



7. Approval of special events permit for:
  - A. Great River Sound on Tuesday evenings from approximately 6:30-8:30pm (rain dates Wednesday evenings) from June 16 through September 9, 2020 at Dash Park, Onalaska
  - B. Amend date of Sole Burner 5K for the American Cancer Society to Sunday, October 4, 2020
  - C. Amend date of American Legion Riders Association Motorcycle Ride to August 15, 2020
  - D. Market in the Park Event, June 13, 2020 from 9am-2pm at Van Riper Park Aquatic Center parking lot
8. Approval of Licenses for 7/1/2020– 6/30/2021
  - A. Class A Liquor Licenses
  - B. Class A Beer Only License - NONE
  - C. Class B Liquor Licenses
  - D. Class B Beer Only Licenses
  - E. Outdoor Venue Licenses – Class B Liquor
  - F. Outdoor Venue Licenses – Class B Beer
  - G. Cigarette / Tobacco Licenses
  - H. Hotel/Motel Licenses
  - I. Campground/Mobile Home Licenses
  - J. Taxi Licenses
  - K. Weights and Measures Licenses
9. Approval of Fireworks Permits for Michael F. Callaway / R&M Enterprises, Inc. for selling of fireworks from a tent located at East Towne Plaza, State Road 16, Onalaska from June 15, 2020 through July 6, 2020
10. Discussion on possible mailbox parking ordinance
11. Miscellaneous licensing reporting

## **Judiciary**

12. **Ordinance 1669-2020** to amend Title 1 of the Code of Ordinances of the City of Onalaska relating to general provisions for use and Code of Ordinances
13. **Ordinance 1670-2020** to amend Title 2 of the Code of Ordinances of the City of Onalaska relating to Government and Administration
14. **Ordinance 1671-2020** to amend Title 3 of the Code of Ordinances of the City of Onalaska relating to Finance
15. **Ordinance 1672-2020** to amend Title 4 of the Code of Ordinances of the City of Onalaska relating to Administrative Review Determinations / Public Records
16. Adjournment

PACKET: 03209 License Packet June Operators

SEQUENCE: License #



ID	PERIOD	-----NAME-----		LICENSE CODE
02562	7/01/20- 6/30/22	SONDELSKI	BRANDON	OPRATOR OPERATORS - 2 YEAR
02571	7/01/20- 6/30/22	VILLONT	MELISSA	OPRATOR OPERATORS - 2 YEAR
04940	7/01/20- 6/30/22	LOEWENHAGEN	TIA	OPRATOR OPERATORS - 2 YEAR
05188	7/01/20- 6/30/22	SOBOTTA	TAMARA	OPRATOR OPERATORS - 2 YEAR
05421	7/01/20- 6/30/22	PUCHALSKI	SETH	OPRATOR OPERATORS - 2 YEAR
05511	7/01/20- 6/30/22	SANTIAGO	DIANA	OPRATOR OPERATORS - 2 YEAR
05570	7/01/20- 6/30/22	HITCHLER	JACOB	OPRATOR OPERATORS - 2 YEAR
06272	7/01/20- 6/30/22	GOLDBECK	KARL	OPRATOR OPERATORS - 2 YEAR
06314	7/01/20- 6/30/22	BURKE	ALLISON	OPRATOR OPERATORS - 2 YEAR
06315	7/01/20- 6/30/22	ARENZ	ALICIA	OPRATOR OPERATORS - 2 YEAR
06316	5/19/20- 6/30/21	JOHNSON	KINDRA	OPRATOR OPERATORS - 2 YEAR
06340	5/27/20- 6/30/22	SACIA	DELANEY	OPRATOR OPERATORS - 2 YEAR
06341	5/28/20- 6/30/21	LARSEN	ABBEY	OPRATOR OPERATORS - 2 YEAR



**Mayorai Proclamation for Emergency Orders No. 4:**

Whereas, the United States of America and the State of Wisconsin have been affected by the worldwide pandemic of the novel coronavirus disease (COVID-19), which is a dangerous respiratory illness that can spread from person to person; and

Whereas, the COVID-19 pandemic and its prevalence in the southwestern Wisconsin region and throughout the United States constitutes a public health emergency; and

Whereas, pursuant to City of Onalaska Ordinance 5-5-5 the Mayor may proclaim, promulgate and enforce orders, rules and regulations;

Now therefore, as Mayor of the City of Onalaska, I do hereby proclaim and order as follows:

**Direct Seller's Permit:**

The City of Onalaska shall suspend the issuance of Solicitor/Direct Seller Permits until further notice.

**Special Event Permits**

The City of Onalaska shall suspend the issuance of Special Event Permits for new events. New events shall be any event that has not been held in the City of Onalaska within the last three (3) calendar years. Special Event Permits for repeat or annual events shall be reviewed by the applicable City Departments and approved by the City Administrator and Mayor. Applicants should submit their event application at least two weeks prior to their event to allow time for review but should continue to work with City staff related to any changes that may occur after submittal. All Special Event Permits issued shall be conditioned on following the State of Wisconsin and/or County of La Crosse guidelines for public assembly in place at the time of the event.

Dated this 7<sup>th</sup> day of May, 2020.

Seal: Kim Smith, Mayor  
Attest: City of Onalaska

Caroline Burmaster, City Clerk



## Guidelines for Special Events and Gatherings

- A. All Special Events/Public Gatherings using City Facilities shall adhere to the recommended limit of gatherings for 10 persons or less until any of the following three agencies recommend larger gatherings, the event may follow whichever of the three below agencies has the highest public assembly limit:
  1. La Crosse County
  2. Wisconsin Economic Development Corporation
  3. Center for Disease Control
- B. Special Event Applications shall include a site plan or drawing showing how the event will work while encouraging and maintaining six feet of social distancing per household.
- C. Every event must provide signage as follows:
  1. Encouraging social distancing;
  2. Encouraging use of masks and/or face coverings;
  3. Encouraging frequent hand washing, not touching faces, covering coughs etc. (signs are available for download on La Crosse County Health Department's website)
- D. Gloves shall be required for anyone handling food and/or cash.
- E. Sale of food shall be limited to pre-packaged items. Contactless purchase is recommended. No communal access to condiments, utensils, straws etc. shall be allowed. No buffet type service is allowed.
- F. Hand Sanitizing or portable hand washing stations shall be available during the event with a minimum of 1 station per 50 people.
- G. Frequently touched surfaces should be wiped down periodically such as door handles, tables, pens, etc.
- H. Money should be exchanged on an intermediate surface, for example customer places money directly on table when paying, change will be placed directly on table in return.
- I. If social distancing is not followed, the City of Onalaska reserves the right to place tape or other semi-permanent markings on the ground to remind people.



#7-A

# CITY OF ONALASKA

415 Main Street • Onalaska, WI 54650-2953 • (608) 781-9530 fax (608) 781-9534 • [www.cityofonalaska.com](http://www.cityofonalaska.com)

## SPECIAL EVENT PERMIT APPLICATION GENERAL EVENT INFORMATION

Official Name of Special Event: Great River Sound

Start Date: June 2, 2020

End Date: August 26th, 2020

	MON	TUES	WED	THURS	FRI	SAT	SUN
Setup		4:00pm	4:00pm				
Start		6:30pm	6:30pm				
End		8:30pm	8:30pm				
Cleanup		9:00pm	9:pm				

Location of Event:  Park/Public Property Dash-Park  
 Public Street/Sidewalk/Alley/Right of Way  


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 Private Property PO Box 36  
 Other \_\_\_\_\_

Please List Streets (and include map) That May be Closed or Otherwise Affected by the Event:

Expect heavier traffic & parking at Great River Landing and Dash-Park adjacent streets; 2nd Ave S., 3rd Ave S., Main St and Irving St.

Location of Event Parking: Great River Landing parking lot, Irving street

Estimated Attendance Per Day:

0-299     300-499     500-999     1,000-4999     5,000+

Estimated Attendance Entire Event: *(Per Concert)*

0-299     300-499     500-999     1,000-4999     5,000+

Number of Booths:

0-24     25-49     50-74     75-100     100+

Advertising Will Consist of:

- Pre-event advertising through yard or other signs
- Temporary directional / other signage during the event (no more than 24 hrs in advance)
- Promotional Brochure / Flyer – copy must be provided with application

Type of Event:

- Festival / Music Concert
- Rally / Memorial
- Parade
- Run / Walk Greater than 5K
- Public Assembly  
(For political purposes)
- Other \_\_\_\_\_
- Religious / Educational
- Street / Block Party
- Fun Run / Walk A Thon
- March Utilizing Public Property
- Sport (fishing, soccer, etc.)

Event Will Have:

- Bounce House
- Rock Wall
- Amplified Sound
- Vehicles
- Animals
- Other high-risk activity \_\_\_\_\_
- Bungee Jump
- Dunk Tank
- Marching Units
- Water Slides

Permit & Other Requirements:

<input type="checkbox"/> Alcohol will be served, sold, raffled, etc.	Class B Permit
<input checked="" type="checkbox"/> Food & Non Alcoholic Beverages	Health Permit
<input checked="" type="checkbox"/> Non-Food related sales and/or display booths	
<input checked="" type="checkbox"/> Tent and/or canopy	Fire Dept. Planning / Inspection Diggers Hotline must be contacted minimum of 3 days before digging
<input type="checkbox"/> Large Generator(s) requiring a separate Electric panel box to be wired off of it	Inspections permit
<input type="checkbox"/> Fires or candles	Fire Dept.
<input type="checkbox"/> Fireworks	Fire Dept.
<input type="checkbox"/> Activities in park outside normal operating hours	Waiver required by City Council
<input type="checkbox"/> Barricades / Detours (city streets, roads, etc.)	Approval by Police & Public Works
<input type="checkbox"/> State Hwy Closures	DOT permit required - organizer contracts with private company to install
<input type="checkbox"/> Cooking Equipment	Fire Dept.
<input type="checkbox"/> Solid Waste & Recycling	Disposal Containers & Haul Away

Arrangements Have Been Made For:

- |   |  |
|---|--|
| <input type="checkbox"/> Restrooms & Hand Washing         | <input type="checkbox"/> Tent Heating                            |
| <input checked="" type="checkbox"/> Event Insurance       | <input type="checkbox"/> Public Safety / EMS Services            |
| <input type="checkbox"/> Fire Extinguishers               | <input checked="" type="checkbox"/> Advertising Banners/ / Signs |
| <input checked="" type="checkbox"/> Drinking Water        | <input type="checkbox"/> Grey Water & Grease Removal             |
| <input checked="" type="checkbox"/> Weather Contingencies | <input type="checkbox"/> LP Gas                                  |

In the Event of Severe Weather:

Open and Available Shelter Locations Will Include:

Event is open air. We will monitor weather and cancel due to adverse weather

Identify Who Will Cancel the Event if Necessary: (name, title, phone number, and e-mail)

Dan Stevens                      608-498-1973    dan.stevens@stonebridgecreditinc.com

Brad Johnson                    608-386-4833    bradj70@gmail.com

or greatriversound@gmail.com

Public Safety Site Plan:

Attach a schematic drawing of the event site location. The drawing must be legible and drawn to scale. The public safety plan must include the following items if they will be provided, or if they are required.

• Booths, stages and event structures
• First Aid Station(s)
• Information / Ticket Booths
• Fences
• Tents
• Boundaries of the Event
• Exits & Gates (gates must be numbered)
• Fire Extinguishers
• Severe Weather Shelters
• Fire / EMS access Road

• Security Staff
•
• Emergency Contact Event Personnel
• Assembly Area & Approximate Occupant Amounts
• Event Parking
• Barricades
• Generators
• Temporary Roadways
• Signed detour route per MUTCD

Provide any additional information the City should consider or may be relevant to a review of this application.

Great River Sound is produced by the Onalaska Hilltopper Rotary Club (OHRC). Concerts are every Tuesday night unless cancelled due to adverse weather in which case the concert will take place the next day, Wednesday. If the Tuesday concert performs as scheduled, there will be no concert on Wednesday. The OHRC will set up to the south of the bandstand with a table promoting Rotary and selling basic concessions such as water, soda and candy. We will collect donations to support Centering Onalaska and the Onalaska School District Scholastic Book Program. We may have a 50/50/flowerbasket raffle benefiting Centering Onalaska under their raffle license. A local business sponsor may choose to set up a promotional table next to tent OHRC tent. The event will be promoted with signs, banners, print media, radio, social media and website ([www.greatriversound.com](http://www.greatriversound.com)).

Organization(s) Sponsoring Event:

Name: Onalaska Hilltopper Rotary Club

Address: PO Box 36

City: Onalaska State WI Zip 54650

Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

Check this box to send invoices to this organization.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

Check this box to send invoices to this organization.

### CONTACT INFORMATION

**\*\*Primary and/or Secondary Contacts Must Be Onsite at All Times of the Event\*\***

Primary Contact: Dan Stevens

Daytime Phone: 608-781-1770 Cell #: 608-498-1973

Email: dan.stevens@stonebridgecreditinc.com

Address 1708 Jennifer Ct

City: Onalaska State WI Zip 54650

Secondary Contact: Brad Johnson

Daytime Phone: 608-386-4833 Cell #: 608-386-4833

Email: bradj70@gmail.com

Address 5110 Grandwood Pl. W

City: La Crosse State WI Zip 5460

EMERGENCY CONTACT INFORMATION

The public will be notified of a safety and/or security issue(s) in the following manner:

- Contacting Local Police and Fire Services
- Local Radio Station
- Other www.greatriversound.com and fb page
- Onsite PA System
- Word of Mouth

If a Private Security Firm has Been Contracted, List Their Information Below:

Security Provider: n/a

Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Location of Provider at Event Site: OHRC tent

Location of Missing Persons Station: OHRC tent

EVENTS PERMIT FEE SCHEDULE

Permit fees shall be based upon the anticipated number of participants expected to attend the listed event, as determined by the City Clerk, and based upon the following fees. Permit fee is due when the application is submitted. Permit fee is nonrefundable if event is cancelled. If event is rescheduled for a date within 6-months, the permit fee would apply to the rescheduled date; if the event is rescheduled for a date later than 6-months of the original event date the permit fee is nonrefundable.

<u>PERMITTYPE</u>	<u>PERMIT FEE</u>
PARADES	\$0
SPECIAL EVENT	0 – 299 Participants = \$0 300 – 499 Participants* = \$250.00 500 – 999 Participants* = \$350.00 Over 1,000 Participants* = \$500.00 Events two (2) or more days: = \$100.00**

\*Attendance shall be based on the highest attendance over the last two years of the event. New events with no prior participation shall automatically fall under subsection (c) 300 to 499 people unless event organizers anticipate 1,000 or more people in attendance.

\*\*Multi day events (e) shall be in addition to the fee based on the number of attendees.

If the Event Takes Place on City Property (Parks, City Streets, or Other City Owned Facilities) in Whole or In Part:

I have reviewed the proposed location for the event and determined suitability for our proposed use.

There are no requested changes, upgrades or safety concerns identified  
OR

I am requesting the following changes or upgrades:

I understand and acknowledge that it is the event organizer's responsibility to inspect the area the event is to take place and notify the City's Inspection Department (608.781.9541) of any safety concerns.

