

Report to the Manitowoc Plan Commission

Meeting Date: February 22, 2023

Request: PC 4-2020: Michael Plate. d.b.a. Plate Enterprises: Annual Review of a Conditional Use Permit – for the operation of a Recycling Facility Located 1107 Franklin Street.

Reason for Request: The approved 2020 Conditional Use Permit required the Plan Commission to review the permit annually.

Existing Land Use for Subject Property: Recycling Facility.

Existing Zoning for Subject Property: C-1, Commercial District

Report: No complaints or issues were on file in the Building Inspection, Fire and Police Departments concerning the Conditional Use Permit granted in 2020, but the City Clerk's Office has reported that Mr. Plate needs to apply for a license to operate his recycling business. Section 11.145 "Recycling and Salvage Operations" below, details the requirements of the license.

Section 11.145 of the Licenses and Permits Chapter of the Municipal code is below.

"(1) Definitions. In this section:

Appliances shall include air compressors, air conditioners, boilers, copiers, dehumidifiers, dishwashers, dryers, fluorescent light fixtures, freezers, furnaces, garbage disposals, large commercial appliances, microwave ovens, ovens, ranges, refrigerators, stoves, trash compactors, washers, water heaters, water softeners and wood stoves.

Garbage shall mean any solid or semi-solid waste material produced from industrial, commercial, and domestic use. **Garbage** shall not include sewage or recyclable materials.

Person shall mean any individual, corporation, partnership, or association.

Recyclable materials shall have the meaning as defined in MMC 13.010(5).

Regulated property shall mean aluminum siding, gutters, downspouts, screens, windows, window frames and doors, metal bathtubs and sinks, nonplastic pipe, copper, nonferrous metal items other than aluminum cans, stained glass, traffic signs, aluminum light poles, water meters, cemetery monument plaques, fixtures from houses of worship, catalytic converters, bicycles, bicycle frames or parts, manhole covers including lids, grates and frames.

Scrap shall mean postconsumer iron, chain, brass, copper, tin, lead or other base metals; rubber; inoperable motor vehicle, small engine or appliance parts; or other discarded articles obtained by cutting, demolishing, or disassembling a building, structure, or manufactured item, and that can be reprocessed for reuse in a mill, foundry, or other manufacturing facility. The term "**junk**" shall be understood to be synonymous with the term "**scrap**" for purposes of this section.

(2) License Required. *No person may engage in the business of collecting, hauling, dismantling, reprocessing, storing or otherwise dealing in recyclable materials, scrap or junk within the City of Manitowoc without first having obtained a license to do so issued by the City Clerk. Licensees shall strictly comply with all provisions of this section. The City Clerk shall not issue the license until the application has been approved by the Director of Public Infrastructure, Chief of Police, and granted by the Common Council.*

Exception: Businesses or manufacturers which may, as an incidental part of business, buy, collect, gather, store or sell scrap or recyclable materials need not obtain a license to do so.

(a) License Application. An application for a license under this section will not be considered complete unless all of the following are supplied to the City Clerk:

- 1. Completed, signed recycling and salvage operations license application;*
- 2. Letter of credit in the amount of \$5,000 on a form prepared by the City Attorney;*
- 3. License fee of \$100.00 plus a fee of \$30.00 per vehicle used in the business of hauling;*
- 4. A signed statement granting the Police Department, Fire Department, and any member thereof permission to inspect and search the premises to confirm compliance with this section and all applicable state laws;*
- 5. A signed statement from the City Planner certifying that the proposed site complies with all zoning requirements as set forth in Chapter 15 MMC.*
- 6. Proof that at the time of application the applicant has all required state and federal licenses and permits to collect solid waste and recyclables.*

(b) License Approval. The City Clerk shall not issue a license under this section unless such application is approved by the Director of Public Infrastructure, Chief of Police and the Common Council. The City Clerk shall timely notify the applicant of Common Council's decision via first class mail. Applicant shall have 10 business days from the date of the mailing to supply the City with a certificate of insurance evidencing the following minimum limits and coverages:

- 1. General liability: \$1,000,000 per occurrence;*
- 2. Auto liability: \$300,000 combined single limit bodily injury and property damage;*
- 3. Environmental/pollution coverage: \$1,000,000 per occurrence;*
- 4. Worker's compensation at the statutorily required limits;*
- 5. Additional insured endorsement or equivalent, naming "The City of Manitowoc."*

Failure to timely submit the foregoing will result in nonissuance of license. Upon receipt of all necessary information, the City Clerk shall issue the license.

Each license shall expire annually on the thirty-first day of December following its issuance.

