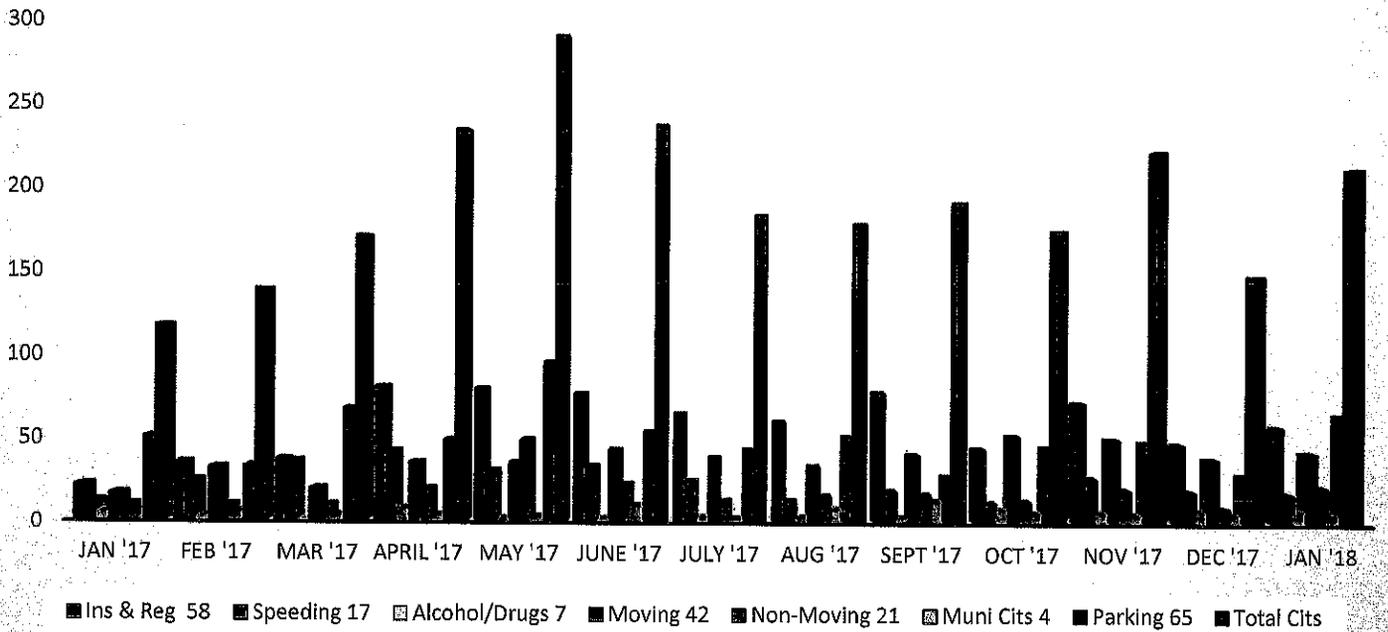


Total Calls for Service

Jan '17	245
Feb '17	310
Mar '17	353
April '17	454
May '17	453
June '17	496
July '17	475
Aug '17	411
Sept '17	424
Oct '17	401
Nov '17	378
Dec '17	369
Jan '18	452



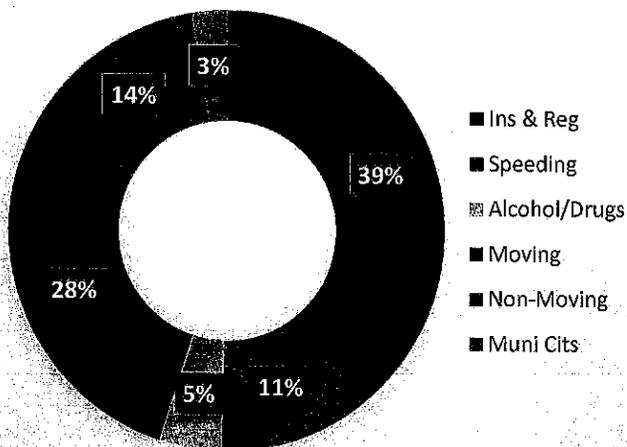
Citation Totals



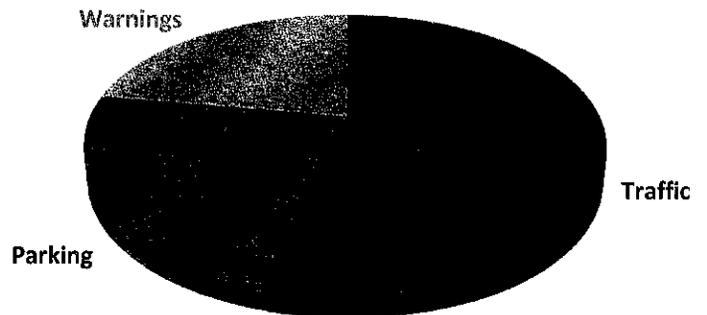
January Citation Totals

Insurance, Registration Citations	58
Speeding Citations	17
Alcohol/Drugs Citations	7
Moving Citations	42
Non-Moving Citations	21
Municipal Citations	4
Parking Citations	65
Warnings Issued	62
Total Citations & Warnings Issued:	276