I have reviewed and have considered the Contingency Plan information provided by the City of Onalaska along with this application.

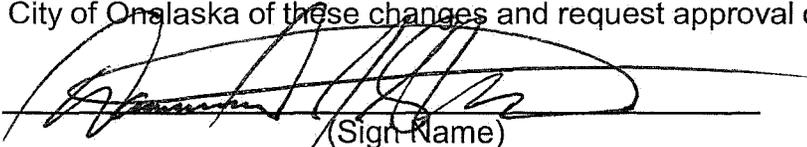
I have reviewed and understand the City's Insurance Requirements for Special Events as described in this document.

I have enclosed the event's Public Safety Site Plan.

I have enclosed other information that we believe is necessary or helpful to describe the planned event.

SIGNATURE

I am allowed to sign this application on behalf of the event sponsor. The information contained in this application for a Special Event permit is true, correct, and complete to the best of my knowledge. If there are any changes to the Special Event, I agree that I will promptly notify the City of Onalaska of these changes and request approval of them.

  
(Sign Name)

March 4, 2020  
(Date)

**Daniel J. Stevens**

(Print Name)

**GRS Co-Chair**

(Print Title with Organization)

Return Completed Applications To:

Cari Burmaster, City Clerk

415 Main Street, Onalaska, WI 54650

(W) 608.781.9530 (F) 608.781.9534 [cburmaster@cityofonalaska.com](mailto:cburmaster@cityofonalaska.com)



**CITY OF ONALASKA**  
**INDEMNIFICATION, HOLD HARMLESS and REIMBURSEMENT AGREEMENT**  
**(to be returned to City Clerk with Application Packet)**

Special Event Name: Great River Sound

Special Event Location: Dash-Park

Event Organizer(s):  
Onalaska Hilltopper Rotary Club

The Event Organizer(s) (individually and collectively referred to as "Organizer") agree that said Organizer, not the City of Onalaska ("City"), shall be solely responsible for all incidents related to the Special Event, as named above. This responsibility of the Organizer to the City includes but is not limited to actions of the Organizer, its officers, employees, agents, and volunteers, along with event vendors, contractors, subcontractors, participants and visitors.

In consideration for the City's approval of the Special Event, except to the extent such claims arise from the negligence or misconduct of the City, the Organizer of the Special Event agrees to indemnify and hold harmless the City of Onalaska and its officers, council members, agents, employees and authorized volunteers, from, for, and against and agrees to defend the same from and against, any and all suits, claims, grievances, damages, costs, expenses, judgments and/or liabilities, including costs of defense and reasonable attorney fees, and further agrees to pay any settlement entered into or on behalf of, judgment entered against, the foregoing individuals and/or entities. The Organizer shall reimburse the City for costs incurred due to extraordinary damage to City property during the Special Event held by Organizer. Extraordinary damage shall be defined as damage to a City park or other City property in excess of normal wear and tear and which required repair in excess of routine maintenance. Request for Reimbursement for Extraordinary Damage shall be provided to the Organizer in the form of a detailed written accounting of the Extraordinary Damages and their repair cost as evidenced by written receipts or estimates. The accounting shall be submitted via first class mail, return receipt requested to the address Organizer provides on the Special Events Application. The Organizer shall remit payment no later than thirty (30) days from receipt of the accounting.

The Organizer shall abide by the City's insurance requirements for the event, including the addition of the City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers as additional insured's for the event.

One or more waivers by either party of any provisions, terms or conditions of this Agreement shall not be construed by either party as a waiver of a subsequent breach of the same by the other party.

In the event any provisions of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding on the parties.

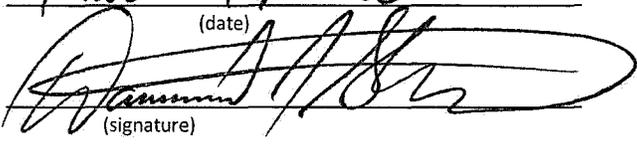
This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

This Agreement constitutes the entire Indemnification, Hold Harmless and Reimbursement Agreement between the parties and any change, amendment or modification must be made in writing and executed by both parties.

The individual(s) signing this Agreement has the authority to enter into this Agreement on behalf of the Organizer of the Special Event and have read and understand the Agreement.

**EVENT ORGANIZER**

March 4, 2020  
(date)

  
(signature)

Daniel J. Stevens                      Co-Chair  
(print name)                                      (title)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print name)                                      (title)

**CITY OF ONALASKA**

\_\_\_\_\_  
(date)

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

# SPECIAL EVENT CONTINGENCY PLAN

## For Review Only

Event sponsors should review and consider the following issues when they are planning or preparing for an event. Many of these issues are required by one or more regulations, or are components of larger regulations. Considering other issues which may not be required should contribute to the planning and operation of the event. Developing responses to these questions should result in more productive and fruitful discussions with the various departments with the City during their review of the Special Events Application.

Weather related issues: rain, snow, severe storms, tornadoes, etc.

If the weather forecast includes bad weather, will the event be cancelled? If so, how will attendees be notified?  
Develop a plan for the sudden onset of severe weather. Where will the people go and who is designated to assist in their safe arrival at the safe refuge place?  
Is there an area of safe refuge in case of tornado?

Medical issues

Where will ambulance access to the event be in case one is needed? Who will conduct crowd control in the event of a medical emergency?  
Will a first aid station, with trained first aid provider, be provided at the event? Where?  
If applicable, is there adequate shade to prevent heat stroke? Will water be provided? Where?

Crowd Control

Who will monitor the barricades?  
Who will work the entry gates? Maintain egress and access?  
Who will patrol the area to prevent incidents from getting out of control?  
Develop a plan for those patrolling the crowd of what to do if they encounter unruly behavior. Have communication equipment.

Security

Will there be Police Officers providing security? If so, contact the Police Department for applicable requirements or guidelines relating to the number necessary.  
If volunteers or private agencies provide security, will they have appropriate phone numbers for EMS, Fire, and Police?  
If applicable, what will security officials do if non-paying attendees breach the gate/perimeter? If a complaint is received, for example, for loud music, how and who will handle the complaint? Provide communications equipment. Portable radios, cell phones, and access to land lines.  
If applicable, secure monies in an area not accessible to the attendees.

Logistics

Where will there be, or will there be, a staging area for support staff? What time will the crowd be disbursed and by whom?  
Who will conduct clean up?  
Remember to maintain fire lanes and access roads.  
Appoint one person to oversee and take responsibility for the event. Who? Will an adequate amount of restroom facilities be provided? Where?  
Is there adequate safe parking provided? Where?



**CITY OF ONALASKA**  
**Special Event Insurance Requirements.**

(a) The applicant shall provide primary coverage insurance for the event. Any insurance or self-insurance maintained by the City of Onalaska, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. The applicant shall, no later than five (5) days prior to the start of the event, provide proof of insurance as follows:

1. General Liability Coverage. Coverage shall be occurrence coverage. Claims-made coverage is prohibited.

a. Commercial General Liability.

- (i) \$1,000,000 general aggregate – per event;
- (ii) \$1,000,000 products – completed operations aggregate;
- (iii) \$1,000,000 personal injury and advertising injury;
- (iv) \$1,000,000 each occurrence limit.

b. Insurance must include:

- (i) Premises and operations liability;
- (ii) Contractual liability, including coverage for the joint negligence of the City of Onalaska, its officers, council members, agents, employees, authorized volunteers and the named insured;
- (iii) Personal injury;
- (iv) Explosion, collapse and underground coverage;
- (v) Products and completed operations;
- (vi) The general aggregate must apply separately to the event and location.

2. Business Automobile Coverage. Such coverage is required if motor vehicles are used in relation to and before, during or after the event. This requirement does not apply to cover personal vehicles used by attendees or event personnel to arrive or depart from the event. Coverage limits shall be no less than \$250,000 each person, \$500,000 each accident for bodily injury, \$100,000 for property damage or \$500,000 combined single limit for bodily injury and property damage each accident.

3. Worker's Compensation and Employers Liability. Proof of such coverage shall be required consistent with Wis. Stats. Chap. 102 or any applicable Worker's Compensation Statutes of a different state. Coverage limits shall be no less than \$100,000 each accident, \$500,000 disease policy limit and \$100,000 disease per employee.
4. Liquor Liability. If the event holder sells alcoholic beverages, liquor liability insurance with coverage limits of no less than \$500,000 each occurrence and \$500,000 aggregate.
5. Fireworks Liability. If the event includes a firework display, then the event holder shall carry an additional \$1,000,000 in coverage.

- (b) All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event.
- (c) The City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers shall be additional insureds on general liability, business automobile and liquor liability policies. The additional insured policy endorsement must accompany the certificate of insurance.
- (d) All policies shall require 30 day written notice to the City of Onalaska of cancellation, non-renewal or material change in the insurance coverage.
- (e) Insurance must be provided by an insurance carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.
- (f) All insurance must be primary and non-contributory to any insurance or self-insurance carried by the City of Onalaska.

**FOR OFFICE USE ONLY**

City Clerk  APPROVED  DENIED Reason: \_\_\_\_\_

Fire Dept  APPROVED  DENIED Reason: \_\_\_\_\_

Police Dept  APPROVED  DENIED Reason: \_\_\_\_\_

Public Works  APPROVED  DENIED Reason: \_\_\_\_\_

Planning  APPROVED  DENIED Reason: \_\_\_\_\_

Parks & Rec  APPROVED  DENIED Reason: \_\_\_\_\_

Date: 3-9-20

Date: 3-9-20

Date: 3-10-2016

*g4* Date: 3-16-2020

*b* Date: 3/10/2020

Date: 3/10/2020

Date: \_\_\_\_\_

Site Diagram Sketch Attached:  YES  NO

GIS Dept. Map Prepared: \_\_\_\_/\_\_\_\_/\_\_\_\_

Insurance Required:  YES  NO Certificate of Insurance on File:  YES  NO COI Expires: \_\_\_\_/\_\_\_\_/\_\_\_\_

Special Class B License Required:  YES  NO Date of Special Class B Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

Approved By A&J: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date License Issued: \_\_\_\_/\_\_\_\_/\_\_\_\_

License No: \_\_\_\_\_



City of Onalaska Planning & Zoning, 415 Main Street, Onalaska, WI 54650

### TEMPORARY SIGN PERMIT APPLICATION - Community Events

Please submit the following for City review and approval. Submittal of a complete application will ensure the timely processing of your temporary sign permit:

➔ Sketch or Photo of Proposed Sign(s) (shall include:)

- Dimensions of Sign
- Sign Message / Design
- Sign Materials & Type of Support System

➔ Type of Temporary Sign(s):

- Yard Sign
- Electronic Sign
- Banner
- Flag
- Inflatable
- A-frame or Sandwich Sign
- Portable Sign
- Other \_\_\_\_\_

**PLEASE NOTE, THERE IS NO FEE FOR THESE TEMPORARY SIGNS. HOWEVER, SIGNS MUST FOLLOW CITY REGULATIONS ON PLACEMENT, SIZE, TIMING, ETC. IF THERE ARE ANY QUESTIONS, PLEASE CALL THE CITY'S PLANNING / ZONING DEPARTMENT AT 608-781-9590.**

**Sign Specifications:**

Height (of sign face):	Width (of sign face):	Total Square Feet (of sign face):

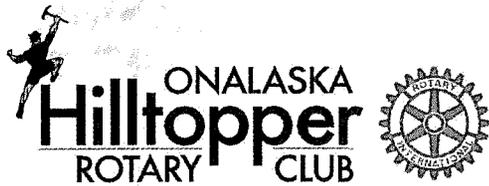
<b>Permit Applicant:</b>	<b>Community Event Name:</b>
Owner/Contact:	Community Event Date:
Mailing Address:	Community Event Time:
City, State, Zip:	Community Event Location:
Phone Number:	<b>Sign Display Dates:</b>
Email:	Start: June 2, 2020 End: August 26th, 20

<b>OFFICE USE ONLY:</b>	Date Submitted:	Application Received By:
	Date Permit/s Issued:	
	City-sponsored Event: <input type="checkbox"/> Yes <input type="checkbox"/> No	

10' x 4' Banner (2019)

# Downtown SOUND

- Brought To You By -



## THANK YOU TO OUR SPONSORS



Suspended w/ bungee cords

# *Great River Sound*

---

# Concert Tonight

---

*Dash-Park*

Sign is 23.75" x 35.75" on Plastic A-frame.



ONALASKA  
**Hilltopper**  
ROTARY CLUB



**Great River Sound**

[WWW.GreatRiverSound.com](http://WWW.GreatRiverSound.com)



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/01/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	<b>CONTACT NAME:</b> Ali Sulita <b>PHONE (A/C, No, Ext):</b> 1-833-3ROTARY <b>FAX (A/C, No):</b> 630-285-4062 <b>E-MAIL ADDRESS:</b> rotary@ajg.com													
	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A : Lexington Insurance Company</td> <td>19437</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Lexington Insurance Company	19437	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :
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INSURER D :														
INSURER E :														
INSURER F :														
<b>INSURED</b> All Active US Rotary Clubs & Districts Onalaska Hilltopper Rotary Club #84277 ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698														

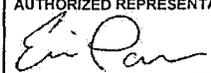
<b>COVERAGES</b>	<b>CERTIFICATE NUMBER:</b> 899307648	<b>REVISION NUMBER:</b>
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THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	015375594	7/1/2019	7/1/2020	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		015375594	7/1/2019	7/1/2020	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	NOT APPLICABLE			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

<b>CERTIFICATE HOLDER</b> City of Onalaska 415 Main Street Onalaska, WI 54650	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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## **Burmester, Cari**

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**From:** Dan Stevens <greatriversound@gmail.com>  
**Sent:** Thursday, May 14, 2020 3:00 PM  
**To:** Burmester, Cari  
**Subject:** Dash-Park permit / Great River Sound

Madame City Clerk,

In light of the recent supreme court ruling, the Onalaska Hilltopper Rotary Club is reviewing the feasibility of proceeding with a delayed start of June 16th. I have received a verbal go ahead from Dan Wick for the Parks Department perspective, but we would still need to clear the permit through Administrative & Judiciary.

- 1) Is obtaining the permit prior to opening likely, or even feasible?
- 2) Does the City of Onalaska have an opinion or preference on Great River Sound happening this year.

If permissible, we are also considering amending the application in two ways. First we would like to extend the season to cover the first two weeks in June. So rather than ending on the last Tuesday in August, we would end after the 2nd Tuesday ( or Wednesday if rained out ) in September. For the other change, we are considering amending to request a temporary closure of the alley abutting Dash-Park to the east. The idea is to allow people more room to set up for social distancing.

Thank you for your attention to this matter.

Dan Stevens  
OHRC GRS Chair

## **Burmester, Cari**

---

**From:** Dan Stevens <dan.stevens@stonebridgecreditinc.com>  
**Sent:** Monday, May 18, 2020 3:51 PM  
**To:** Burmester, Cari  
**Subject:** RE: Great River Sound

I reached out to La Crosse County Health Dept with the idea that we were looking for guidance on hosting a public event in a responsible manner given our current environment. The initial person I spoke with who took the information was very positive, but we are waiting to hear back from someone further up the chain. We will probably nix selling concessions, but may coordinate w/ Mary Cody's to have a food/apps ordered and picked up at our Rotary tent. June 2 ad June 9<sup>th</sup> dates won't happen before council, so we are thinking to extend 2 weeks into September in an attempt to have the whole season.