(3) License Plate Sticker Required. *There shall be issued by the City Clerk and placed by the licensee on each licensed hauling vehicle a license sticker which shall read "Manitowoc Scrap and Junk Hauler." The license sticker shall be placed on the rear window of each vehicle so that it is readily open to view. The license sticker shall not be transferable. Each sticker shall be issued by the City Clerk at the time the license is issued.*

(4) Fees. *All fees associated with the disposal of waste, including but not limited to tipping fees, shall be the sole responsibility of the party delivering the waste to the waste disposal facility.*

(5) Records Maintained and Reported. *Each licensee shall keep a daily record of regulated property purchased or acquired and the name and address of the seller and shall report same daily to the Manitowoc Police Department utilizing the Northeastern Wisconsin Property Reporting System (NEWPRS).*

(6) Operating Regulations.

(a) Hours of Operation. No licensee shall conduct business or any activity related thereto between the hours of 8:00 p.m. and 6:00 a.m.

(b) Not to Create a Nuisance.

1. No licensee shall conduct business in such a manner as to disturb the peace and quiet of the neighborhood.

2. Business premises shall be kept in a clean and tidy condition.

3. Materials shall not be sorted or dismantled in a public street, alley or sidewalk. All goods and materials shall be kept within a building, enclosure or site approved on a licensee's application.

4. Licensee shall not unlawfully discharge waste liquids, fuels or oils and shall not permit unlawful discharge of same. Licensee shall not dispose of waste materials in an unlawful manner.

5. All lights used to illuminate the premises shall be shielded and directed away from public streets and residential properties.

(c) Compliance with Municipal Code. All persons engaged in the collection or procurement of scrap and the disposal of scrapping waste shall also comply with any other applicable requirements set forth within the Manitowoc Municipal Code.

(7) Penalties. *Penalties for violations of this section shall be as follows:*

(a) First offense: \$250.00 plus costs.

(b) Second offense: \$300.00 plus costs.

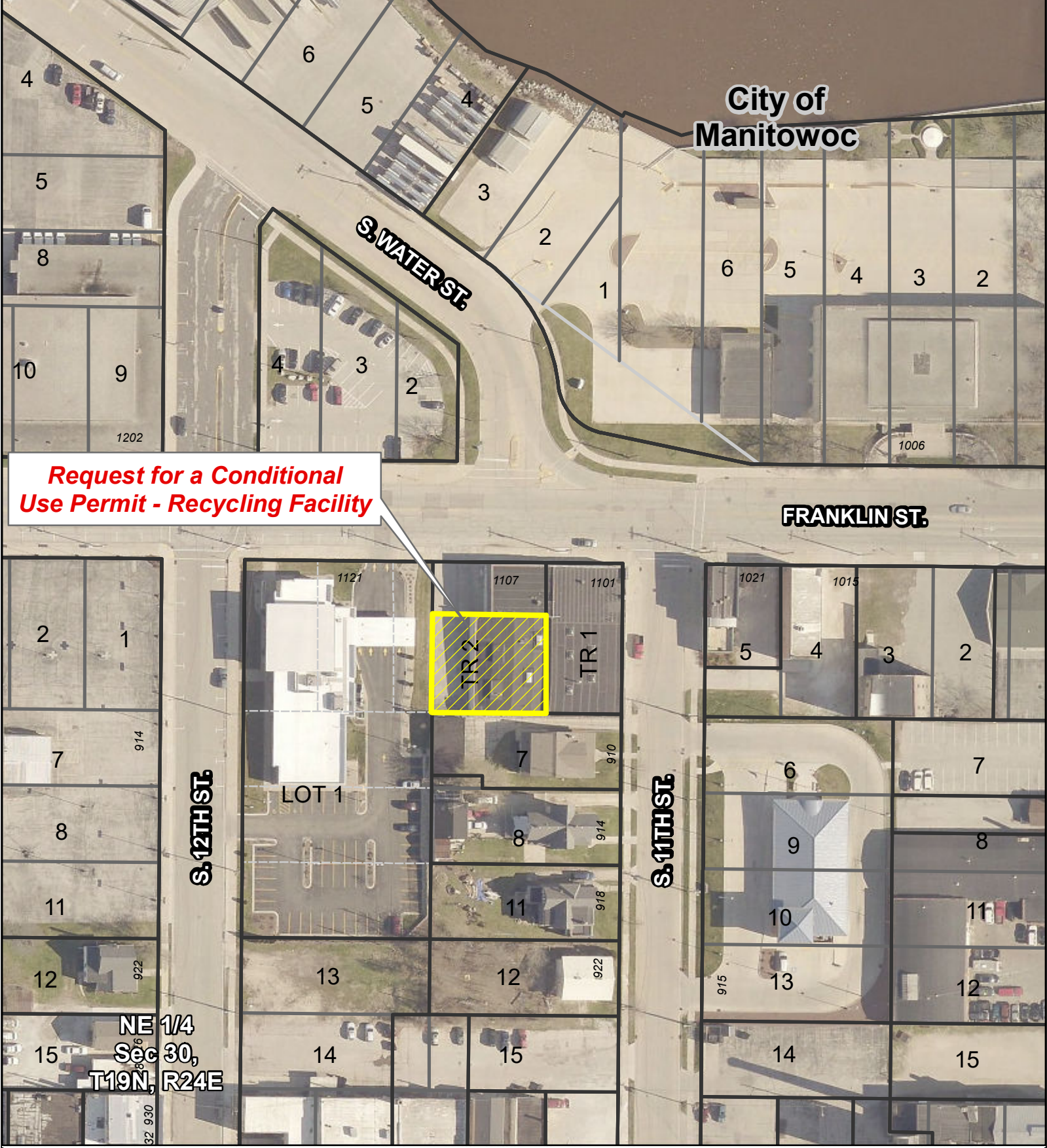
(c) Third and subsequent offense: \$400.00 plus costs."