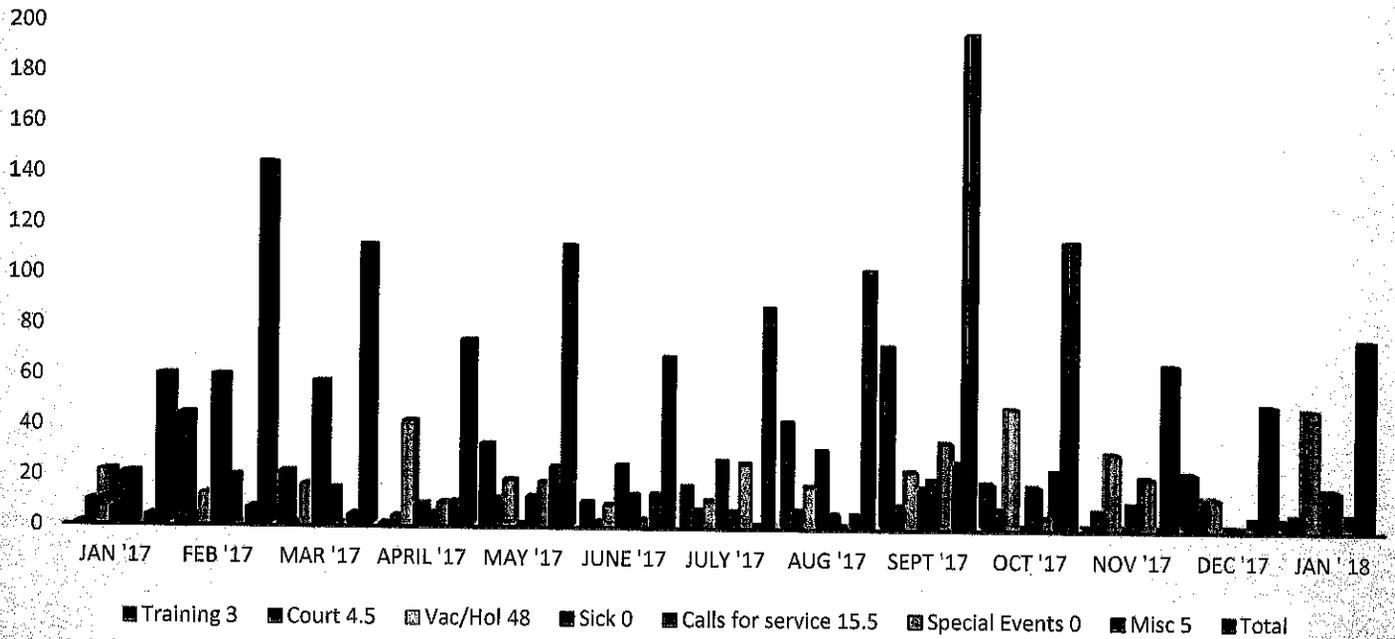
January 2018 Citations



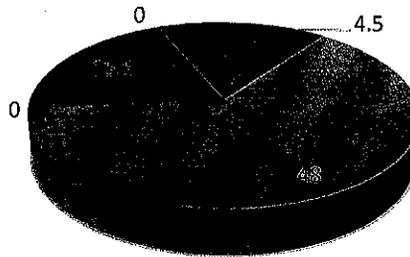
CITATION V. PARKING V. WARNINGS - JANUARY 2018



Overtime Totals



January 2018 OT Totals - 3 Pay Periods



	Training	Court	Vac/Hol	Sick	Calls for service	Special Events	Misc	Total
Jan '17	3	4.5	48	0	15.5	0	5	76
Feb '17	0	9.25	21.25	6	20.5	0	3.25	60.25
Mar '17	44.5	3	12	60	19.25	0	6.5	145.25
April '17	21	0	16	57.5	14.25	0	3.75	112.5
May '17	0	3	41.75	8	4.25	8.5	9	74.5
June '17	32.5	10.5	18	0	11.25	17	23.25	112.5
July '17	9	0.75	8	24	12	2	12.25	68
Aug '17	15.5	6	10	26	5.5	25	0	88
Aug '17	42	6	16	30.5	4.5	0	4.25	103.25
Sept '17	73	8.25	22.25	15.5	18.75	34	26	197.75
Oct '17	17.5	7	48	0	16.25	3.75	22.5	115
Nov '17	0	6.5	30	0	9.25	20	0	65.75
Dec '17	22	12	12	0	0	0	3.5	49.5
Jan '18	3	4.5	48	0	15.5	0	5	76

Municipal Court

Docket: January 4, 2018

Total: 244 adult cases /1 juvenile

Appearances: 35 Persons

- 23 Adjournment
- 152 Initial appearance
- 60 Indigency hearing
- 4 Motions
- 3 Pre-Trial
- 3 Sentencing hearing
- 0 Trial

Citation List for 1-4-18 court date:

- Total due \$19,890
- Total paid \$4,149
- Balance due \$15,742

Monthly financial total \$12,524

AMOUNT RETAINED BY MUNICIPALITY: \$8,395

- Above includes \$0 received through the WI State Income Tax Refund Intercept program (TRIP).

Parking ticket payments received in January: \$2,095

To: President Tiarks
 Village Board of Trustees
From: Jim Bremberger, DPW Supervisor
Date: February 15, 2018
Re: January DPW Report



**VILLAGE OF
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The top January priorities were;

- Public Works Building Maintenance
- Wax floors at the Community Building
- Paint picnic tables at the Park

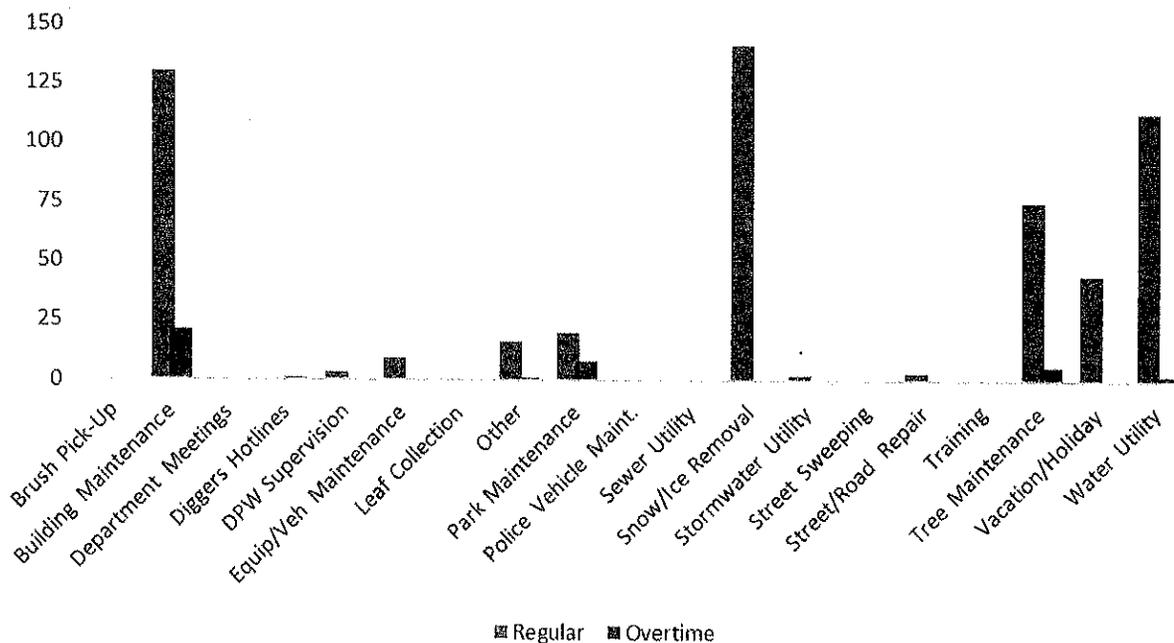
January Activity

- Painted offices at PW Building
- Rebuilt benches at Frontier Park
- Waxed floors at the Community Building
- Snow events totaling 9.5 inches of snow, using 75 tons of salt. As of 1/31 we have 150 tons of salt on hand.