Our working model right now is:

***Our goal this year is to help people transition in the Covid-19 environment from lockdown back to public life but making adjustments and recognizing the need for everyone to act safely and responsibly.***

- **We will adhere to social distancing between groups.**
- **Limit fans to capacity of park with social distancing between groups.**
- **If moving around the park, patrons should wear masks. Once seated and distance they may be removed for comfort.**
- **If you are not feeling well, please stay home. If you are coughing, you should leave immediately.**
- **Patrons are asked to avoid touching park amenities or other people.**
- **Hand Sanitizer will be available at the Rotary Tent.**
- **We will live stream the event for those who prefer to stay home but would still like to enjoy the concert.**

***Please check [greatriversound.com](http://greatriversound.com) for updates. We will continue to monitor Covid-19 trends and work with the La Crosse County Health Department for guidance. Concerts may have guidelines be relaxed or concerts could be cancelled depending on health trends and executive or legislative orders.***

**From:** Burmester, Cari <cburmester@onalaskawi.gov>  
**Sent:** Monday, May 18, 2020 3:23 PM  
**To:** Dan Stevens <dan.stevens@stonebridgecreditinc.com>  
**Subject:** Great River Sound

I am planning on taking the Great River Sound special events permit to the June cycle of meetings. It could possibly be approved as is or with certain conditions in place, depending on what the committee / council approves. I am asking any applicants to bring forward a plan and what it would look like if you had to limit your event to :

1. 10 people
2. 50 people
3. Wide open, no limit – which is what I already have on file

As you know, conditions may change quickly and any event might be altered or cancelled depending on current conditions that would be regulated by the La Crosse County Health Department.

*Cari Burmaster, CMCRWCMC*

City Clerk, City of Onalaska  
415 Main Street, Onalaska, WI 54650  
Population 18,788  
Phone: 608/781-9530, x202  
Fax: 608/781-9534  
E-mail: [cburmaster@onalaskawi.gov](mailto:cburmaster@onalaskawi.gov)

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error, please respond to the sender and delete the material from any computer and/or server. The City of Onalaska is subject to Wisconsin Statutes relating to public records. Emails sent or received by City employees are subject to these laws. Unless otherwise exempted from the public records law, senders and receivers of City email should presume that the emails are subject to release upon request, and to state record retention requirements.

**Burmester, Cari**

**From:** Alex Deshler <alex.deshler@cancer.org>  
**Sent:** Wednesday, March 25, 2020 12:33 PM  
**To:** Burmester, Cari; Berg, Tim  
**Subject:** Sole Burner new date

Hi Cari and Sgt. Bert,

Is it okay if we move the Sole Burner 5K to Sunday, October 4<sup>th</sup>? Nothing will change as far as start time (10am) or race route. We looked at some dates in September, but I will be newly back from maternity leave and my volunteers have too many complications that month.

If October 4<sup>th</sup> is not okay, let me know!

Thank you!

**Alex Deshler**  
Community Development Manager  
(608) 792.8312

American Cancer Society, Inc. | North Region  
1285 Rudy St Suite 103  
Onalaska, WI 54650  
cancer.org | 1.800.227.2345



Attacking from every angle.



**45 or older? Get screened for colorectal cancer.**  
Colorectal cancer is one of the leading causes of death, yet with regular screening, it can be prevented or found early. ACS recommends screening starting at age 45.

*This message (including any attachments) is intended exclusively for the individual to whom it is addressed and may contain proprietary, protected, or confidential information. If you are not the named addressee, you are not authorized to read, print, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately.*

#7-C

AMERICAN LEGION  
AMERICAN LEGION RIDERS ASSOCIATION of WISCONSIN  
DISTRICT 7

MEMORANDUM FOR STATE OF WISCONSIN  
COUNTY OF LA CROSSE

SUBJECT: Request to Amend Motorcycle Ride License Scheduled Date

Due to the ongoing National and State health concerns related to Covid-19, the American Legion Riders of District 7 are delaying their Annual "Legacy Run" from the original scheduled date of **June 20, 2020 to August 15, 2020.**

The American Legion Riders of District 7 are requesting the date to be amended or a re-issuance of the Motor Cycle License from the aforementioned dates.

To the best of our ability, any and all related Covid-19 guidelines set forth at/for date of Ride will be respected to ensure the health, welfare, and safety of all participants.

Current/Previous License NO. 4-20

No Other Changes, all contacts, times, and routes remain the same

V/R

ALRA WI D7 President  
Howard Horman Jr.  
N7162 Erann Court  
Holmen, WI 54636  
1-608-792-2619  
[hormanhljr@gmail.com](mailto:hormanhljr@gmail.com)

ALRA WI State Secretary  
Paul Roraff Sr.  
730 11<sup>TH</sup> Ave S.  
Onalaska, WI 54650  
1-608-790-1634  
[pnkr12@aol.com](mailto:pnkr12@aol.com)



**CITY OF ONALASKA**

415 Main Street • Onalaska, WI 54650-2953 • (608) 781-9530 fax (608) 781-9534 • [www.cityofonalaska.com](http://www.cityofonalaska.com)

**SPECIAL EVENT PERMIT APPLICATION  
GENERAL EVENT INFORMATION**

Official Name of Special Event: Market In The Park

Start Date: June 13th, 2020

End Date: June 13th, 2020

	MON	TUES	WED	THURS	FRI	SAT	SUN
Setup						8:00AM	
Start						9:00AM	
End						2:00PM	
Cleanup						3:00PM	

Location of Event:  Park/Public Property Van Riper Park  
 Public Street/Sidewalk/Alley/Right of Way  
 Private Property 255 Riders Club Road  
 Other \_\_\_\_\_

Please List Streets (and include map) That May be Closed or Otherwise Affected by the Event:

Location of Event Parking: Onalaska Omni Center

Estimated Attendance Per Day:  
 0-299     300-499     500-999     1,000-4999     5,000+

Estimated Attendance Entire Event:  
 0-299     300-499     500-999     1,000-4999     5,000+

Number of Booths:  
 0-24     25-49     50-74     75-100     100+

Advertising Will Consist of:  
 Pre-event advertising through yard or other signs  
 Temporary directional / other signage during the event (no more than 24 hrs in advance)  
 Promotional Brochure / Flyer – copy must be provided with application

Type of Event:

- Festival / Music Concert
  - Rally / Memorial
  - Parade
  - Run / Walk Greater than 5K
  - Public Assembly  
(For political purposes)
  - Other Market
  - Religious / Educational
  - Street / Block Party
  - Fun Run / Walk A Thon
  - March Utilizing Public Property
  - Sport (fishing, soccer, etc.)
- 

Event Will Have:

- Bounce House
  - Rock Wall
  - Amplified Sound
  - Vehicles
  - Animals
  - Other high-risk activity
  - Bungee Jump
  - Dunk Tank
  - Marching Units
  - Water Slides
- 

Permit & Other Requirements:

<input type="checkbox"/> Alcohol will be served, sold, raffled, etc.	Class B Permit
<input type="checkbox"/> Food & Non Alcoholic Beverages	Health Permit
<input checked="" type="checkbox"/> Non-Food related sales and/or display booths	
<input type="checkbox"/> Tent and/or canopy	Fire Dept. Planning / Inspection Diggers Hotline must be contacted minimum of 3 days before digging
<input type="checkbox"/> Large Generator(s) requiring a separate Electric panel box to be wired off of it	Inspections permit
<input type="checkbox"/> Fires or candles	Fire Dept.
<input type="checkbox"/> Fireworks	Fire Dept.
<input type="checkbox"/> Activities in park outside normal operating hours	Waiver required by City Council
<input type="checkbox"/> Barricades / Detours (city streets, roads, etc.)	Approval by Police & Public Works
<input type="checkbox"/> State Hwy Closures	DOT permit required - organizer contracts with private company to install
<input type="checkbox"/> Cooking Equipment	Fire Dept.
<input type="checkbox"/> Solid Waste & Recycling	Disposal Containers & Haul Away

Arrangements Have Been Made For:

- Restrooms & Hand Washing
- Event Insurance
- Fire Extinguishers
- Drinking Water
- Weather Contingencies
- Tent Heating
- Public Safety / EMS Services
- Advertising Banners/ / Signs
- Grey Water & Grease Removal
- LP Gas

In the Event of Severe Weather:

Open and Available Shelter Locations Will Include:  
Omni Center

Identify Who Will Cancel the Event if Necessary: (name, title, phone number, and e-mail)  
Justin Swartling, Event Coordinator, 608-781-9566, jswartling@onalaskawi.gov

Public Safety Site Plan:

Attach a schematic drawing of the event site location. The drawing must be legible and drawn to scale. The public safety plan must include the following items if they will be provided, or if they are required.

• Booths, stages and event structures
• First Aid Station(s)
• Information / Ticket Booths
• Fences
• Tents
• Boundaries of the Event
• Exits & Gates (gates must be numbered)
• Fire Extinguishers
• Severe Weather Shelters
• Fire / EMS access Road

• Security Staff
•
• Emergency Contact Event Personnel
• Assembly Area & Approximate Occupant Amounts
• Event Parking
• Barricades
• Generators
• Temporary Roadways
• Signed detour route per MUTCD

Provide any additional information the City should consider or may be relevant to a review of this application.

Organization(s) Sponsoring Event:

Name: City of Onalaska - Omni Center

Address: 255 Riders Club Road

City: Onalaska State WI Zip 54650

Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

Check this box to send invoices to this organization.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

Check this box to send invoices to this organization.

**CONTACT INFORMATION**

**\*\*Primary and/or Secondary Contacts Must Be Onsite at All Times of the Event\*\***

**Primary Contact:** Justin Swartling

Daytime Phone: 608-781-9566 X602 Cell #: 507-429-5722

Email: jswartling@onalaskawi.gov

Address 255 Riders Club Road

City: Onalaska State WI Zip 54650

**Secondary Contact:** \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Cell #: \_\_\_\_\_

Email: \_\_\_\_\_

Address \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**EMERGENCY CONTACT INFORMATION**

The public will be notified of a safety and/or security issue(s) in the following manner:

- Contacting Local Police and Fire Services
- Local Radio Station
- Other \_\_\_\_\_
- Onsite PA System
- Word of Mouth

If a Private Security Firm has Been Contracted, List Their Information Below:

Security Provider: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Location of Provider at Event Site: \_\_\_\_\_

Location of Missing Persons Station: \_\_\_\_\_

**EVENTS PERMIT FEE SCHEDULE**

Permit fees shall be based upon the anticipated number of participants expected to attend the listed event, as determined by the City Clerk, and based upon the following fees. Permit fee is due when the application is submitted. Permit fee is nonrefundable if event is cancelled. If event is rescheduled for a date within 6-months, the permit fee would apply to the rescheduled date; if the event is rescheduled for a date later than 6-months of the original event date the permit fee is nonrefundable.

<u>PERMITTYPE</u>	<u>PERMIT FEE</u>
PARADES	\$0
SPECIAL EVENT	0 – 299 Participants = \$0 300 – 499 Participants* = \$250.00 500 – 999 Participants* = \$350.00 Over 1,000 Participants* = \$500.00 Events two (2) or more days: = \$100.00**

\*Attendance shall be based on the highest attendance over the last two years of the event. New events with no prior participation shall automatically fall under subsection (c) 300 to 499 people unless event organizers anticipate 1,000 or more people in attendance.

\*\*Multi day events (e) shall be in addition to the fee based on the number of attendees.



**CITY OF ONALASKA**  
**Special Event Insurance Requirements.**

- (a) The applicant shall provide primary coverage insurance for the event. Any insurance or self-insurance maintained by the City of Onalaska, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. The applicant shall, no later than five (5) days prior to the start of the event, provide proof of insurance as follows:
1. General Liability Coverage. Coverage shall be occurrence coverage. Claims-made coverage is prohibited.
    - a. Commercial General Liability.
      - (i) \$1,000,000 general aggregate – per event;
      - (ii) \$1,000,000 products – completed operations aggregate;
      - (iii) \$1,000,000 personal injury and advertising injury;
      - (iv) \$1,000,000 each occurrence limit.
    - b. Insurance must include:
      - (i) Premises and operations liability;
      - (ii) Contractual liability, including coverage for the joint negligence of the City of Onalaska, its officers, council members, agents, employees, authorized volunteers and the named insured;
      - (iii) Personal injury;
      - (iv) Explosion, collapse and underground coverage;
      - (v) Products and completed operations;
      - (vi) The general aggregate must apply separately to the event and location.
  2. Business Automobile Coverage. Such coverage is required if motor vehicles are used in relation to and before, during or after the event. This requirement does not apply to cover personal vehicles used by attendees or event personnel to arrive or depart from the event. Coverage limits shall be no less than \$250,000 each person, \$500,000 each accident for bodily injury, \$100,000 for property damage or \$500,000 combined single limit for bodily injury and property damage each accident.

- 3. Worker's Compensation and Employers Liability. Proof of such coverage shall be required consistent with Wis. Stats. Chap. 102 or any applicable Worker's Compensation Statutes of a different state. Coverage limits shall be no less than \$100,000 each accident, \$500,000 disease policy limit and \$100,000 disease per employee.
- 4. Liquor Liability. If the event holder sells alcoholic beverages, liquor liability insurance with coverage limits of no less than \$500,000 each occurrence and \$500,000 aggregate.
- 5. Fireworks Liability. If the event includes a firework display, then the event holder shall carry an additional \$1,000,000 in coverage.

- (b) All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event.
- (c) The City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers shall be additional insureds on general liability, business automobile and liquor liability policies. The additional insured policy endorsement must accompany the certificate of insurance.
- (d) All policies shall require 30 day written notice to the City of Onalaska of cancellation, non-renewal or material change in the insurance coverage.
- (e) Insurance must be provided by an insurance carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.
- (f) All insurance must be primary and non-contributory to any insurance or self-insurance carried by the City of Onalaska.

**FOR OFFICE USE ONLY**

City Clerk	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>5-21-20</u>
Fire Dept	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>5-21-20</u>
Police Dept	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>5-26-20</u>
Public Works	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>5-27-20</u>
Planning	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>5-27-20</u>
Parks & Rec	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>5-27-20</u>
Site Diagram Sketch Attached:	<input type="checkbox"/> YES <input type="checkbox"/> NO			Date: _____
GIS Dept.	Map Prepared: ____/____/____			
Insurance Required:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Certificate of Insurance on File: <input type="checkbox"/> YES <input type="checkbox"/> NO	COI Expires: ____/____/____
Special Class B License Required:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Date of Special Class B Application: ____/____/____	
Approved By A&J:	____/____/____		Date License Issued: ____/____/____	
License No:	_____			



# WISCONSIN

GUIDANCE ON PREPARING WORKPLACES FOR COVID-19



OUTDOOR GATHERINGS



Outdoor activities have always been a key element of daily life in Wisconsin communities, and have perhaps become even more important during the COVID-19 pandemic, since they play a critical role in physical and mental health. While most public spaces have been open for passive use during the pandemic, most active uses have been limited, and facilities may need to make adjustments to operate safely in light of COVID-19. Allowing people to resume as many of their regular activities as possible with the necessary precautions

This document is intended to provide guidance for municipalities and civic organizations looking to accommodate small group gatherings in a safe way once it is permitted to do so. This guide includes instructions regarding outdoor gatherings, whether public or charitable in nature, including but not limited to farmers markets, outdoor fitness or educational programming, and other types of small-scale community celebrations or gatherings. In addition, please see the **“General Guidance for All Businesses”** document for guidance that applies to all industries, and please consult the other available industry guides as relevant for your specific business type.