Mr. Plate has been contacted multiple times by staff from the Clerk's Office and Community Development Department's informing him of the need for the license. Mr. Plate stated that he is working on the application materials. Mr. Plate was informed that one of the conditions of the Conditional Use Permit is dependent on him having all necessary licenses.

As a reminder to the Commission, Section 15.370(27)f states "Revocation. Where the conditions of a conditional use permit, or permits under MMC 15.670, are not complied with, the permit may be revoked by the Common Council at any time. The Plan Commission shall first hold a public informational hearing on the proposed revocation, subject to notice procedures under subsection (27)(b) of this section. The Commission, after holding a public informational hearing, shall provide its written recommendation to the Council with its determination regarding whether or not the permit holder has, or has not, complied with the provisions of this chapter. The Council may, at its sole discretion, hold a public hearing regarding the proposed revocation. Where the conditions of the permit are not complied with, the permit may be revoked by the Common Council."

Recommendation: If Mr. Plate does not provide the Clerk's Office with a complete license application by March 13th the Plan Commission should start the Conditional Use Permit revocation process at their March 2023 Commission meeting.


City of Manitowoc



Request for a Conditional Use Permit - Recycling Facility

CONDITIONAL USE PERMIT

City of Manitowoc, WI

 Area of Conditional Use Permit for Recycling Facility

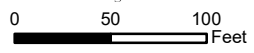
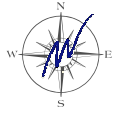
PC 4-2020 Plate
1107 Franklin Street

Manitowoc City Plan Commission

DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc
Community Development Department
www.manitowoc.org
Map Plotted: 1/14/2020

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**REQUIREMENTS FOR A
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR MICHAEL PLATE d.b.a. PLATE
ENTERPRISES, LOCATED AT 1107 FRANKLIN STREET
~~01/22/2020~~ Revised 1/26/2022**

Re: PC4-2020: The CUP is granted exclusively to Michael Plate d.b.a Plate Enterprises (“Owner”) pursuant to Section 15.370(27) and 15.310(3)d of the Manitowoc Municipal Code (“Code”) for property located at 1107 Franklin Street (Property”), and shall hereinafter serve as authorization for the location and operation at the Property of a “Recycling Facility” in a C-1 Commercial Zoning District. The area of the CUP is identified on the attached map and shall hereinafter be referred to as the “CUP Area”. The CUP Area is located in Tax Parcel # 052-000-242-011.00”.

The Owners are required to comply with the following conditions:

1. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission in February, 2023.
2. This CUP shall not be assigned, transferred, sublet or conveyed in any manner without the written consent of the Common Council and Plan Commission. The CUP shall automatically terminate effective the date any license granted to the Owner, is closed, denied, revoked, or terminated. If the CUP is terminated the Owner shall have to re-apply for a new CUP.
3. Non-compliance with any terms or conditions of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.
4. Prior to issuance of the CUP the Owner shall provide the Community Development Department with copies of all licenses, permits or approvals which may be required from any city, county, state, federal or other entity for the Recycling Facility. It is the applicant’s responsibility to acquire any and all licenses, permits or approvals for their operation.
5. The Owner shall follow all conditions as stated in Manitowoc Municipal Code 15.030 “Recycling Facilities”.
6. The business shall not be in operation between 7:00 p.m. and 7:00 a.m. The business shall also not be in operation on Sundays or any federal holiday.
7. No inoperable, unlicensed, junked or disassembled vehicle is allowed on the Property. No scrapping or salvaging of vehicles is allowed on the Property. No scrapping of electronics, televisions, computers, phones or similar items not defined under Municipal Code 13.010(5) is allowed in the CUP Area.
8. If allowed under Municipal Code 13.010(5); items recycled containing hazardous components; must be transported, stored, and recycled or disposed of according to federal and state regulations.

9. The Owner shall maintain a site obscuring fence. The style of fence shall be approved by the Community Development Department prior to installation. The location of the fence is shown in the Plan Commission report.
10. No exterior storage of materials shall be permitted on the property. Recyclable Materials may be temporarily stored in a truck, trailer or container within the fenced area out of view from the public but said materials shall be processed within 2 business days from the date the material arrived onto the Property. The site shall be cleaned daily of debris and litter. All chemicals, fluids, liquids or like items shall be properly contained and not allowed to enter into the ground or any storm or sanitary sewer.