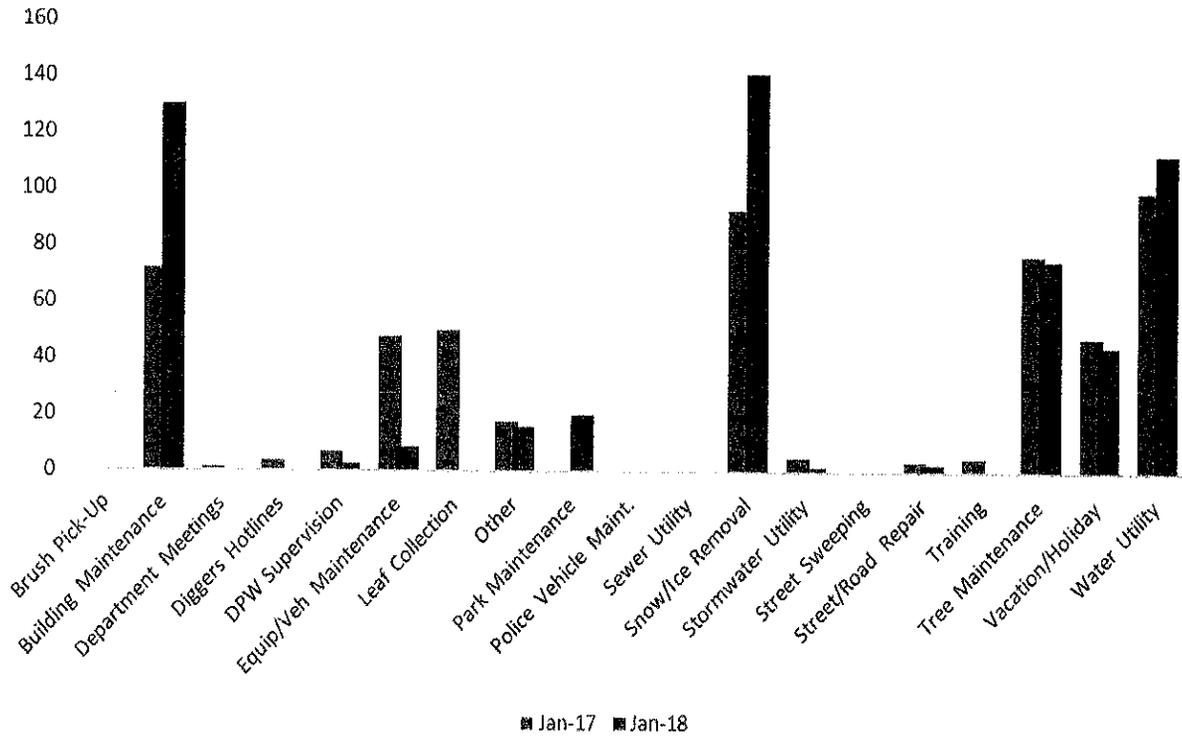
Utility Activity

- Daily, monthly, and quarterly water samples.
- Water main break on 125th and Fairmount
- Water main break on 132nd and Hampton

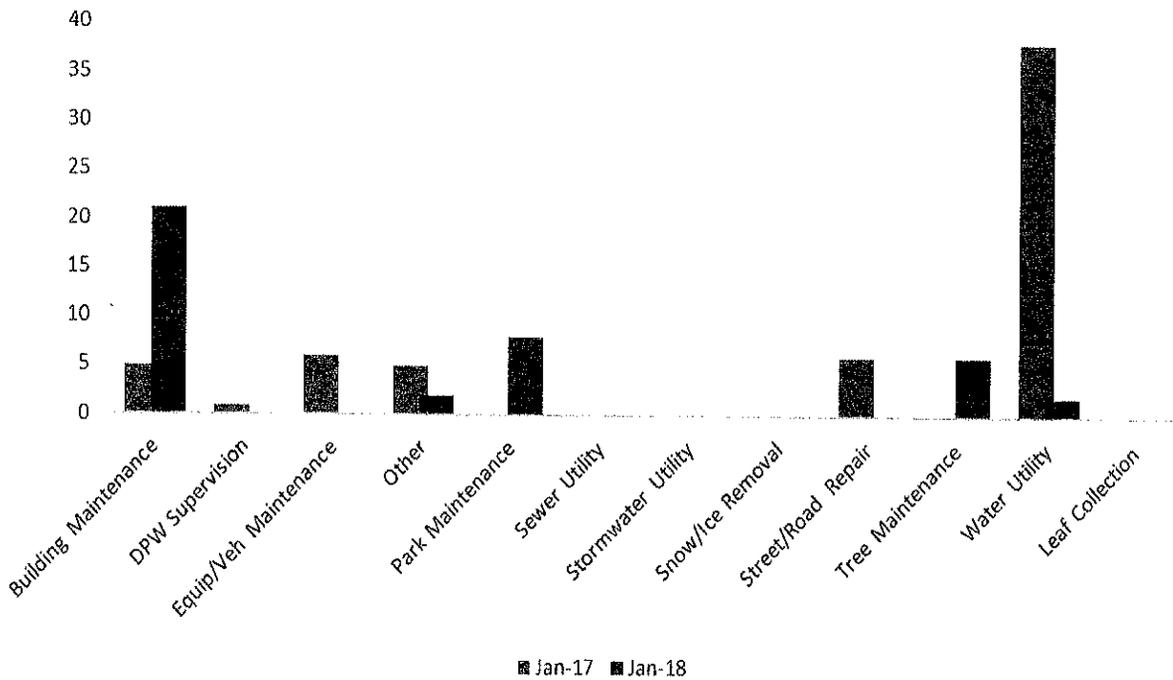
January Public Works Hours



January 2017 v. 2018 Regular Hours



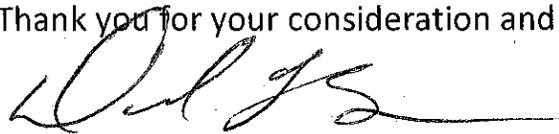
YTD Overtime Hours



To the Village of Butler Board,

I'm writing on behalf of my small business located at 4701 N. 124th Street (the corner of Courtland & 124th Street). We have a personal property tax bill from 2017 that is in the amount of \$1010.21 (Tax Key: E028). That is almost 10 times more than we have ever received. Our 2016 was \$137.24, our 2015 was \$94.93 and nothing has changed. Quite frankly, we have less in this property than ever before. To help in this matter I welcome any of the board members are to stop by to view the store. We are open Monday-Friday 9am-5pm and Saturday 8am-noon. I spoke with the Village of Butler Treasurer, Barbara Spinney, (1/31/18) about this incorrect assessment and she saw the massive difference once I pointed it out. She referred me to Perry Nell the Village Assessor at ValuRite Solutions. I called his office (1/31/18) and he returned my call (2/1/18). He looked in to what happen and there is an error. Our accounting firm Bristol & Company forwarded our personal property taxes for our other location on 4465 N. 124th Street Suite A, Brookfield WI 53005 to Perry Nell. This Brookfield location houses our offices and warehouse and the assessment there is in line with the \$56,100. Our Butler location has less than \$1,000 of total assessment. Perry Nell said he cannot adjust at this time and that only the Village of Butler Board has the power to handle taxes. I know the error is our wrong location submission but nonetheless it's still an error. It's hard enough to sustain in the small business world and then receive a bill not accounted for and not correct. I appeal to the board to show mercy to my small business and myself. I have no problem paying the normal \$95-\$140. I have enclosed some copies to better show the comparisons.

Thank you for your consideration and time!



David L. Strange
Elite Energy Distribution
4701 N. 124th Street
Butler, WI. 53007
david.strange@eliteenergydistribution.com
414-305-1309 cell
414-461-8216 store

TAX KEY: BV E028

Assessed Value Land	Assessed Value Improvements 57,190	Total Assessed Value 57,190	Ave. Assmt. Ratio 1.0001	Net Assessed Value Rate (Does NOT reflect Lottery Credit) 17.6638/M
Est. Fair Mkt. Land	Est. Fair Mkt. Improvements 57,200	Est. Fair Mkt. 57,200	A star in this box means unpaid prior year taxes.	
School taxes reduced by school levy tax credit: 96.97				

2016 Est. State Aids Allocated Tax District	2017 Est. State Aids Allocated Tax District	2016 Net Tax	2017 Net Tax	% Tax Change
Taxing Jurisdiction				
STATE OF WISCONSIN		1.27	0.00	100.0-
VILLAGE OF BUTLER	224,465	63.30	485.46	666.9
COUNTY OF WAUKESHA	23,825	14.99	111.62	644.6
HAMILTON SCHOOL 2420	1,089,294	54.91	392.05	614.0
WAUKESHA TECH COLLEGE	195,874	2.77	21.08	661.0

Total 1,533,458 1,598,983 137.24 1,010.21 636.1

WARNING: Installment option is lost if not paid by due dates.
Total tax will be delinquent and subject to interest & penalty charges.
See reverse side for other important information.