Keeping employees and customers safe is the number-one priority for all businesses. This resource provides guidelines for protecting both of these groups. Organizations, municipalities and management entities are expected to be proactive in ensuring compliance and take definitive action to enforce the rules. It is not sufficient to post signage requesting that guests maintain distancing or to anticipate that staff will be able to manage customer interactions in real time (e.g., by installing signage instructing visitors to comply with distancing but not actually utilizing visual cues or physical barriers to support compliance).

## Recommendations for Outdoor Gatherings

### Employee health and hygiene

- ▶ Employees who have a fever or other symptoms of COVID-19 should not be allowed to work.
- ▶ Maintain an adequate supply of paper goods, soap and hand sanitizer to allow proper hand hygiene among employees.
- ▶ Provide tissues for proper cough/sneeze etiquette and no-touch disposal receptacles.
- ▶ For farmers markets, suspend fines for no-shows to ensure vendors don't feel pressured to work when sick.
- ▶ Consider suspending the use of hand stamps or wrist bands.

### Face masks and cloth face coverings

- ▶ Face masks or cloth face coverings may be required based on the level of interaction with attendees (e.g., point-of-sale interactions).

- ▶ Instruct your employees in how to properly put on and remove a face mask or cloth face covering. The U.S. Centers for Disease Control and Prevention (CDC) provides guidance on how to properly wear a face covering and offers [tutorials for how to make one](#).
- ▶ If attendees will not be able to stay six feet away from others, recommend that they bring their own face mask or covering. Provide face masks at the event for any attendees who do not bring their own. Provide adequate no-touch trash receptacles for used masks. Considerations should be made for individuals who are unable or unwilling to wear a mask or cloth face cover.



PROTECT



WASH OFTEN



DISINFECT



CAUTION



## Clean and disinfect

- ▶ High customer contact areas such as doorknobs, buttons, touchscreens, tables and stair rails should be cleaned every two hours, or after each user if feasible.
- ▶ Bathrooms should be sanitized frequently.
- ▶ Disinfecting wipes should not be used to wipe more than one surface. Use one wipe per item or area.
- ▶ Clean and sanitize any food contact surfaces between users. Food should not be sampled during an event.
- ▶ For farmers markets, consider closing areas that require customers to use tongs or scoops. If tongs and scoops are used, vendors must sanitize them frequently. Consider offering different sizes of prepacked items instead.

## Social distancing

- ▶ Programmed events should be limited to 10 persons at a time in any given space, expanding to 50 people in Phase 2 of the [Badger Bounce Back plan](#).
- ▶ Where possible, event attendance should be staggered to minimize overlap and reduce density of participants.
- ▶ Consider designating alternate offerings for at-risk populations.
- ▶ For any gatherings that do occur (such as farmers markets or small-group programming), spacing between stations/booths should be at least 15 feet.
- ▶ Facilities that promote interaction among unrelated individuals (e.g., playgrounds, play areas, picnic shelters) should be closed if they cannot be adequately sanitized. A visible barrier such as tape, markings or a physical barrier should be used to indicate closure.

- ▶ Reduce parking at popular public spaces to disperse attendees among various entry points and/or minimize utilization by deterring visitors.
- ▶ Consider making walking or biking paths one-way to minimize unintentional interactions, especially during gatherings or events. Utilize directional arrows in chalk paint on surfaces to reinforce new patterns. If it is safe to do so, municipalities may consider expanding pedestrian and cycling corridors into the current vehicular right of way to allow for adequate spacing.
- ▶ Eliminate unnecessary physical contact between individuals, and maintain social distancing with a six-foot distance between individuals whenever possible.
- ▶ Offer cashless and contactless transactions whenever possible.
- ▶ When exchanging paper and coin money, do not touch your face afterward. Ask customers to place cash on the counter/table rather than directly into your hand. Place money on the counter (not in hand) when providing change back to customers. Clean the counter between each customer at checkout.



## Additional attendee protections

- ✦ Post signage at entry points to public spaces reminding individuals experiencing COVID symptoms to stay at home and asking visitors to maintain social distancing.
- ✦ Install handwashing or sanitizing stations (with at least 60% alcohol if providing hand sanitizer) at entry points and key locations throughout the area in which the gathering is being held, including areas where attendees will come into contact with shared equipment and/or food service areas. Encourage attendees to use them.
- ✦ Remove all unnecessary touchpoints, especially those that cannot be sanitized between uses. Examples include the use of pens to sign receipts or visitor logs (cashless and contactless transactions are recommended), benches and drinking fountains.
- ✦ Utilize disposable instead of reusable items whenever possible, and provide adequate trash receptacles to accommodate waste.
- ✦ Increase the number of trash receptacles and frequency of trash pickup to accommodate increased use.
- ✦ Continue offering virtual experiences and curbside pickup of physical goods to accommodate all customers if possible.
- ✦ Do not allow visitors to utilize reusable bags or to bring activity items from home to an event if the activity items would be used by multiple participants.
- ✦ Discourage users from coming into contact with other participants' equipment. For example, sports field users should not return another user's stray balls or share equipment with unrelated parties.



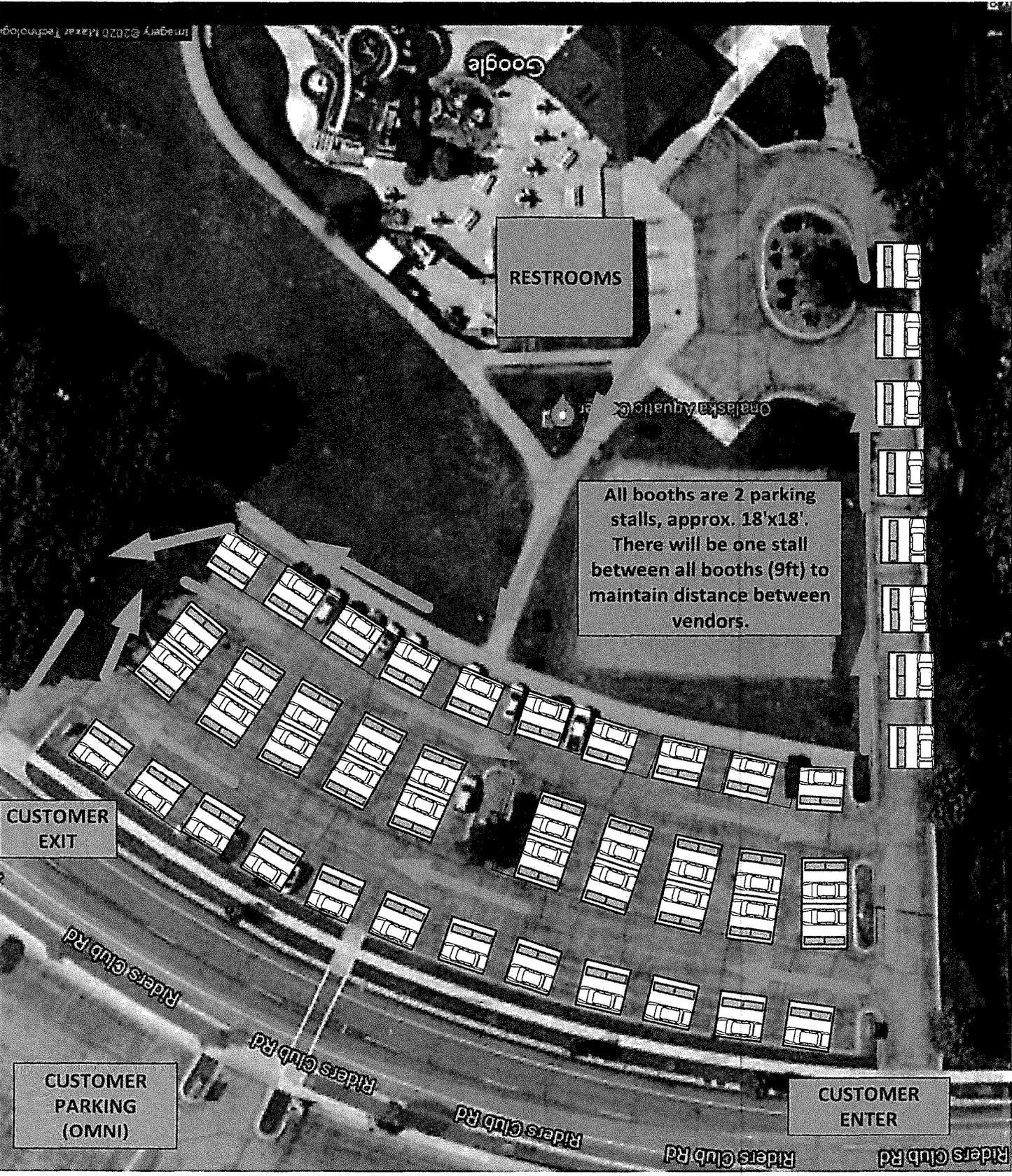
WISCONSIN DEPARTMENT  
of HEALTH SERVICES

**WISCONSIN**  
— DEPARTMENT OF TOURISM —

## IN PARTNERSHIP WITH WISCONSIN'S REGIONAL ECONOMIC DEVELOPMENT ORGANIZATIONS:

7 Rivers Alliance  
Centergy  
Madison Region  
Economic Partnership  
Milwaukee 7

Momentum West  
Prosperity Southwest  
Grow North  
The New North  
Visions Northwest



RESTROOMS

All booths are 2 parking stalls, approx. 18'x18'.  
There will be one stall between all booths (9ft) to maintain distance between vendors.

CUSTOMER EXIT

CUSTOMER PARKING (OMNI)

CUSTOMER ENTER

Riders Club Rd

2020-2021 Class A Liquor Licenses  
City of Onalaska  
County of La Crosse

#8-A

<u>Owner</u>	<u>d/b/a:</u>	<u>Business</u>	<u>Address</u>	<u>License #</u>
Aldi's Inc Wisconsin	d/b/a:	<b>ALDI FOODS #54</b>	3133 Market Place	01203
Skogen's Foodliner, Inc.	d/b/a:	<b>FESTIVAL FOODS</b>	1260 Crossing Meadows Drive	04925
Kwik Trip, Inc.	d/b/a:	<b>KWIK TRIP #350</b>	9421 State Road 16	02749
Kwik Trip, Inc.	d/b/a:	<b>KWIK TRIP #377</b>	1802 East Main Street	02751
Kwik Trip, Inc.	d/b/a:	<b>KWIK TRIP #383</b>	408 Sand Lake Road	02750
Kwik Trip, Inc.	d/b/a:	<b>KWIK TRIP #494</b>	2800 Abbey Road	03723
Kwik Trip, Inc.	d/b/a:	<b>KWIK TRIP #643</b>	1276 Crossing Meadows Drive	02748
Kwik Trip, Inc.	d/b/a:	<b>KWIK TRIP #767</b>	229 Oak Forest Drive	02747
Kwik Trip, Inc.	d/b/a:	<b>KWIK TRIP #822</b>	950 2nd Avenue N	02746
Sam's East Inc.	d/b/a:	<b>SAM'S CLUB #6436</b>	1211 Crossing Meadows Drive	00037
Target Corporation	d/b/a:	<b>TARGET STORE T-0620</b>	9400 State Road 16	00164
Wal-Mart Stores East LP	d/b/a:	<b>WAL-MART #1679</b>	3107 Market Place	02792
Woodmans Food Market, Inc	d/b/a:	<b>WOODMAN'S FOOD MARKET #24</b>	9515 State Road 16	01165

completed 5/11/20

2020-2021 Class B Liquor Licenses  
 City of Onalaska  
 County of La Crosse

#8-C

<u>Res / Non-Res</u>	<u>Owner</u>	<u>d/b/a:</u>	<u>Business</u>	<u>Address</u>	<u>License #</u>	<u>Agent</u>	<u>WI Sellers Permit</u>	<u>Rec'd</u>
Non-Reserve	American Legion Post 336	d/b/a:	AMERICAN LEGION POST 336	731 Sand Lake Road	02781	Patrick Paradise	456-1020130189-03	X
Non-Reserve	Angelinis Ristorante, LLC	d/b/a:	ANGELINI'S RISTORANTE	1427 State Road 35	03200	Antonio Angelini	456-1028159818-02	X
Non-Reserve	Wisconsin Apple LLC	d/b/a:	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	9364 State Road 16	05948	Kent Billingsley	456-1030436519-04	X
Non-Reserve	Lakeside Restaurant, Inc.	d/b/a:	BLUE MOON RESTAURANT & LOUNGE	716 2nd Avenue North	01141	Dustin R. Nimtz	456-0000460624-03	X
Reserve	Blazin Wings, Inc.	d/b/a:	BUFFALO WILD WINGS	3132 Market Place, Suite 100	00068	Andrew Waldstein	456-0000421768-03	X
Non-Reserve	Oak Glen LP	d/b/a:	CEDAR CREEK COUNTRY CLUB	2600 Cedar Creek Lane	01180	David Comelius	456-0001720222-02	X
Non-Reserve	Ciattis Group, LLC	d/b/a:	CIATTI'S RESTAURANTS	2846 Midwest Drive	00199	Joel Barclay	456-1027288212-03	X
Non-Reserve	Coulee Golf Bowl Inc.	d/b/a:	COULEE GOLF BOWL	100 Green Coulee Road	00175	Tina Peek	456-1027258146-03	X
Non-Reserve	J&KB Holdings LLC	d/b/a:	CROOKED PINT ONALASKA	9348 State Road 16 #232	05796	Jarrod Byers	456-1030273476-03	X
Non-Reserve	MAB Restaurants, LLC	d/b/a:	DAVID REAY'S MODERN DINER & TAVERN	214 Main Street	05115	Matt Boshcka	456-1029510582-02	X
Non-Reserve	Il Luigi Italian Cuisine, LLC	d/b/a:	IL LUIGI ITALIAN RESTAURANT	235 Sand Lake Road	05782	Kevin Nedvidek	456-1029810325-02	X
Non-Reserve	La Crosse Country Club, Inc.	d/b/a:	LA CROSSE COUNTRY CLUB	300 Marcou Road	00125	Mark Tennie	456-0000481432-03	X
Reserve-winery	Lost Island Wine LLC	d/b/a:	LOST ISLAND WINE	570 Theater Road, Suite 100	03836	Todd Wiedenhaft	456-0002261592-02	X
Non-Reserve	Manny's Mexican Cocina, Inc.	d/b/a:	MANNY'S MEXICAN COCINA INC.	301 Hampton Court	00130	Ismael Rivera	456-0000117300-03	X
Non-Reserve	Two Marys Inc	d/b/a:	MARY CODY'S RESTAURANT	205 Main Street	01261	James B. Guenther	456-1026741474-03	X
Non-Reserve	Foss Hill Inc.	d/b/a:	NUTBUSH CITY LIMITS BAR & RESTAURANT	1033 2nd Ave S	06266	Fargo Hillman	456-1025388141-03	X
Non-Reserve	GMRI Inc.	d/b/a:	OLIVE GARDEN ITALIAN RESTAURANT #1492	9413 State Highway 16	01144	Cheyenne Burchell	456-0000264167-04	X
Non-Reserve	Onalaska Enhancement Foundation Inc.	d/b/a:	ONALASKA OMNI CENTER	255 Riders Club Road	00112	Dan Wick	456-1027017150-03	X
Non-Reserve	Outback Steakhouse of Florida, LLC	d/b/a:	OUTBACK STEAK HOUSE	311 Hampton Court	00026	Jamie Capuzzi	456-0000107865-05	X
Reserve	Morsal Foods LLC	d/b/a:	SEÑOR VILLA	425 2nd Avenue South	05139	Manuel Sebastian Marono Castro	456-1030025242-02	X
Reserve	Shogun Onalaska Inc	d/b/a:	SHOGUN ONALASKA INC	1227 Crossing Meadow Dr	04335	Li Xinjian	456-1028504924-02	X
Non-Reserve	Stoney Creek Investors La Crosse/Onalaska LLC	d/b/a:	STONEY CREEK INN OF LA CROSSE	3060 S. Kinney Coulee Road	00012	Kara Schuster	456-1026329271-03	X
Non-Reserve	Unwine'd LLC	d/b/a:	UNWINE'D LLC	201 Main Street	05440	Meghan E Schoh	456-1029789516-02	X
Non-Reserve	Wharf Lounge, LLC	d/b/a:	WHARF LOUNGE	103 10th Avenue South	05475	Shelley A. Fell	456-1029441775-02	X

completed 5/18/20

2020-2021 Class B Beer  
City of Onalaska  
La Crosse County

#8-D

	<u>d/b/a:</u>	<u>Business</u>	<u>Address</u>	<u>License #</u>	<u>Agent</u>	<u>WI Sellers Permit</u>	<u>Rec'd</u>
Burrachos LLC	d/b/a:	BURRACHOS	9432 State Highway 16, Ste 100A	00127	Timothy M. Brennan	456-0002766803-02	X
Liu China Inn Corp	d/b/a:	CHINA INN	9348 State Highway 16 #110	00195	Lau Wo Ping	456-1028315374-02	X
Shoot the Duck, Inc.	d/b/a:	LA CROSSE ARCHERY	1231 Oak Forest Drive	00330	Anthony C. Schmidt	456-1026669533-03	X
Quality Pizza, Inc.	d/b/a:	ROCKY ROCOCO PAN STYLE PIZZA	1239 Crossing Meadows Drive	00044	Jeffrey K. Lieske	456-0000567445-03	X
Wharf Lounge, LLC	d/b/a:	WHARF LOUNGE 2	103 10th Avenue South, Suite 4	05476	Shelley A. Fell	456-1029582431-02	X

completed 5/14/20

2020-2021 Class B Liquor Outdoor Venue  
 City of Onalaska  
 County of La Crosse

#8-E

<u>Owner</u>	<u>d/b/a:</u>	<u>Business</u>	<u>Address</u>	<u>License #</u>	<u>Agent</u>	<u>WI Sellers Permit</u>	<u>Rec'd</u>
Angelinis Ristorante, LLC	d/b/a:	ANGELINI'S RISTORANTE	1427 State Road 35	01161	Antonio Angelini	456-1028159818-02	X
Lakeside Restaurant, Inc.	d/b/a:	BLUE MOON RESTAURANT & LOUNGE	716 2nd Avevenue North	02775	Dustin Nimtz	456-0000460624-03	X
Blazin Wings, Inc.	d/b/a:	BUFFALO WILD WINGS	3132 Market Place, Suite 100	00069	Andrew Waldstein	456-0000421768-03	X
J&KB Holdings LLC	d/b/a:	CROOKED PINT ONALASKA	9348 State Road 16 #232	05796	Jarrod Byers	456-1030273476-03	X
MAB Restaurants, LLC	d/b/a:	DAVID REAY'S MODERN DINER & TAVERN	214 Main Street	05116	Matt Boshcka	456-1029510582-02	X
Lost Island Wine	d/b/a:	LOST ISLAND WINE	570 Theater Road, Suite 100	03837	Todd Wiedenhaft	456-0002261592-02	X
Manny's Mexican Cocina, Inc.	d/b/a:	MANNY'S COCINA	301 Hampton Court	00132	Ismael Rivera	456-0000117300-01	X
Outback Steakhouse of Florida, LLC	d/b/a:	OUTBACK STEAK HOUSE	311 Hampton Court	00027	Jamie Capuzzi	456-0000107865-05	X
Morsal Foods, LLC	d/b/a:	SEÑOR VILLA	425 2nd Avenue South	05140	Manuel Sebastian Marono Castro	456-1030025242-02	X
Shogun Onalaska Inc	d/b/a:	SHOGUN ONALASKA INC	1227 Crossing Meadows Dr	04336	Xinjian Li	456-1028504924-02	X

completed 5/27/20

2020-2021 Class B Beer Outdoor Venue  
City of Onalaska  
La Crosse County

#8-F

<u>Owner</u>	<u>d/b/a:</u>	<u>Business</u>	<u>Address</u>	<u>License #</u>	<u>Agent</u>	<u>WI Sellers Permit</u>	<u>Rec'd</u>
Burrachos LLC	d/b/a:	<b>BURRACHOS</b>	9432 State Highway 16, Ste 100A	00128	Timothy M. Brennan	456-0002766803-02	X

completed 5/7/20

2020-2021 Tobacco / Cigarette License  
City of Onalaska  
La Crosse County

#8-G

<u>Business Name</u>	<u>Address</u>	<u>License #</u>	<u>Owner/Agent</u>	<u>Use</u>	<u>Rec'd</u>
Festival Foods	1260 Crossing Meadows Drive	02813	Keith Buswell	OTC	X
Kwik Trip #350	9421 State Road 16	02761	Sara J. Gilman	OTC	X
Kwik Trip #377	1802 East Main Street	02763	Edmund J. Szewczyk	OTC	X
Kwik Trip #383	408 Sand Lake Road	02762	Joann L. Ward	OTC	X
Kwik Trip #494	2800 Abbey Road	03727	Sandra J. Silbaugh	OTC	X
Kwik Trip #643	1276 Crossing Meadows Drive	02760	Paul T. Schwarz	OTC	X
Kwik Trip #767	229 Oak Forest Drive	02759	Mark J. Lee	OTC	X
Kwik Trip #822	950-2nd Avenue North	02758	Gregory D. Bennett	OTC	X
Onalaska Smokes4Less Inc	1220 Crossing Meadows Dr #280	04680	Yunes Abu	OTC	X
Walmart #1679	3107 Market Place	02793	Scott R. Hinkel	OTC	X
Woodman's Food Market #24	9515 State Road 16	01166	Thomas J. Wysocki	OTC	X
Woodman's Food Market Gas Station #24	9515 State Road 16	01167	Thomas J. Wysocki	OTC	X

completed 4/27/20

2020-2021 Hotel / Motel License  
 City of Onalaska  
 La Crosse County



<u>Owner</u>	<u>d/b/a:</u>	<u>Hotel/Motel Name</u>	<u>Address</u>	<u>License #</u>	<u>Rec'd</u>
Crescent Lodging Management Inc.	d/b/a:	<b>BAYMONT INN &amp; SUITES</b>	3300 North Kinney Coulee	00229	
OAB Onalaska Hotel, LLC	d/b/a:	<b>HAMPTON INN OF ONALASKA</b>	308 Hampton Court	02790	X-expires 2021
Somona East, LLC	d/b/a:	<b>HOLIDAY INN EXPRESS</b>	9409 State Road 16	02849	X-expires 2021
DACA and Company LLC	d/b/a:	<b>LAKE MOTEL</b>	926-2nd Avenue North	02745	X-expires 2021
Sandra Sue Berg	d/b/a:	<b>LUMBER BARON INN</b>	421-2nd Avenue North	02889	X-expires 2021
Larson Investments LLC	d/b/a:	<b>MICROTEL INN</b>	3240 North Kinney Coulee Road	02735	X-expires 2021
	d/b/a:	<b>ONALASKA COMFORT INN</b>	1223 Crossing Meadows Drive	02848	X-expires 2021
	d/b/a:	<b>ONALASKA INN</b>	651-2nd Avenue South	03861	
	d/b/a:	<b>SHADOW RUN LODGE</b>	710-2nd Avenue North	02848	X-expires 2021
Stoney Creek Investors of La Crosse LLC	d/b/a:	<b>STONEY CREEK INN OF LA CROSSE/ONALASKA</b>	3060 S. Kinney Coulee Rd	03768	X
	d/b/a:	<b>AMY WIESE</b>	709 Krueger Ct	05915	X-expires 2021
	d/b/a:	<b>BONNIE OLIVER</b>	1018 East Avenue North	05950	X-expires 2021

completed 5/29/19

2020-2021 Mobile Home / Campground  
City of Onalaska  
County of La Crosse

#8-I

<u>Mobile Home/Campground</u>	<u>Address</u>	<u>License #</u>	<u>Rec'd</u>
EVERGREEN ESTATES MOBILE HOME PARK	429 Schnick Road	01148	X
LAKE ONALASKA MOBILE HOME PARK	1004 - 2nd Avenue North	01175	X
OAKWOOD ESTATES MOBILE HOME COURT	935 Oak Avenue South	01146	X
TERLINGUA HEIGHTS MOBILE HOME COURT	1025 Oak Avenue South	00047	X
VILLA ESTATES MOBILE HOME COURT	1105 Oak Avenue South	01147	X

completed May 13, 2020

2020-2021 Taxi / Limo License  
City of Onalaska  
La Crosse County

#8-J

<u>Owner</u>	<u>d/b/a:</u>	<u>Company</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>License #</u>	<u>Rec'd</u>
Kari Perez	d/b/a:	<b>BEE CAB INC.</b>	1224 Island Street	La Crosse	WI	54603	03492	X
Sinkoss USA LLC	d/b/a:	<b>BULLET CAB</b>	2641 15th St S	La Crosse	WI	54601	03454	
Top Hat Inc	d/b/a:	<b>COMMUNITY TRANSPORTATION SYSTEM TAXI</b>	226 Hood Street	LaCrosse	WI	54601	00099	X
	d/b/a:	<b>COULEE REGION TAXI</b>	1400 Caledonia St	La Crosse	WI	54603	05010	X
Don Lee	d/b/a:	<b>LUXURY LIMOSINE INC.</b>	1524 Flat Road, Ste 110	Holmen	WI	54636	00082	X
Running, Inc.	d/b/a:	<b>ONALASKA/HOLMEN/WEST SALEM PUBLIC TRANSIT</b>	318 W. Decker	Viroqua	WI	54665	00160	X

2020-2021 Weights and Measures  
City of Onalaska  
County of La Crosse

#8-K

<u>Owner</u>	<u>d/b/a:</u>	<u>Business</u>	<u>Address</u>	<u>#700 - License #</u>	<u>Agent</u>	<u># of Devices</u>	<u>Timer Devices</u>	<u>Amount Due</u>	<u>Rec'd</u>
ALDI INC.	d/b/a: ALDI #54		3133 Market Place	00046	Abby Kielman	5	0	\$100.00	X
	d/b/a: AUTOZONE		100 Theater Road	04201	Joshua Smale	7	0	\$120.00	X
Best Buy Stores, LP	d/b/a: BEST BUY #18		9420 Highway 16, Pralle Center	00005		24	0	\$290.00	X
Caribou Coffee Co., Inc.	d/b/a: CARIBOU COFFEE #1131		1202 County Road PH #200	03449		4	0	\$90.00	X
Liu China Inn Corp	d/b/a: CHINA INN		9348 State Highway 16 #110	05109	Lau Wo Ping	1	0	\$60.00	X
	d/b/a: D&M RECYCLING		841 2nd Avenue SW	02931	Dean Nugent	2	0	\$70.00	X
Gundersen Health System	d/b/a: DEGEN BERGLUND		111 Sand Lake Road	00226	Loren Carrell	2	0	\$70.00	X
Dollar Tree Stores, Inc.	d/b/a: DOLLAR TREE #981		2910 Market Place	00003		4	0	\$90.00	
JW & LW LLC	d/b/a: EXCALIBUR LAUNDROMAT		211 2nd Avenue South	00141	James E. Wilde	0	24	\$218.00	X
	d/b/a: FAMILY VIDEO		990 12th Avenue South	03565	Jess Schmitt	1	0	\$60.00	
JOPAC, Inc.	d/b/a: FANTASTIC SAMS		1226B Crossing Meadows Dr	02897	John Engerbretson	1	0	\$60.00	X
Farm & Fleet of Rice Lake, Inc.	d/b/a: FARM & FLEET OF LA CROSSE		9438 Highway 16, PO Box 219	00002	John Novak	3	0	\$80.00	
Fedex	d/b/a: FEDEX OFFICE #1440		9432 State Road 16	02800		2	0	\$70.00	
Skogen's Foodliner, Inc.	d/b/a: FESTIVAL FOODS		1260 Crossing Meadows Drive	02814	Keith Buswell	44	0	\$490.00	X
General Nutrition Corp.	d/b/a: GENERAL NUTRITION CENTER #2569		9348 US Highway 16 #218	00194		1	0	\$60.00	
Golf Headquarters	d/b/a: GOLF HEADQUARTERS		542 Lester Avenue	03453	Paul Danielson	1	0	\$60.00	X
Roch-N-Rol Inc.	d/b/a: GREAT CLIPS		2928 Marketplace, Suite 184	03958	Carrie Langan	2	0	\$70.00	
Roch-N-Rol Inc.	d/b/a: GREAT CLIPS		9382 State Road 16	03471	Carrie Langan	2	0	\$70.00	
Gundersen Health System	d/b/a: GUNDERSEN LUTHERAN CLINIC PHARMACY		3111 Gundersen Drive	06324	Loren Carroll	3	0	\$80.00	X
Hallman Lindsay Paints	d/b/a: HALLMAN LINDSAY PAINTS		820 2nd Avenue South	03409	Linda Meyers	2	0	\$70.00	
Suhr Inc	d/b/a: HANGERS TO HEMS		605 2nd Avenue South, Suite 100	04239	Roxanne/Scott Suhr	1	0	\$60.00	X
Home Depot USA, Inc.	d/b/a: HOME DEPOT #4905		2927 Market Place	00096	Octavis Henderson	19	0	\$240.00	
Flagco Gift, Inc.	d/b/a: JERIS HALLMARK		9348 State Road 16, Crossroads Center	00255	Steve or Jerri Dee Flage	2	0	\$70.00	
J-Ann Stores LLC	d/b/a: JO-ANN FABRICS #2478		1220 Crossing Meadows, Suite 300	01455		3	0	\$80.00	X
Kohls Department Stores, Inc.	d/b/a: KOHLS DEPARTMENT STORES, INC. #48		9404 US Highway 16 East, Pralle Center	02988	Shelia Wilson	24	0	\$290.00	
Kwik Trip, Inc.	d/b/a: KWIK TRIP #350		9421 State Road 16	02755	Sara J. Gilman	84	0	\$890.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #377		1802 East Main Street	02757	Edmund J. Szewczyk	48	0	\$530.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #383		408 Sand Lake Road	02756	Joann L. Ward	48	0	\$530.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #494		2800 Abbey Road	03744	Sandra L. Silbaugh	28	0	\$330.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #643		1276 Crossing Meadows Drive	02754	Paul T. Schwarz	48	0	\$530.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #767		229 Oak Forest Drive	02753	Mark J. Lee	50	0	\$550.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #822		950 2nd Avenue N	02752	Gregory D. Bennett	48	0	\$530.00	X
Shoot The Duck Inc.	d/b/a: LA CROSSE ARCHERY		1231 Oak Forest Drive	03404		2	0	\$70.00	X
La Crosse Winona MC Inc	d/b/a: LA CROSSE AREA HARLEY-DAVIDSON		1116 Oak Forest Drive	03362	Eric Eade	5	0	\$100.00	X