First Dollar Credit
Lottery and Gaming Credit
Net Property Tax 137.24 1,010.21 636.1

Make Check Payable to: VILLAGE OF BUTLER BARBARA E SPINNEY, TREAS 12621 W HAMPTON AVE BUTLER WI 53007	Full Payment Due on or Before January 31, 2018 \$1,010.21	O T H E R

FOR INFORMATIONAL PURPOSES ONLY – Taxing Jurisdiction Total Additional Taxes Applied to Property Year Increase Ends

Tear at Perforation: Return Bottom Portion With Payment

VILLAGE OF BUTLER
BARBARA E SPINNEY, TREAS
12621 W HAMPTON AVE
BUTLER WI 53007

STATE OF WISCONSIN
2017 PERSONAL PROPERTY TAX BILL
VILLAGE OF BUTLER
WAUKESHA COUNTY

ELITE ENERGY DISTRIBUTION
4701 N 124TH ST
TAX KEY: BV E028

Full Payment of:	\$1,010.21
Due on or Before:	January 31, 2018
Make Check Payable to:	VILLAGE OF BUTLER
Please Write in the Amount Enclosed	\$

897 BV E028 000920
ELITE ENERGY DISTRIBUTION
FACTORY SURPLUS BATTERIES INC
4465 N 124TH ST
BROOKFIELD WI 53005-2537

Check for Address Change



VILLAGE OF BUTLER
 WAUKESHA COUNTY
 STATE OF WISCONSIN

2016 PERSONAL PROPERTY TAX BILL
 ELITE ENERGY DISTRIBUTION
 4701 N 124TH ST
 BUTLER WI 53007-1707

4701 N 124TH ST

TAX KEY: BV E028

Assessed Value Land	Assessed Value Improvements 7,500	Total Assessed Value 7,500	Ave. Assmt. Ratio .9975	Net Assessed Value Rate (Does NOT reflect Lottery Credit) 18.2973/M
Est. Fair Mkt. Land	Est. Fair Mkt. Improvements 7,500	Est. Fair Mkt. 7,500	A star in this box means unpaid prior year taxes.	
School taxes reduced by school levy tax credit: 12.07				

Taxing Jurisdiction	2015 Est. State Aids Allocated Tax District	2016 Est. State Aids Allocated Tax District	2015 Net Tax	2016 Net Tax	% Tax Change
VILLAGE OF BUTLER	175,527	224,465	41.12	63.30	53.9
COUNTY OF WAUKESHA	26,026	23,825	10.43	14.99	43.7
STATE OF WISCONSIN			.87	1.27	46.0
WAUKESHA TECH COLLEGE	208,944	195,874	1.94	2.77	42.8
HAMILTON SCHOOL 2420	1,100,350	1,089,294	40.57	54.91	35.3
Total	1,510,847	1,533,458	94.93	137.24	44.6

WARNING: Installment option is lost if not paid by due dates.
 Total tax will be delinquent and subject to interest & penalty charges.
 See reverse side for other important information.

First Dollar Credit
 Lottery and Gaming Credit
 Net Property Tax

94.93 137.24 44.6

Make Check Payable to: VILLAGE OF BUTLER BARBARA E SPINNEY, TREAS 12621 W HAMPTON AVE BUTLER WI 53007	Full Payment Due on or Before January 31, 2017 \$137.24

2014
Village of Butler
\$94.93
paid w/ check
1/19/16 # 1594

FOR INFORMATIONAL PURPOSES ONLY – Taxing Jurisdiction Total At
 Voter Approved Temporary Tax Increases:

Tear at Perforation: Return Bottom Portion With Payment

VILLAGE OF BUTLER
 BARBARA E SPINNEY, TREAS
 12621 W HAMPTON AVE
 BUTLER WI 53007

STATE OF WISCONSIN
 2016 PERSONAL PROPERTY TAX BILL
 VILLAGE OF BUTLER
 WAUKESHA COUNTY

ELITE ENERGY DISTRIBUTION
 4701 N 124TH ST
 TAX KEY: BV E028

Full Payment of:	\$137.24
Due on or Before:	January 31, 2017
Make Check Payable to:	VILLAGE OF BUTLER

Please Write in the Amount Enclosed \$

900 BV E028 000923
 ELITE ENERGY DISTRIBUTION
 4701 N 124TH ST
 BUTLER WI 53007-1707

Check for Address Change



FACTORY SURPLUS BATTERIES INC
 DBA ELITE ENERGY DISTRIBUTION
 4465 N 124TH ST UNIT A
 BROOKFIELD, WI 53005

2017 PERSONAL PROPERTY TAX BILL
 CITY OF BROOKFIELD
 WAUKESHA COUNTY
 STATE OF WISCONSIN

4465 N 124TH ST A
 BR C 1012-022

TAX KEY: BR C 11680

Assessed Value Land	Assessed Value Improvements 56,100	Total Assessed Value 56,100	Ave. Assmt. Ratio 1.0042	Net Assessed Value Rate (Does NOT reflect Lottery Credit) 16.0901/M
Est. Fair Mkt. Land	Est. Fair Mkt. Improvements 55,865	Est. Fair Mkt. 55,865	A star in this box means unpaid prior year taxes.	
				School taxes reduced by school levy tax credit: 101.12
2016 Est. State Aids Allocated Tax District	2017 Est. State Aids Allocated Tax District	2016 Net Tax	2017 Net Tax	% Tax Change
CITY TAX	2,542,526	2,647,936	316.34	0.0
COUNTY TAX	729,249	791,706	109.03	0.0
SCHOOL TAX - ELMB	8,322,636	9,050,819	456.70	0.0
STATE TAX				0.0
WCTC TAX	5,995,322	5,970,773	20.59	
TOTAL	17,589,733	18,461,234	902.66	0.0
Warning: If not paid by due date, installment option is lost and total tax is delinquent and subject to interest and penalty. (See Reverse)		First Dollar Credit Lottery and Gaming Credit Net Property Tax	902.66	0.0

Make Check Payable to:

CITY OF BROOKFIELD
 2000 N. Calhoun Road
 Brookfield, WI 53005

Full Payment Due on or Before
 January 31, 2018
 \$902.66

O
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R

For the Brookfield location

FOR INFORMATIONAL PURPOSES ONLY –
 Voter Approved Temporary Tax Increases

Taxing Jurisdiction Total Ad

Tear at Perforation: Return Bottom Portion With Pa

CITY OF BROOKFIELD
 2000 N CALHOUN ROAD
 BROOKFIELD, WI 53005

2017 PERSONAL PROPERTY TAX BILL
 CITY OF BROOKFIELD
 WAUKESHA COUNTY
 STATE OF WISCONSIN

FACTORY SURPLUS BATTERIES INC
 4465 N 124TH ST A

TAX KEY: BR C 11680

Full Payment of :	\$902.66
Due on or Before:	January 31, 2018
Make Check Payable to:	CITY OF BROOKFIELD
Please Write in the Amount Enclosed	\$ <i>902.66</i>

91753996 1012-022 853
 FACTORY SURPLUS BATTERIES INC
 DBA ELITE ENERGY DISTRIBUTION
 4465 N 124TH ST UNIT A
 BROOKFIELD, WI 53005

Check for Address Change

00002572017291753996700000902668

Factory Surplus Batteries, Inc.

City of Brookfield

Date 12/15/2017
Type Bill
Reference

Original Amt.
902.66

Balance Due
902.66

1/26/2018
Discount
Check Amount

Payment
902.66
Check Amount
902.66

2004

US BANK

Tax Key: BR C 11680

902.66

PAYMENT SUMMARY RECEIPT

CITY OF BROOKFIELD, WI
2000 N CALHOUN ROAD
BROOKFIELD WI 53005

DATE: 01/31/18 CUSTOMER#: 000341079
TIME: 12:11 FACTORY SURPLUS BATTERI
CLERK: changm

RECPT#: 849739 PREV BAL: 902.66
TP/YR: PP/2017 AMT PAID: 902.66
BILL: 91753996 ADJSTMNT: .00
EFF DT: 01/31/18 BAL DUE: .00
Property ID: 11680

-----TOTALS-----

PRINCIPAL PAID: 902.66
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00
AMT TENDERED: 902.66
AMT APPLIED: 902.66
CHANGE: .00

PAID BY: ELITE ENERGY DISTRIB
PAYMENT METH: CHECK
PAYMENT REF: 2004

Kayla Chadwick

From: High, Ben <ben.high@raSmith.com>
Sent: Wednesday, February 14, 2018 2:55 PM
To: Kayla Chadwick
Cc: Barbeau, Tim; Butler DPW (External)
Subject: Driveway Replacement Information

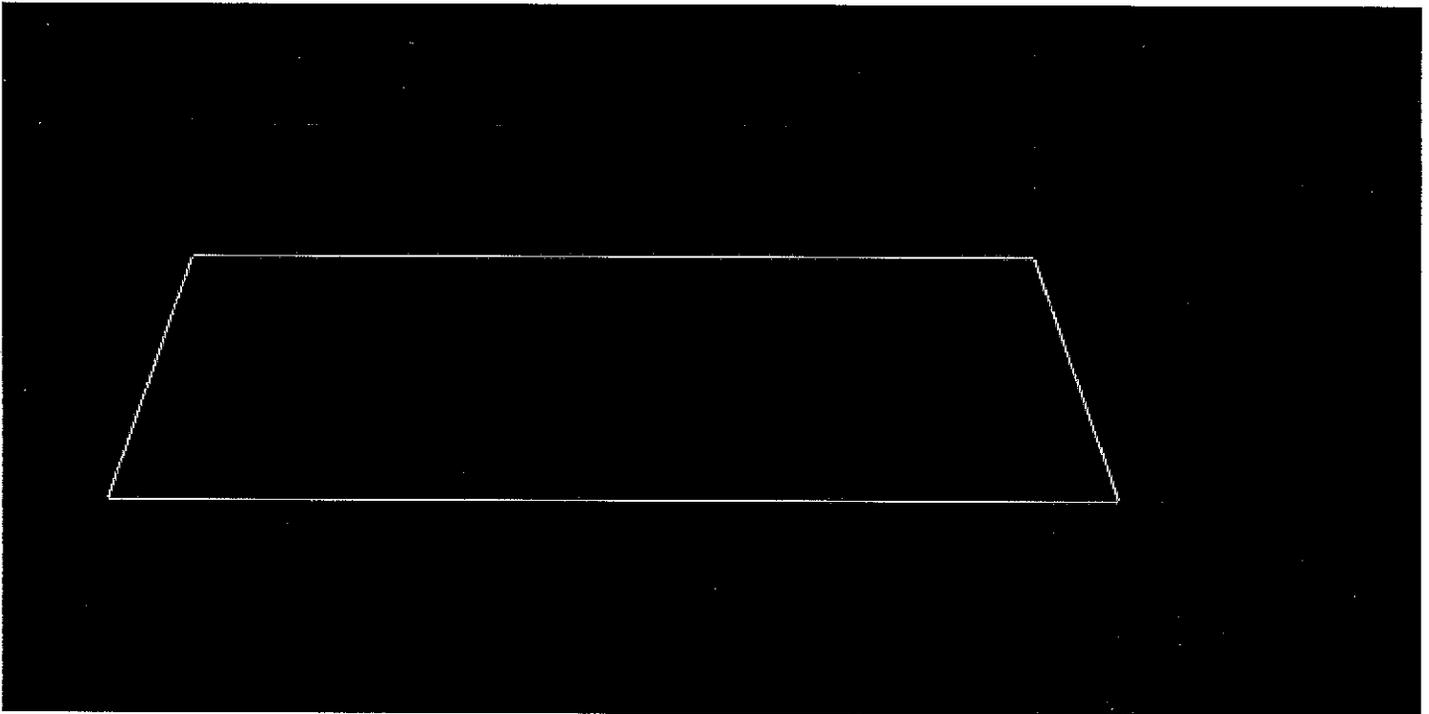
Hi Kayla,

Per our conversation last week, I looked into the costs associated with driveway replacements.

The cost estimate right now includes **\$55,512** in driveway related costs. That comes out to be about **4%** of the total project cost.

We have 53 driveways within the project limits. If kept the same dimensions as the existing driveways and replaced all of them with new concrete driveways (total area = 20,574 SF), the total cost of driveway related items would be **\$329,489**.

Based on the Village's driveway requirements in the ordinances, the maximum driveway width is 40'. That 40' length is measured at the joint between the driveway and driveway apron. So based on the 40' driveway width max, the curb opening, full head curb to full head curb, would be 48' in width. Looking at the existing aprons within the project area, the average depth of the aprons is about 11.4'. Using these measurements, the generic max apron dimensions are shown below:



So this apron has an area of 547.2 SF. So if the Village wanted to standardize everybody's driveway apron with this max size, we get a total driveway area of 29,002 SF. Using this area, we then calculate the total cost for standardizing every driveway to be **\$464,449.60**.

Based on these two examples installing new concrete driveways costs about **\$16 per square foot.**

Let me know your thoughts. Thanks.

Ben G. High, P.E.