2020-2021 Weights and Measures  
City of Onalaska  
County of La Crosse

Kimberly Bentzen-Tabbert	d/b/a: MAINSTREAM BOUTIQUE	1125 Main Street, Suite 180	03405	Kimberly Bentzen-Tabbert	1	0	\$60.00	X
Menards Inc.	d/b/a: MENARDS	1301 Sandlake Road	02795		20	0	\$250.00	X
Michael Stores, Inc.	d/b/a: MICHAELS #9514	9348 State Road 16, Ste 100 & 102	00097		7	0	\$120.00	X
Old Navy LLC	d/b/a: OLD NAVY #3509	9344 State Road 16, Suite B	00019		6	0	\$110.00	X
Diane Reinhart	d/b/a: OLIVE JUICE QUILTS LLC	1258 County Road PH	03425	Diane Reinhart	1	0	\$60.00	
Party City Corporation	d/b/a: PARTY CITY	1228 Crossing Meadows Drive	02878	Lamar Ransom	5	0	\$100.00	
Pawn America Wisconsin LLC	d/b/a: PAWN AMERICA WISCONSIN LLC	1235 Crossing Meadows Drive	00834	Brad Rixmann	5	0	\$100.00	X
Petco Animal Supplies, Inc.	d/b/a: PETCO #622	1231 Crossing Meadows Drive	01145	Matthew Garman	3	0	\$80.00	X
Petsmart, Inc.	d/b/a: PETSMART, INC. (#1506)	9342 State Highway 16	00004	Heidi Thomas	4	0	\$90.00	X
	d/b/a: QUALITY POOL AND SPA BY PARADISE	1001 12th Avenue South	04748	Holly Cichacki	1	0	\$60.00	X
RWSS LAX, INC	d/b/a: REDWING SHOES	9360 State Road 16	02968	Paul Kieffer	1	0	\$60.00	
	d/b/a: ROGAN'S SHOES	1220 Crossing Meadow Drive, Suite 230	03469	Pat Rogan	2	0	\$70.00	X
Ross Dress For Less, Inc.	d/b/a: ROSS DRESS FOR LESS #1951	9412 State Road 16	04749	Lynsey Goodrich	9	0	\$140.00	
Sally Beauty Supply LLC	d/b/a: SALLY BEAUTY SUPPLY #652	9348 US Highway 16	02956	Jennifer Miller	2	0	\$70.00	
	d/b/a: SALON CENTRIC	304 Sand Lake Road	03477	Vicky Svendsen - 6612954838	2	0	\$70.00	
Sam's East Inc.	d/b/a: SAM'S CLUB #6436	1211 Crossing Meadows Drive	00071	Tobias A. Ledford	30	0	\$350.00	X
	d/b/a: SHERWIN-WILLIAMS	9394 State Road 16	03474	Paul Koch	2	0	\$70.00	X
	d/b/a: SNOWWHITE LAUNDROMAT INC	945 Oak Avenue South	00011	Nathan Baum	0	14	\$148.00	
C&L Specialties	d/b/a: SPORT CLIPS	1230 Crossing Meadows Drive	03410	Jeff Foley	1	0	\$60.00	X
	d/b/a: STARBUCKS COFFEE	9432 State Road 16, Ste 180	03636	Adam Bork	2	0	\$70.00	
	d/b/a: SUE KOLVE'S SALON & DAY SPA	230 Main Street	04167	Sue Kolve	1	0	\$60.00	X
	d/b/a: SUN ROOM TANNING LLC	224 Sand Lake Road, Suite C	01206	Daniel Geroux	0	11	\$127.00	
Target Corporation	d/b/a: TARGET STORE T-620	9400 Highway 16	00165	Tina Jensen	30	0	\$350.00	X
The Men's Wearhouse	d/b/a: THE MEN'S WEARHOUSE #4630	East Towne Plaza, 9372 Hwy 16	03182		1	0	\$60.00	
The TJX Companies, Inc.	d/b/a: TJ MAXX #692	9344 State Road 16	00665	Pamela Waring	9	0	\$140.00	
Alltel Communications of La Crosse LP	d/b/a: VERIZON WIRELESS	9360 State Road 16	03534	Al Malenfant	15	0	\$200.00	X
Wal-Mart Stores East LP	d/b/a: WAL-MART STORE #1679	3107 Market Place	02794	Scott R. Hinkel	33	0	\$380.00	X
	d/b/a: WEIGHT WATCHERS ONALASKA 40263	1220 Crossing Meadows Dr, Ste 70	03577	Mary Willie	3	0	\$80.00	X
	d/b/a: WILD BIRDS UNLIMITED	9348 State Road 16, Suite 214	05977	Karen & Gaylord Perry	1	0	\$60.00	
Woodmans Food Market, Inc	d/b/a: WOODMAN'S FOOD MARKET, INC #24	9515 State Road 16	01168	Thomas J. Wysocki	62	0	\$670.00	X
					780	49	64	41
				Total collected			\$11,343.00	



# CITY OF ONALASKA

415 Main Street • Onalaska, WI 54650-2953 • (608) 781-9530 fax (608) 781-9534 • [www.cityofonalaska.com](http://www.cityofonalaska.com)

#9  
06298

## FIREWORKS PERMIT

Cost: No Charge for Display  
\$50 per location to sell &  
Sellers Permit

Date: 05/11/2020

Application is for:  Selling  Displaying  Both

(Please Print)

Requestor Information		
Organization/Requestor Name: R and M Enterprises, Inc dba Snap Fireworks	Phone: (608) 632-0004	
Officer of Corporation or (Director of Event) Michael F. Callaway President		
Address of Organization: 220 East Wisconsin Ave P.O. Box 203		
City: Readstown	State: WI	Zip: 54652
Contact person: Michael Callaway	Phone: (608) 632-0004	
Address: 303 S. 4th Street P.O. Box 203		
City: Readstown	State: WI	Zip: 54652

Event Information		
Date(s) of Event: 06/15/2020 Thru 07/06/2020	Time (beginning) 7:00 <small>am/pm</small>	Time (ending) 12:00 <small>am/pm</small>
Kind and Quantity of Fireworks which may be sold/displayed: Retail Sales of Class C Consumer Fireworks, Adhering to all local laws and regulations		
N/A		
When and Where Fireworks are to be Set off and/or Displayed: N/A		
NA		

### \*\* NOTE \*\* CERTIFICATE OF INSURANCE REQUIRED

With the City of Onalaska listed as additional Insured  
Original Certificate of Insurance must accompany this application

For Office use only:

- Approved by Onalaska Police Department by (name) Chief Bobbeck date: 5-20-20
- Approved by Onalaska Fire Department by: (name) [Signature] date: 5-20-20
- Approved by City Clerk Caru Bunnastu date: 5-18-20

REC#: R00174096 5/13/2020 4:23 PM  
 TRAM: 30 LICENSES  
 OPER: 03 TERM: 3  
 TRAV: CASH 03  
 06098-07/06/20 R and M ENTERPRISES INC  
 FIREWORKS RETAIL SI 50.00  
 PAID BY R and M ENTERPRISES INC  
 OK 50.00  
 APPLIED  
 TENDERED  
 CHANGE  
 0.00  
 50.00  
 50.00



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
5/11/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Ryder Rosacker McCue & Huston (MGD by Hull & Compa 509 W Koenig St Grand Island NE 68802	<b>CONTACT NAME:</b> Kristy Wolfe <b>PHONE (A/C, No, Ext):</b> 308-382-2330 <b>E-MAIL ADDRESS:</b> kwolfe@ryderinsurance.com	<b>FAX (A/C, No):</b> 308-382-7109
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> R&M Enterprises Inc DBA Snap Fireworks, Fireworks 181 Main Ferryville LLC; 516 South 4th Street LLC; 220 East Wisconsin Ave. Readtown WI 54652	<b>INSURER A:</b> SCOTTSDALE INS CO <span style="float: right;">NAIC # 41297</span>	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	

**COVERAGES** **CERTIFICATE NUMBER: 658213612** **REVISION NUMBER:**

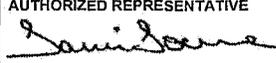
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPS3244950	2/8/2020	2/8/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 150,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			CXS0013553	2/8/2020	2/8/2021	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.  
Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.

Additional Insured: City of Onalaska & East Town Plaza are additional insureds  
Location: Hwy 16 East, Onalaska, WI

**CERTIFICATE HOLDER** **CANCELLATION**

City of Onalaska 415 Main Street Onalaska WI 54650	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY  
CG 24 04 05 09

## WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies Insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

### SCHEDULE

**Name Of Person Or Organization:**

Any person or organization with whom the insured has agreed to waive rights of recovery, provided such agreement is made in writing and prior to the loss.

**Additional Premium is Included**

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV - Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.



ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**BLANKET ADDITIONAL INSURED ENDORSEMENT**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

With respect to this endorsement, **SECTION II—WHO IS AN INSURED** is amended to include as an additional insured any person or organization whom you are required to add as an additional insured on this policy under a written contract, written agreement or written permit which must be:

- a. Currently in effect or becoming effective during the term of the policy; and
- b. Executed prior to the "bodily injury," "property damage," or "personal and advertising injury."

The insurance provided to these additional insureds is limited as follows:

1. That person or organization is an additional insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:
  - a. Your acts or omissions; or
  - b. The acts or omissions of those acting on your behalf.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

2. With respect to the insurance afforded to these additional insureds, the following exclusions are added to item 2. **Exclusions of SECTION I—COVERAGES:**

This insurance does not apply to "bodily injury," "property damage" or "personal and advertising injury" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
  - b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.
3. The limits of insurance applicable to the additional insured are those specified in the written contract, written agreement or written permit or in the Declarations for this policy, whichever is less. These limits of insurance are inclusive of, and not in addition to, the Limits of Insurance shown in the Declarations for this policy.
  4. Coverage is not provided for "bodily injury," "property damage," or "personal and advertising injury" arising out of the sole negligence of the additional insured.
  5. The insurance provided to the additional insured does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of an architect's, engineer's or surveyor's rendering of or failure to render any professional services including:

- a. The preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
  - b. Supervisory, inspection, architectural or engineering activities.
6. Any coverage provided hereunder will be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis unless a

written contract specifically requires that this insurance be primary.

When this insurance is excess, we will have no duty under **SECTION I—COVERAGES** to defend the additional insured against any "suit" if any other insurer has a duty to defend the additional insured against that "suit." If no other insurer defends, we will undertake to do so, but we will be entitled to the additional insured's rights against all those other insurers.

---

AUTHORIZED REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

Includes copyrighted material of ISO Properties, Inc., with its permission.  
Copyright, ISO Properties, Inc., 2004

General Permission Letter

Date : May 11, 2020

To: Whom It May Concern:

Permission is hereby granted to R and M Enterprises, Inc the exclusive right to use the following properties to Sell Class C Fireworks in accordance with the local Municipalities Laws and Statues.

Location Address

East Towne Plaza  
Hwy 16 East  
Onalaska, WI 54652

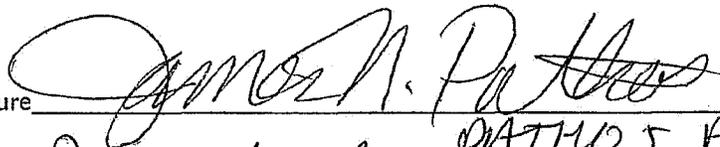
And

Century Plaza  
1613 N. Central Ave  
Marshfield's, WI 54449

By:

Pathos Properties  
2616 E. Lexington Bld  
Eau Claire, WI 54701

Signature

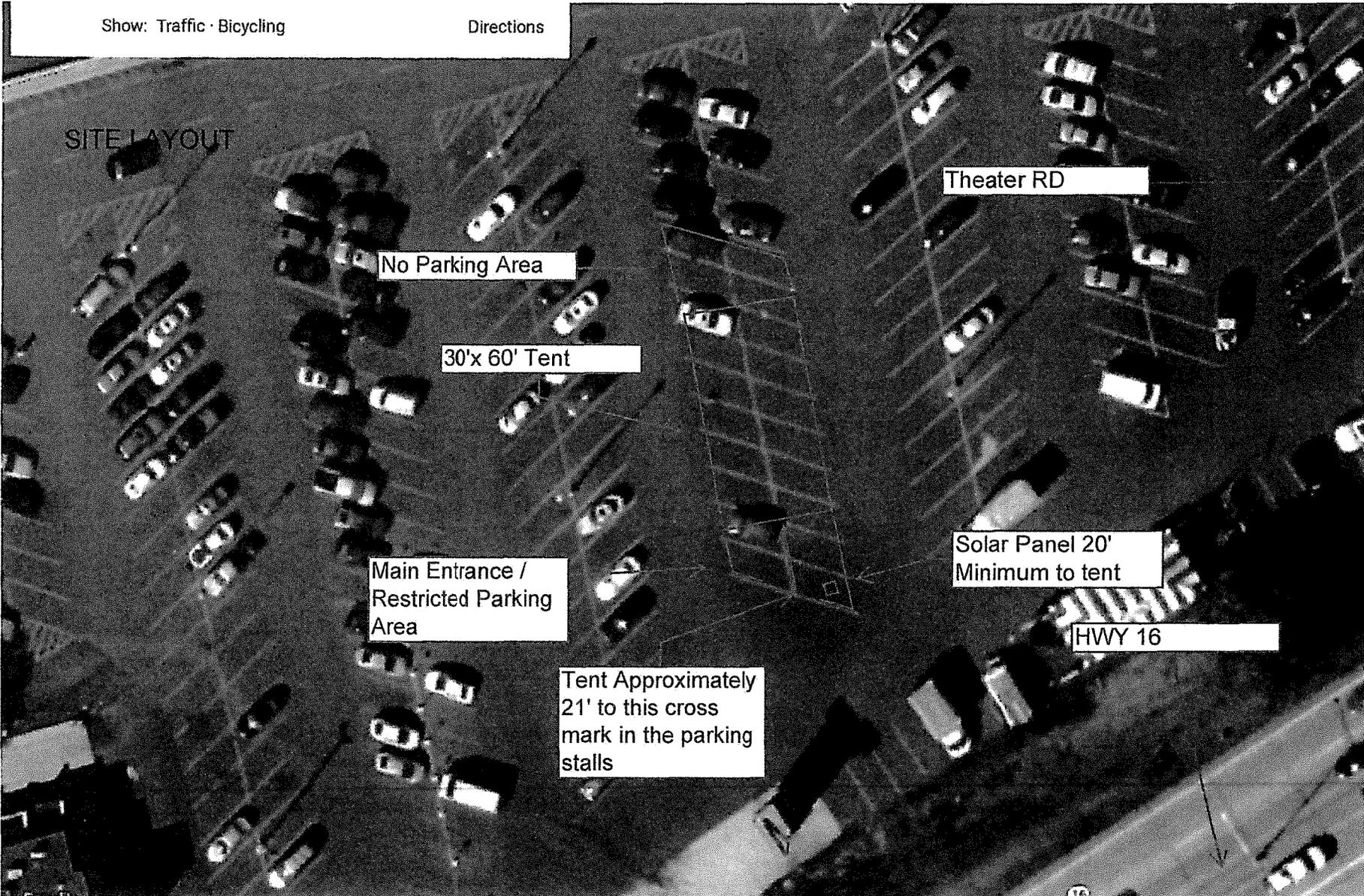


Title

Property Manager  
PATHOS PROPERTIES

Date

**MAY 11<sup>th</sup>, 2020**



NOT TO SCALE.  
GENERAL LAYOUT ONLY!