Project Engineer

raSmith

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ORDINANCE NO. 18-01

**ORDINANCE TO REPEAL AND RECREATE
ARTICLE VI, CHAPTER 24 OF THE MUNICIPAL CODE
OF THE VILLAGE OF BUTLER
RELATED TO SEX OFFENDER RESIDENCY**

WHEREAS, the Village of Butler created Article VI of Chapter 24 of the Village Code related to sex offender residency on or about November 6, 2007, in order to promote the public health, safety, and welfare; and

WHEREAS, regulation of sex offender residency is not an issue unique to the Village of Butler; to the contrary, virtually all, if not literally all, of the municipalities in the greater Milwaukee area regulate sex offender residency, and this is consistent with comparable regulations that, while not universally adopted, are very common throughout the State of Wisconsin and nationwide; and

WHEREAS, the Village Board wishes to revise Article VI to comply with amendments to Wisconsin State laws concerning Chapter 980 placements and ensure compliance with applicable State and Federal constitutional concerns; and

WHEREAS, in conjunction with its current review process, the Village Board has fully reconsidered the entire issue, from its most basic premises, to ensure that the regulations are tailored to the circumstances of the Village of Butler, while preserving the sole intent to protect children from potential recidivism of convicted child sex offenders; and

WHEREAS, in revisiting the matter, the Village Board again takes notice of the risks posed by sex offenders against children, which risks are nationally recognized in such landmark legislation as the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; 1996 Megan's Laws; and the 2006 Adam Walsh Child Protection and Safety Act; and these risks are also recognized by legislation in every State in the United States of America including Wisconsin; and

WHEREAS, the Village Board finds that the data concerning child sex offenders is shocking and demonstrates the need for action, including the following¹:

- "sex crimes are unfortunately fairly common in the United States."
- "It is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood."
- "Children are particularly vulnerable. Approximately 67% of all victims of reported sexual assaults are under the age of 18, and more than half of these victims are under the age of 12."
- "Most sexual offenses are committed by someone the victim knows ... or acquaintance."
- "No single factor or combination of factors can fully explain why someone offends sexually, though some factors may combine to increase people's tendency to offend. These factors are ...

¹Center for Sex Offender Management (CSOM) statistics. CSOM is a collaborative effort of the U.S. Department of Justice, Office of Justice Programs, the National Institute of Corrections, the State Justice Institute, and the American Probation and Parole Association, and these quoted statistics are from its "Fact Sheet: What You Need to Know about Sex Offenders".

[physiological, sociocultural, developmental] and situational/circumstantial (e.g. having easy access to victims...).”

- “About 12% to 24% of sex offenders will reoffend.”

WHEREAS, the Village Board also finds these statistics of the U.S. Department of Justice to be shocking and demonstrative of a need for action²:

- “Approximately 1.8 million adolescents in the United States have been victims of sexual assault.
- “An estimated 60% of perpetrators of sexual abuse are known to the child but are not family members, e.g. family friends, babysitters, child care providers, neighbors.”

WHEREAS, the Village Board finds that it would be contrary to the public interest for it to sit idly by and do nothing to protect children within the Village when these most vulnerable members of our community face documented threats from offenders who statistics demonstrate are highly prone to re-offend if given the opportunity to do so; and

WHEREAS, the Village Board has carefully considered studies and reports concerning recidivism of sex offenders and the effectiveness of sex offender residency restrictions³, and has been fully advised in the matter; and

WHEREAS, the literature on the subject includes some studies that support the practice of imposing sex offender residency restrictions and others that are critical of the practice; and

WHEREAS, the Village Board finds it to be significant that some of the key studies that have concluded that sex offender residency restrictions have limited effectiveness have added significant qualifications to such conclusion. For example, in “An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri,” (Huebner, et al., 2013), the report’s authors generally do not support sex offender residency restrictions, but nevertheless find that following adoption of sex offender residency restrictions “the rate of recidivism for technical violations significantly decreased for Missouri sex offenders...” (id. at 9) and “the number of sex offense convictions did decline...” in Missouri (id. at 10); and

WHEREAS, the Village Board recognizes that some studies recognize the merits of individualized consideration of the risks and benefits of residency restrictions on an offender-by-offender basis, though this assessment of risks is not a perfect science and could give rise to equal protection or other enforcement concerns; and on the local level it is important to provide clear information to those

² U.S. Department of Justice, National Sex Offender Public Website “Facts and Statistics”

³ These include but are not limited to: Recidivism of sex offenders released from prison in 1994, U.S. Department of Justice, Office of Justice Programs, copyright November 2003; The final report of the Commission to Improve Community Safety and Sex Offender Accountability, of the State of Maine, dated January 2004; Sex Offender Recidivism Prediction, Correctional Service of Canada dated October 14, 2004; Recidivism of Sex Offenders, May 2001, Center for Sex Offender Management; Treating Sex Offenders, Wisconsin Lawyer Magazine, October 1994; The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review, Marcus Nieto and Professor David Jung, California Research Bureau, California State Library, August 2006; Sex Offenders: You Are Now Free to Move About the Country, and Analysis of Doe v. Miller’s Effects on Sex Offender Residential Restrictions, UMKC Law Review, Spring 2005; There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan’s Laws, Linden and Rockoff, National Bureau of Economic Research, May 2006; The Effect of Proximity to a Registered Sex Offender’s Residence on Single-Family Housing Selling Price, Goliath Appraisal Journal, July 2003; Sex Offenders, Sexually Violent Predators, Punishment, Residence Restrictions and Monitoring, California Proposition 83, Analysis by the Legislative Analyst; An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri, Huebner, et al., 2013.

who may want to locate in the Village, including a map of available residency locations; and the Village Board finds that this desire for uniformity and clarity outweighs the desire for individualized consideration at the Village level, in general; and

WHEREAS, the Village Board recognizes that it cannot fully eliminate all risk of child sex offender re-offense and, therefore, it must balance all of the competing public policies, but intends by these regulations to strike the appropriate legislative balance for the circumstances of the Village of Butler; and

WHEREAS, it is not the intent of this ordinance to banish sex offenders from residing within the Village of Butler, and careful attention has been given to ensure that there are a reasonable number of locations for sex offenders to reside within the Village in compliance with the requirements of this ordinance; and

WHEREAS, in the course of reconsidering the matter, having given the matter due consideration, and having based its determination on the effect of the amendments on the health, safety and welfare of the community and the immediate neighborhoods affected and the current and future Village residents who are child sex offenders, and having given due consideration to the municipal problems involved, hereby determines that the following amendments to Article VI will appropriately support the public health, safety and general welfare of the Village of Butler, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the Village neighborhoods.

NOW, THEREFORE, The Village Board of the Village of Butler DO ORDAIN AS FOLLOWS:

SECTION I: Article VI, of Chapter 24 of the Village of Butler Municipal Code is repealed, subject to continuation as noted below, and recreated to read as follows:

ARTICLE VI. - SEX OFFENDERS

Sec. 24-204. - Purpose and intent.

- (a) It is the purpose of this chapter not to impose a criminal penalty but rather to address the Village of Butler's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village of Butler by creating areas around locations where children regularly congregate in concentrated number wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residency.
- (b) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large while incalculable, clearly exorbitant.

(Ord. No. 07-06, § 1, 11-6-2007)

Sec. 24-205. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOARD

Sex Offender Residency Board established under Sec. 24-210 of this Code.

CHILD

A person under the age of 16 years.

DESIGNATED OFFENDER

Any person who is required to register under §301.45, Wis. Stats., for any sexual offense against a child, or any person who is required to register under §301.45, Wis. Stats., and who has been designated a special bulletin (SBX) sex offender pursuant to §301.46(2) and (2m), Wis. Stats.

MINOR

A person under the age of 18 years.

PERMANENT RESIDENCE

A place where the Designated Offender lodges or resides for 14 or more consecutive days.

PROHIBITED ACTIVITY

Participation in a holiday event involving Minors. Holiday events in which the Designated Offender is the parent or guardian of the Minors involved, and no non-familial Minors are present, are exempt from the definition of Prohibited Activity. A Designated Offender participates in a Prohibited Activity by taking part in the event which shall include, without limitation, distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or within the month immediately preceding Christmas, or wearing an Easter Bunny costume on or in the month immediately preceding Easter Sunday.

PROHIBITED LOCATION

Any licensed day-care center; school for pre-school, elementary or middle-school aged children; park; designated trail; playground; or place of worship within the Village of Butler. The Village Administrator shall maintain an official map showing the prohibited locations and safety zones within the Village. The Village Administrator shall update the map at least annually to reflect any changes in the prohibited locations and safety zones. The map shall be available in the office of the Village Administrator and posted on the Village website.

SAFETY ZONE

Any real property in the Village that supports or upon which there exists any facility used for or that supports a school for Minors, a public park, a park facility, a designated trail or any other Prohibited Location, including any sidewalks or lawn immediately adjacent to such Prohibited Location.

TEMPORARY RESIDENCE

Either:

- (a) A place where the person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address; or
- (b) A place where the person routinely abides, lodges or resides for a period of four or more consecutive or nonconsecutive days in any month and that is not the person's Permanent Residence.

VILLAGE

The Village of Butler, Wisconsin.

(Ord. No. 07-06, § 1, 11-6-2007)

Sec. 24-206. -- Designated Offender Residency restrictions, exceptions.

- (a) Prohibited Location of Residence. A Designated Offender shall not establish a Permanent Residence or Temporary Residence within the Village of Butler within 750 feet of a Prohibited Location.
- (b) Determination of minimum distance separation. For purposes of this Article, the minimum distance requirement established under this Article shall be measured by following a straight line from the closest point of the outer property boundary line of the real property of the Permanent Residence or Temporary Residence of a Designated Offender to the nearest outer property line of a Prohibited Location. If any portion of a tax parcel contains a Prohibited Location, the entire tax parcel shall be considered a Prohibited Location. If any portion of a tax parcel would constitute a Prohibited Location of Residence under Section 24-206(a), the entire tax parcel shall be considered a Prohibited Location of Residence.
- (c) Exceptions. A Designated Offender residing within a Prohibited Location of a Residence as described in subsections (a) and (b) above shall not be in violation of this Article if any of the following apply:
 - (1) Subject to § 24-208(a) below, The Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to § 301.45, Wis. Stats., before the initial effective date of the relevant provision of this chapter, and the Designated Offender has resided in such Permanent Residence or Temporary Residence continuously since the effective date of this chapter, except for temporary absences of no more than thirty (30) consecutive days.
 - (2) The Designated Offender is a Minor and is not required to register under §§ 301.45 and 301.46, Wis. Stats.
 - (3) The Prohibited Location situated within 750 feet of the person's Permanent Residence was opened or established after the Designated Offender established the Permanent Residence and reported and registered the residence pursuant to § 301.45, Wis. Stats.
 - (4) The residence is also the primary residence of the Designated Offender's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two years before the Designated Offender established residence at that location, subject to the following. The Designated Offender is prohibited from residing in such location if a victim of an offense giving rise to the Designated Offender's designation also resides in the residence and is a Minor, unless the Designated Offender is on probation or parole and residing with the victim is approved in writing by the probation or parole officer; and if not on probation or parole, such location is prohibited unless approved in writing by the Butler Chief of Police, based upon a finding that the circumstances of the offense, the Designated Offender, the victim, and all relevant information in the matter substantially eliminates the risk of re-offense against the victim.
 - (5) The Designated Offender is exempt under the provisions of § 24-209 below.
 - (6) The Designated Offender has been granted, and is acting in accordance with, a waiver under § 24-210 below.

Sec. 24-207. - Safety zones.

- (a) A Designated Offender shall not enter upon or be present upon or within a safety zone except as provided in subsection (b), below.

- (b) Safety zone exceptions. A Designated Offender who enters upon or who is present upon or within a safety zone does not commit a violation of this article if any of the following apply:
- (1) The property also supports a church, synagogue, mosque, temple or other house of religious worship, subject to all of the following conditions:
 - a. The Designated Offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
 - b. The Designated Offender shall not participate in any religious education programs that include Minors.
 - (2) The property also supports a use lawfully attended by a Designated Offender's natural or adopted child/children, which child/children's use reasonably requires the attendance of the Designated Offender as the child/children's parent upon the property, subject to the following condition:
 - (a) The Designated Offender's entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public.
 - (3) The property also supports a polling location in a local, state or federal election, subject to all of the following conditions:
 - a. The Designated Offender is eligible to vote;
 - b. The property is the designated polling place for the Designated Offender; and
 - c. The Designated Offender enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is to any member of the electorate, and vacates the property immediately after voting.
 - (4) The property also supports a school lawfully attended by a Designated Offender as a student under which circumstances the Designated Offender may enter upon the property supporting the school at which the Designated Offender is enrolled, for the purposes and at the times as are reasonably required for the educational purposes of the school.
 - (5) The property also supports a court, government office or room for public governmental meetings, subject to all of the following conditions:
 - a. The Designated Offender is on the property only to transact business at the government office or place of business, other than a public library, or to attend an official meeting of a governmental body; and
 - b. The Designated Offender leaves the property immediately upon completion of the business or meeting.
- (c) Prohibited Activity. No Designated Offender shall participate in a Prohibited Activity in violation of this Article.

(Ord. No. 07-06, § 1, 11-6-2007)

Sec. 24-208 - Property Owners Prohibited from Renting Real Property to Certain Offenders and Sexual Predators; Notification Requirements.

- (a) Property Owner Restrictions. It shall be unlawful for any property owner to lease or rent any place, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person prohibited from establishing a Permanent Residence or Temporary Residence therein pursuant to this chapter, if such place,

structure, mobile home, trailer or any part thereof is located within a Prohibited Location of a Residence as defined in Sec. 24-206(a).

- (b) Notice to Chief of Police. A Designated Offender, and any property owner who leases or rents any place, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person who is a Designated Offender, must each notify the Village Police Chief in writing a minimum of twenty-eight (28) days prior to establishing either a Permanent Residence or Temporary Residence within the Village. In addition, any property owner who has leased or rented any place, structure, mobile home, trailer or any part thereof as a Permanent Residence or Temporary Residence by any person who is a Designated Offender, at any time during a calendar year, shall report in writing to the Village Police Chief as to the status of the leasing or renting by the Designated Offender, including without limitation, the names of all Designated Offenders who lease or rent any portion of such place, structure, mobile home, trailer or any part thereof as of December 1 of such calendar year, the remaining lease term under the current lease for each Designated Offender, and if a Designated Offender no longer leases or rents such place, structure, mobile home, trailer or any part thereof, the date said Designated Offender no longer leased or rented such place. All such information shall be provided in writing to the Village Police Chief on or before December 31 of each calendar year.
- (c) Notice to Property Owner. A Designated Offender shall notify any property owner from whom the Designated Offender intends to lease or rent any place, structure, mobile home, trailer or any part thereof, that the Designated Offender is a Designated Offender as defined in § 24-205, prior to entering into any lease or rental arrangement.