Tent Layout

← North

5ft Emergency Exit With Sign

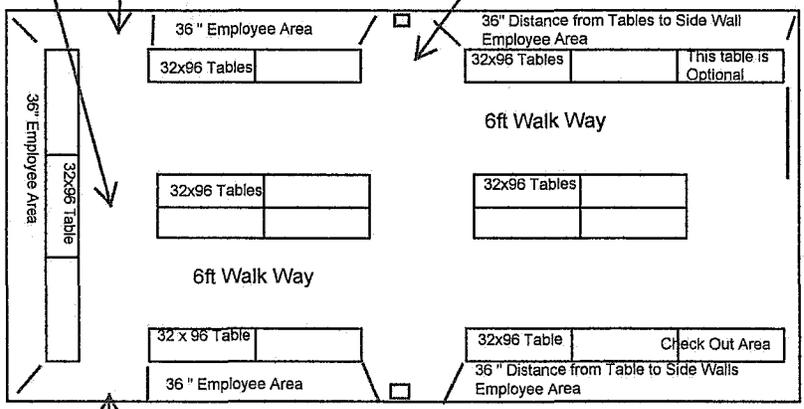
Fire Extinguisher Hung with Sign

Min. 6ft between tables for Extinguisher access

Minimum 5ft Walk way (May be wider)

20' Drive

No Parking Area Blocked Off With Signs Approximately 20'x30' Area



Main Entrance / Exit  
No Parking

Notes Area Blocked

20' Drive

5ft Emergency Exit With Sign

Fire Extinguisher Hung With Sign

Not to Scale.

Location:

East Towne Plaza Parking Lot

Located in the 4th Double parking section from Theater Rd. See attached aerial photo.

Square Footage Explanation

Structure Area

Tent is 30x60 or 1800 square Feet

Total Structure Square feet 1960 Square Feet

Site Square Footage

Tent Sales Area 10ft x 40 or 4000 Square feet (10 x2 parking stalls)

Tent will be: 30" x 60" frame tent with 7' sidewalls secured by Concrete weights as specified by Tent Company.

- 30ft end facing Hwy 16 will be approximately 21ft from the end of the center parking line closes to Hwy 14. (See Map for detail)
- Erection of tent will be June 17-June 26, 2020. Start of use estimated June 24-26, 2020.
- Due to weather dates may have to be adjusted.
- Inspection dates and time will be determined closer to the erection date.
- Sales will end of July 6<sup>th</sup>, 2020. Tent will be removed by July 10<sup>th</sup>, 2020.
- Front Entrance will be the 30 foot side facing Hwy 16. There will be an area cored off for customer entrance.
- All other sides will be restricted by pennants, bunting or caution tape to restrict access by unauthorized persons. (Except exits)
- The north end will be a No Parking Area with a Minimum distance of 10ft from the tent. Area cored off with Pennants and No Parking Signs.
- The 2 - 60' sides will be posted with no parking and No Smoking signs to keep cars from parking in those areas. Customer Parking should be in the parking areas to both sides across the drive. See Map and drawing for details.

Tent inside layout:

Inside the tent

- 8 – 10 - 8'x32" tables down both of the 60' sides, 4 on each side. They will be set approximately 36" from the side walls. The 36" area between the tables and the side wall will not be for customer access. It is a voluntary setback for product protection and to control the customer flow and limit possible shop lifting.
- 3-8'x32" tables across the back. Approximately 8ft between the tables and the back of the tent.
- 2- Rows of 4-5 tables (back to back) down the center of the tent.
- Isle widths – SEE THE TENT LAYOUT drawing for more detail
- We will post "No Smoking" and "No Lighting of Fireworks within 300 Feet" One set on the 30' wall of the main entrance and exit and 2 sets on each of the 60' walls.
- There will be 2 emergency Exits on the 60' sides to the rear of the tent with the exits having a minimum of 48". Estimated accrual width close to 60"
- Will have 2- (2A) Fire Extinguishers and 1 Pressurized Water Can on the premises. Fire Extinguishers will be hung and have a signed above them. Water can will set on the ground below one of the Fire Extinguishers.
- SEE THE TENT LAYOUT drawing for more detail.

## Generator / Electric

We have a very limited need for electricity. Most is used to charge laptop computer other small battery powered computer equipment. Lights uses is very limited. With this in mind. Within the same area as the generator we may place a portable solar battery charger. We are hoping this will eliminate the need to run the generator.

We may also place a few solar powered LED Lights in the tent if needed.

# Safety Data Sheet

acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

Revision: 01/06/2017

## 1 Identification

### Product identifier

- **Trade name:**

Fireworks, Division 1.4 Explosive Fireworks, Consumer

- **Product code:**

Fireworks, 1.4G UN0336

- **Recommended use and restriction on use**

- **Recommended use:** Explosive product for personal enjoyment for entertainment and celebrations

- **Restrictions on use:** Contact manufacturer/supplier

- **Details of the supplier of the Safety Data Sheet**

- **Manufacturer/Supplier:**

R and M ENterprises, Inc  
220 East Wisconsin Ave  
Readstown, WI 54652  
608-629-5398

- **Emergency telephone number:**

ChemTel Inc.  
(800)255-3924, +1 (813)248-0585

## 2 Hazard(s) identification

- **Classification of the substance or mixture**

Expl. 1.4 H204 Fire or projection hazard.

- **Label elements**

- **GHS label elements**

The product is classified and labeled according to the Globally Harmonized System (GHS).

- **Hazard pictograms:**



GHS01

- **Signal word:** Warning

- **Hazard statements:**

H204 Fire or projection hazard.

- **Precautionary statements:**

P210 Keep away from heat/sparks/open flames/hot surfaces. No smoking.

P250 Do not subject to grinding/shock/friction.

P280 Wear protective gloves / eye protection / face protection.

P370+P380 In case of fire: Evacuate area.

P374 Fight fire with normal precautions from a reasonable distance.

(Cont'd. on page 2)

## Safety Data Sheet

acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

Revision: 01/06/2017

**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 1)

P401 Store in accordance with local/regional/national/international regulations.  
 P501 Dispose of contents/container in accordance with local/regional/national/international regulations.

· **Other hazards** There are no other hazards not otherwise classified that have been identified.

· **Explosive Product Notice**

WARNING - All explosives are dangerous and must be carefully handled and used following approved safety procedures either by or under the direction of competent, experienced persons in accordance with all applicable federal, state, and local laws, regulations, or ordinances. If you have any questions or doubts as to how to use any explosive product, DO NOT USE IT before consulting with your supervisor, or the manufacturer, if you do not have a supervisor. If your supervisor has any questions or doubts, he should consult the manufacturer before use.

### 3 Composition/information on ingredients

· **Chemical characterization: Mixtures**

· **Components:**

Components for product possessing only physical hazards do not require reporting. These components are considered proprietary.

### 4 First-aid measures

· **Description of first aid measures**

· **General information:**

Information is only applicable to product contents, and not to product as normally supplied. This information is applicable to damaged, leaking, or spilled product as contact with contents is possible under these conditions.

· **After inhalation:** Supply fresh air; consult doctor in case of complaints.

· **After skin contact:**

Wash with soap and water.

In case of minor burns, flush with cool water.

If skin irritation is experienced, consult a doctor.

· **After eye contact:**

Remove contact lenses if worn.

Rinse opened eye for several minutes under running water. If symptoms persist, consult a doctor.

· **After swallowing:**

Unlikely route of exposure.

Do not induce vomiting; immediately call for medical help.

· **Most important symptoms and effects, both acute and delayed:** Thermal burns, if mishandled.

· **Danger:** No relevant information available.

· **Indication of any immediate medical attention and special treatment needed:**

Product may produce physical injury if mishandled. Treatment of these injuries should be based on the clinical presentation.

(Cont'd. on page 3)

**Safety Data Sheet**  
acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

Revision: 01/06/2017

**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 2)

### 5 Fire-fighting measures

- **Extinguishing media**
- **Suitable extinguishing agents:**  
Flood area with water. If no water is available, carbon dioxide, dry chemical or earth may be used. If the fire reaches the cargo, withdraw and let fire burn.
- **For safety reasons unsuitable extinguishing agents:** None.
- **Special hazards arising from the substance or mixture**  
During heating or in case of fire poisonous gases are produced.  
Product may explode if burned in confined space. Individual cartridges may explode. Mass explosion of many cartridges at once is unlikely.
- **Advice for firefighters**
- **Protective equipment:**  
Wear self-contained respiratory protective device.  
Wear fully protective suit.
- **Additional information:**  
Eliminate all ignition sources if safe to do so.  
Cool endangered receptacles with water spray.  
Flammability Classification: (defined by 29 CFR 1910.1200) Explosive. Can explode under fire conditions. Individual devices will randomly explode. Will not mass explode if multiple devices are involved. Burning material may produce toxic and irritating vapors. In unusual cases, shrapnel may be thrown from exploding devices under containment. See 2008 Emergency response Guidebook for further information.

### 6 Accidental release measures

- **Personal precautions, protective equipment and emergency procedures**  
Wear protective equipment. Keep unprotected persons away.  
Remove persons from danger area.  
Ensure adequate ventilation.  
Isolate area and prevent access.
- **Environmental precautions**  
Do not allow undiluted product or large quantities of it to reach ground water, water course or sewage system.
- **Methods and material for containment and cleaning up**  
Pick up mechanically.  
Send for recovery or disposal in suitable receptacles.
- **Reference to other sections**  
See Section 7 for information on safe handling.  
See Section 8 for information on personal protection equipment.  
See Section 13 for disposal information.

(Cont'd. on page 4)

## Safety Data Sheet

acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

Revision: 01/06/2017

**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 3)

### 7 Handling and storage

- **Handling**

- **Precautions for safe handling:**

Handle with care. Avoid jolting, friction and impact.  
Keep out of reach of children.

- **Information about protection against explosions and fires:**

Keep away from sparks and open flames. - No smoking.  
Emergency cooling must be available in case of nearby fire.

- **Conditions for safe storage, including any incompatibilities**

- **Storage**

- **Requirements to be met by storerooms and receptacles:**

Avoid storage near extreme heat, ignition sources or open flame.

- **Information about storage in one common storage facility:**

Store away from foodstuffs.  
Store away from flammable substances.

- **Further information about storage conditions:** Store in cool, dry conditions in well sealed receptacles.

- **Specific end use(s)** No relevant information available.

### 8 Exposure controls/personal protection

- **Control parameters**

- **Components with limit values that require monitoring at the workplace:**

The product does not contain any relevant quantities of materials with critical values that have to be monitored at the workplace.

- **Exposure controls**

- **Personal protective equipment:**

- **General protective and hygienic measures:**

The usual precautionary measures for handling chemicals should be followed.

Keep away from foodstuffs, beverages and feed.

Wash hands before breaks and at the end of work.

- **Engineering controls:** Provide adequate ventilation.

- **Breathing equipment:** Not required under normal conditions of use.

- **Protection of hands:** When needed, wear gloves for protection against mechanical hazards.

- **Eye protection:**



Safety glasses

Follow relevant national guidelines concerning the use of protective eyewear.

- **Body protection:** When needed, wear protective clothing for protection against mechanical hazards.

- **Limitation and supervision of exposure into the environment**

No relevant information available.

(Cont'd. on page 5)

## Safety Data Sheet

acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

Revision: 01/06/2017

**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 4)

· **Risk management measures**

Organizational measures should be in place for all activities involving this product.

### 9 Physical and chemical properties

· **Information on basic physical and chemical properties**

· **Appearance:**

Form: Outer shell containing powder, granular, or solid materials.

Color: According to product specification

· **Odor:** Odorless

· **Odor threshold:** Not determined.

· **pH-value:** Not applicable.

· **Melting point/Melting range:** Not determined.

· **Boiling point/Boiling range:** Not determined.

· **Flash point:** Not applicable.

· **Flammability (solid, gaseous):** Fire or projection hazard.

· **Auto-ignition temperature:** Not determined.

· **Decomposition temperature:** Not determined.

· **Danger of explosion:** Heating may cause an explosion.

· **Explosion limits**

Lower: Not determined.

Upper: Not determined.

· **Vapor pressure:** Not applicable.

· **Density:** Not determined.

· **Relative density:** Not determined.

· **Vapor density:** Not applicable.

· **Evaporation rate:** Not applicable.

· **Solubility in / Miscibility with**

Water: Insoluble.

· **Partition coefficient (n-octanol/water):** Not determined.

· **Viscosity**

Dynamic: Not applicable.

Kinematic: Not applicable.

· **Other information** No relevant information available.

### 10 Stability and reactivity

· **Reactivity:** No relevant information available.

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## Safety Data Sheet

acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

Revision: 01/06/2017

**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 5)

- **Chemical stability:**
- **Thermal decomposition / conditions to be avoided:** Risk of explosion if heated under confinement.
- **Possibility of hazardous reactions**
  - Fire or projection hazard.
  - Toxic fumes may be released if heated above the decomposition point.
  - Reacts with strong acids and alkali.
- **Conditions to avoid**
  - Excessive heat.
  - Sources of ignition: sparks, open flame, incompatible materials
- **Incompatible materials** Oxidizers, strong bases, strong acids
- **Hazardous decomposition products**
  - Carbon monoxide and carbon dioxide
  - Nitrogen oxides
  - Sulfur oxides (SO<sub>x</sub>)

### 11 Toxicological information

- **Information on toxicological effects**
- **Acute toxicity:**
- **LD/LC50 values that are relevant for classification:** None.
- **Primary irritant effect:**
- **On the skin:**
  - Not a skin irritant in unused form. Vapors/particles from used product are possibly irritating to skin.
- **On the eye:**
  - Not an eye irritant in unused form. Vapors/particles from used product are possibly irritating to eyes.
- **Sensitization:** Based on available data, the classification criteria are not met.
- **Carcinogenic categories**

· <b>IARC (International Agency for Research on Cancer):</b>
--

None of the ingredients are listed.
-------------------------------------

· <b>NTP (National Toxicology Program):</b>
---

None of the ingredients are listed.
-------------------------------------

· <b>OSHA-Ca (Occupational Safety &amp; Health Administration):</b>
---

None of the ingredients are listed.
-------------------------------------

- **Probable route(s) of exposure:**
  - Skin contact.
  - Eye contact.
  - Inhalation.
- **Acute effects (acute toxicity, irritation and corrosivity):** Thermal burns, if mishandled.
- **Repeated dose toxicity:** From product as supplied: None.
- **CMR effects (carcinogenicity, mutagenicity and toxicity for reproduction)**
- **Germ cell mutagenicity:** Based on available data, the classification criteria are not met.
- **Carcinogenicity:** Based on available data, the classification criteria are not met.
- **Reproductive toxicity:** Based on available data, the classification criteria are not met.