Sec. 24-209 - Exception for Placements under Chapter 980 of the Wisconsin Statutes.

To the extent required by § 980.135 of the Wisconsin Statutes, and notwithstanding the foregoing provisions of this chapter, the Village of Butler hereby exempts and may not enforce any portion thereof that restricts or prohibits a designated offender from residing at a certain location or that restricts or prohibits a person from providing housing to a designated offender against an individual who is released under Wisconsin Statutes § 980.08, or against a person who provides housing to such individual, so long as the individual is subject to supervised release under Chapter 980 of the Wisconsin Statutes, the individual is residing where he or she is ordered to reside under § 980.08 of the Wisconsin Statutes, and the individual is in compliance with all court orders issued under Chapter 980 of the Wisconsin Statutes.

Sec. 24-210 - Petition for Exemption, Sex Offender Residency Board established.

- (a) Designated Offender may seek an exemption from the provisions of this Ordinance by petitioning to the Sex Offender Residency Board ("Board").
- (b) The Board shall consist of three citizens residing in the Village. Members shall be selected by the Village President subject to approval by the Village Board. Members shall serve for a term of three (3) years and shall serve not more than two (2) consecutive terms. The terms for the initial members of the Board shall be staggered with one member serving one (1) year, a second serving two (2) years and the third serving three (3) years.
- (c) From time to time, the Board shall approve an official petition form, which shall be available on the Village's website and the Village Hall.
- (d) The Designated Offender seeking an exemption must complete the approved petition form and submit it to the Village Administrator/Clerk who shall forward it to the Board. The Board shall

hold a hearing on each petition without unreasonable delay. Such hearing shall be open to the public.

- (e) During the hearing on any petition, the petitioner shall appear in person, but may be represented by an attorney at their option. The Board may review any pertinent information and accept oral or written statements from any person. The Board shall base its decision on the information those statements presented during the hearing based on factors related to the Village's interest in promoting, protecting and improving the health, safety and welfare of the community as set forth in this Article while giving due consideration to other applicable factors. Other applicable factors for the Board's consideration shall include, but are not limited to:
 - (1) Nature of the offense that resulted in offender status
 - (2) Date of offense
 - (3) Age at time of offense
 - (4) Recommendation of probation or parole officer
 - (5) Recommendation of Police Department
 - (6) Recommendation of any treating practitioner
 - (7) Counseling, treatment and rehabilitation status of offender
 - (8) Remorse of offender
 - (9) Duration of time since offender's incarceration
 - (10) Support network of offender
 - (11) Relationship of offender and victim(s)
 - (12) Presence or use of force in offense(s)
 - (13) Adherence to terms of probation or parole
 - (14) Proposals for safety assurances of offender
 - (15) Conditions to be placed on any exception from the requirements of this Ordinance
- (f) The Board shall decide by majority vote whether to grant, conditionally grant, or deny an exemption. An exemption may be unconditional or limited to a certain address or time. The Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the Designated Offender, the Village Administrator, and the Village of Butler Police Department.

Sec. 24-211 - Severability.

If any section, paragraph, sentence, clause or phrase of this chapter is declared unconstitutional or invalid for any reason, or be repealed, it shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or repealed.

Sec. 24-212. - Penalties and remedies.

- (a) Forfeitures. Any person who shall violate any provision of this article or any regulation, rule or order made herein shall be subject to a forfeiture of not less than \$100.00 or more than \$500.00 for each offense. Each day a violation continues shall constitute a separate offense. Neither the issuance of a citation or the imposition of forfeiture hereunder shall preclude the village from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this article.

(b) Injunction. If a Designated Offender establishes a residence in violation of section 24-206, or enters or is present upon or within a safety zone in violation of section 24-207, the village may, in addition to pursuing all other rights and remedies available at law or this Article, bring an action in the name of the village in circuit court to seek a temporary restraining order, temporary injunction, or an injunction to permanently enjoin any the violation as a public nuisance or to take any action or prevent any action necessary for compliance with the terms of this Article.

(Ord. No. 07-06, § 1, 11-6-2007)

Sec. 24-213 - Continuation.

The provisions of this Article, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Article or any amendments hereto, are intended and hereby declared as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall be from the date of the first adoption of such provisions.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 21st day of February, 2018.

Village of Butler

Patricia Tiarks, Village President

ATTEST:

Kayla J. Chadwick, Village Administrator/Clerk

**STATE OF WISCONSIN
WAUKESHA COUNTY
VILLAGE OF BUTLER**

ORDINANCE 18-02

**Ordinance Repealing and Recreating Section 32-76 of the Village of Butler Municipal Code
with regard to Front and Side Yard Parking in Residential and Business Districts.**

WHEREAS, the Village Board of the Village of Butler, Waukesha County ordains that the following sections of the Municipal Code are hereby repealed, recreated, or amended to read;

Section One: Sec. 32-76 **Front and Side Yard Parking in Residential and Business Districts.**

- (a) Purpose. It is recognized that uncontrolled residential off-street parking, specifically in residential front and street side yards, is a public nuisance. The purpose of this section is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety and welfare of the village.
- (b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Business Districts means any commercial building or property in any B-1, M-1, M-2, M-2A, M-3 zones as set forth in Article III of Chapter 54, Zoning.

Drive apron means the connection between a driveway and the travelled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon.

Driveway means an improved surface maintained for motor vehicle access and parking. The surfaces include those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.

Improved surface means a surface of concrete, asphalt, or other material, other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water.

Motor vehicle means a vehicle is defined by Wis. Stats. § 340.01.

Parking pad means an improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles are parked.

Residential means any single- or two-family dwelling in any residential district, or any dwelling formerly single- or two-family in any district which has been converted to a rooming or lodging house.

- (c) Parking restricted; variance. The parking of any motor vehicle within the front yard or street side yard shall be on a driveway or parking pad. Driveways and parking pads shall comply with all village building and zoning regulations. No parking pad shall be allowed in the front yard or street side yard except that in a licensed manufactured home park, a parking pad for a maximum of two vehicles shall be allowed in the front yard. The board of zoning appeals may grant a variance from this requirement in circumstances where sufficient space is neither available in any side yard, which is not a street side yard, or in the rear yard, upon the terms and conditions as the board requires; provided, however, that the parking pad be shielded from the street by landscaping, hedges or decorative fencing.
- (d) Setbacks; variance. On residential and business/commercial lots, the required front yard setback, and the required street side yard setback on any corner lot, shall not be considered a part of the permitted parking area but shall be landscaped, except that motor vehicle parking shall be permitted in a legal driveway or garage. The board of zoning appeals may grant a variance from this requirement upon the terms and conditions as the board requires, in circumstances where sufficient space is neither available in any side yard, which is not a street side yard, or in the rear yard.

Section Two: Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

Section Three: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

Section Four: This ordinance shall take effect and be in force after its passage and posting pursuant to law.

PASSED and ADOPTED by the Village Board of the Village of Butler, Waukesha County, Wisconsin, this the 21st day of February, 2018.

VILLAGE OF BUTLER

By: _____
Patricia Tiarks, President

ATTEST:

Kayla Chadwick, Village Administrator/Clerk

Ord 18-02