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## Safety Data Sheet

acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

Revision: 01/06/2017

**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 6)

- **STOT-single exposure:** Based on available data, the classification criteria are not met.
- **STOT-repeated exposure:** Based on available data, the classification criteria are not met.
- **Aspiration hazard:** Based on available data, the classification criteria are not met.

### 12 Ecological information

- **Toxicity**
- **Aquatic toxicity** No relevant information available.
- **Persistence and degradability** No relevant information available.
- **Bioaccumulative potential:** May be accumulated in organism
- **Mobility in soil:** No relevant information available.
- **Other adverse effects** No relevant information available.

### 13 Disposal considerations

- **Waste treatment methods**
- **Recommendation:**  
Must not be disposed of together with household garbage. Do not allow product to reach sewage system. Incinerate in accordance with local, state and federal regulations.  
The user of this material has the responsibility to dispose of unused material, residues and containers in compliance with all relevant local, state and federal laws and regulations regarding treatment, storage and disposal for hazardous and nonhazardous wastes. Residual materials should be treated as hazardous.
- **Uncleaned packagings**
- **Recommendation:** Disposal must be made according to official regulations.

### 14 Transport information

- |   |           |
|---|-----------|
| · <b>UN-Number</b>  |           |
| · <b>DOT, ADR, IMDG, IATA</b>   | UN0336    |
| · <b>UN proper shipping name</b>  |           |
| · <b>DOT, ADR, IMDG, IATA</b>   | Fireworks |
| · <b>Transport hazard class(es)</b>   |           |
| · <b>DOT</b>  |           |
|  |           |
| · <b>Class</b>  | 1.4       |

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## Safety Data Sheet

acc. to OSHA HCS (29 CFR 1910.1200)

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**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 7)

· **Label** 1.4G

· **ADR, IMDG, IATA**



· **Class** 1.4  
 · **Label** 1.4G

· **Packing group**  
 · **DOT** II

· **Environmental hazards**  
 · **Marine pollutant:** No

· **Special precautions for user** Not applicable.  
 · **EMS Number:** F-B,S-X

· **Transport in bulk according to Annex II of MARPOL73/78 and the IBC Code** Not applicable.

· **Transport/Additional information:**

· **IATA**



Cargo Aircraft Only.

### 15 Regulatory information

- **Safety, health and environmental regulations/legislation specific for the substance or mixture**
- **United States (USA)**
- **SARA**

· **Section 302 (extremely hazardous substances):**

None of the ingredients are listed.

· **Section 304 (emergency release notification):**

None of the ingredients are listed.

· **Section 355 (extremely hazardous substances):**

None of the ingredients are listed.

· **Section 313 (Specific toxic chemical listings):**

Contact manufacturer.

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## Safety Data Sheet

acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

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**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 8)

· **TSCA (Toxic Substances Control Act)**

All ingredients are listed.

· **Proposition 65 (California)**

· **Chemicals known to cause cancer:**

Contact manufacturer.

· **Chemicals known to cause reproductive toxicity for females:**

Contact manufacturer.

· **Chemicals known to cause reproductive toxicity for males:**

Contact manufacturer.

· **Chemicals known to cause developmental toxicity:**

Contact manufacturer.

· **Carcinogenic categories**

· **EPA (Environmental Protection Agency):**

None of the ingredients are listed.

· **IARC (International Agency for Research on Cancer):**

Contact manufacturer.

· **NIOSH-Ca (National Institute for Occupational Safety and Health):**

Contact manufacturer.

### 16 Other information

This information is based on our present knowledge. However, this shall not constitute a guarantee for any specific product features and shall not establish a legally valid contractual relationship.

· **Date of preparation / last revision** 01/06/2017 / -

· **Abbreviations and acronyms:**

ADR: European Agreement concerning the International Carriage of Dangerous Goods by Road

IMDG: International Maritime Code for Dangerous Goods

DOT: US Department of Transportation

IATA: International Air Transport Association

CAS: Chemical Abstracts Service (division of the American Chemical Society)

LC50: Lethal concentration, 50 percent

LD50: Lethal dose, 50 percent

NIOSH: National Institute for Occupational Safety

OSHA: Occupational Safety & Health

TLV: Threshold Limit Value

PEL: Permissible Exposure Limit

REL: Recommended Exposure Limit

LDLo: Lowest Lethal Dose Observed

Expl. 1.4: Explosives – Division 1.4

· **Sources**

Website, European Chemicals Agency ([echa.europa.eu](http://echa.europa.eu))

Website, US EPA Substance Registry Services ([ofmpub.epa.gov/sorinternet/registry/substreg/home/overview/home.do](http://ofmpub.epa.gov/sorinternet/registry/substreg/home/overview/home.do))

Website, Chemical Abstracts Registry, American Chemical Society ([www.cas.org](http://www.cas.org))

Patty's Industrial Hygiene, 6th ed., Rose, Vernon, ed. ISBN: 978-0-470-07488-6

(Cont'd. on page 10)

**Safety Data Sheet**  
acc. to OSHA HCS (29 CFR 1910.1200)

Printing date: 01/06/2017

Revision: 01/06/2017

**Trade name:** Fireworks, Division 1.4 Explosive Fireworks, Consumer

(Cont'd. of page 9)

Casarett and Doull's Toxicology: The Basic Science of Poisons, 8th Ed., Klaasen, Curtis D., ed., ISBN: 978-0-07-176923-5.

Safety Data Sheets, Individual Manufacturers

SDS Prepared by:

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<b>R and M Enterprises, Inc dba Snap Fireworks   2019 Product List Onalaska, WI</b>			
<b>Product Type</b>	<b>No.</b>	<b>Description</b>	<b>Onalaska Ordance Referance</b>
Assortments	BCPP4SS	BC Party Pack #4 SS	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	BCPP5SS	BC Party Pack #5 SS	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	BCPP6SS	BC Party Pack #6 SS	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	P0016	HAPPY FINGER	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	SPKF10	Kids Fun Pack	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	P0024	KID'S FUNNY BACKPACK	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	KP1	Kids Pack 24/1	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	AS08	Lil' Pyro Bucket	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	BC029SS	Pyro #3 ss Assortment S/S	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	AS07	Pyro Bucket Assortment	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	PYROPACKSSDISPLAY	Pyro Pack Assortment SS w/Disp	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Assortments	P0012	STAR LIGHT	7-7-1(a)(2)(3)(4)(5)(6)(7)(8)
Fountains	BC2216	100 Foot Fountain	7-7-1(a)(7)
Fountains	BC2224	3 for 1 Fountain Pack	7-7-1(a)(7)
Fountains	SP670	3X9 Fountain 4 Assorted	7-7-1(a)(7)
Fountains	BC2045	4 Assorted 9" FNTS	7-7-1(a)(7)
Fountains	SP614	8in Cone	7-7-1(a)(7)
Fountains	SPHN90	9 IN ASSORTED FOUNTAIN	7-7-1(a)(7)
Fountains	BC201922	ASSORTED 7" FNTS	7-7-1(a)(7)
Fountains	P3085	Ballerinas Ball	7-7-1(a)(7)
Fountains	SP110	Balls of Fury	7-7-1(a)(7)
Fountains	BC2208	Big Cat Fountain	7-7-1(a)(7)
Fountains	TG4255	Bubble Rainbow	7-7-1(a)(7)
Fountains	BC2227	Bug Zapper	7-7-1(a)(7)
Fountains	JP287A	CAJUN CRACKLER	7-7-1(a)(7)
Fountains	BC31304	California Candle	7-7-1(a)(7)
Fountains	BC2223	Citrus	7-7-1(a)(7)
Fountains	SP681	Colorful Fountain	7-7-1(a)(7)
Fountains	SP0852	Cuckoo	7-7-1(a)(7)
Fountains	P3073	Dancing with Ghost	7-7-1(a)(7)
Fountains	BC2211	Darkside Fountain	7-7-1(a)(7)

<b>R and M Enterprises, Inc dba Snap Fireworks   2019 Product List Onalaska, WI</b>			
<b>Product Type</b>	<b>No.</b>	<b>Description</b>	<b>Onalaska Ordance Referance</b>
Fountains	SPF111	Dazzling Diamond	7-7-1(a)(7)
Fountains	JP293	Emoji Ftn	7-7-1(a)(7)
Fountains	SP625	Endless Fountain	7-7-1(a)(7)
Fountains	WB024	Fantasy Fountain	7-7-1(a)(7)
Fountains	BC2230	Fantastic 4 Fountains	7-7-1(a)(7)
Fountains	BC2219	Firecracker Barrage	7-7-1(a)(7)
Fountains	BS5003	Fire-N-Ice	7-7-1(a)(7)
Fountains	TG4266	Fish Tank	7-7-1(a)(7)
Fountains	TG4271	Flush It!	7-7-1(a)(7)
Fountains	BC2174	FOUNTASTIC	7-7-1(a)(7)
Fountains	BC2214	Frick and Frack	7-7-1(a)(7)
Fountains	BC2202	Gamma Fountain	7-7-1(a)(7)
Fountains	P3066	GROUND BLOOM FOUNTAIN	7-7-1(a)(7)
Fountains	BC2194	Ground Load	7-7-1(a)(7)
Fountains	P3067	HAPPY PANDA	7-7-1(a)(7)
Fountains	NN1001	Hells Fury	7-7-1(a)(7)
Fountains	BC2197	Hot Sauce Fnt	7-7-1(a)(7)
Fountains	BC2189	In Living Color	7-7-1(a)(7)
Fountains	SP616	Jumping Jelly Bean	7-7-1(a)(7)
Fountains	TG4239	Jurassic Fountain	7-7-1(a)(7)
Fountains	BC2196	Kaboodle	7-7-1(a)(7)
Fountains	SPW499A	Killer Bees	7-7-1(a)(7)
Fountains	P3090	Koi Pond	7-7-1(a)(7)
Fountains	P3093	Light House	7-7-1(a)(7)
Fountains	P3089	Little Monsters	7-7-1(a)(7)
Fountains	BC2195	Margarita	7-7-1(a)(7)
Fountains	BC2153	Moonshine	7-7-1(a)(7)
Fountains	SPF1188	Naughty Boys	7-7-1(a)(7)
Fountains	BC2231	Neon Dragon	7-7-1(a)(7)
Fountains	IM4109	Neon Fire	7-7-1(a)(7)
Fountains	P3092	Neon Jelly Bean	7-7-1(a)(7)

<b>R and M Enterprises, Inc dba Snap Fireworks   2019 Product List Onalaska, WI</b>			
<b>Product Type</b>	<b>No.</b>	<b>Description</b>	<b>Onalaska Ordance Referance</b>
Fountains	BC2222	Night Raider Fnt W/Rising Tail	7-7-1(a)(7)
Fountains	BC2209	Ninja Wars	7-7-1(a)(7)
Fountains	P3070	NOISY BOYS	7-7-1(a)(7)
Fountains	NN1000	Old Faithful	7-7-1(a)(7)
Fountains	P3094	Opera Face	7-7-1(a)(7)
Fountains	BC2199	Packin' Purple	7-7-1(a)(7)
Fountains	TG4256	Pirate's Treasure	7-7-1(a)(7)
Fountains	TG4233	Popcorn Snowballs	7-7-1(a)(7)
Fountains	SP671	Punkin Chunkin Fountain	7-7-1(a)(7)
Fountains	IM4104	Pyro Engine	7-7-1(a)(7)
Fountains	BC247	Rainbow Fnt	7-7-1(a)(7)
Fountains	P3087	Say Cheese	7-7-1(a)(7)
Fountains	BC2212	SHHHH!!!	7-7-1(a)(7)
Fountains	BC2213	Shut Up Fountian	7-7-1(a)(7)
Fountains	SP672	Smiley Face Fountain	7-7-1(a)(7)
Fountains	P3088	Snow Cone	7-7-1(a)(7)
Fountains	P3097	SNOW CONE JR FOUNTAIN	7-7-1(a)(7)
Fountains	TG4270	Sparkling Missile Fountain	7-7-1(a)(7)
Fountains	SPF619	Starry Night Cone 12in	7-7-1(a)(7)
Fountains	JP266	SUMMER STORM SERIES	7-7-1(a)(7)
Fountains	SP689-30	Sword FNT	7-7-1(a)(7)
Fountains	SP689-60	Sword FNT	7-7-1(a)(7)
Fountains	BC2184	The Joker Fountain	7-7-1(a)(7)
Fountains	BC2179	Totally Berserk	7-7-1(a)(7)
Fountains	TG4264	Value Pack 3 Asst Fountains	7-7-1(a)(7)
Fountains	JP240	WILD FLOWER FTN	7-7-1(a)(7)
Fountains	BC2220	Wired	7-7-1(a)(7)
Fountains	TG4254	Yellow Submarine	7-7-1(a)(7)
Fountains	IM4110	5 Minute Safari	7-7-1(a)(7)
Fountains	SP6004	Celibration	7-7-1(a)(7)
Fountains	P3104	FIRE FIGHTER	7-7-1(a)(7)

<b>R and M Enterprises, Inc dba Snap Fireworks   2019 Product List Onalaska, WI</b>			
<b>Product Type</b>	<b>No.</b>	<b>Description</b>	<b>Onalaska Ordance Reference</b>
Fountains	P3103	FORTUNE SOLDIER	7-7-1(a)(7)
Fountains	TG4252	Galactic Warship	7-7-1(a)(7)
Fountains	TG4272	Galatic Warship XL Version	7-7-1(a)(7)
Fountains	TG4265	Mega Buster	7-7-1(a)(7)
Fountains	SP685	Mega Fountain	7-7-1(a)(7)
Fountains	BC2206	Neon Lights	7-7-1(a)(7)
Fountains	P3091	Secret Garden	7-7-1(a)(7)
Fountains	TG4226	Soda Fountain	7-7-1(a)(7)
Fountains	P3106	Spartan Scream	7-7-1(a)(7)
Fountains	SP621	Superstars	7-7-1(a)(7)
Fountains	SP6002	Surprise Fountain	7-7-1(a)(7)
Fountains	BC2207	Tropical Thunder	7-7-1(a)(7)
Gorund Spinners	SP0901K	Crackling Ground Bloom Flowers	7-7-1(a)(7)
Gorund Spinners	JP352	Crackling Ground Blooms	7-7-1(a)(7)
Gorund Spinners	BC825-6	Ground Bloom Flowers 6pk	7-7-1(a)(7)
Gorund Spinners	BC825	GROUND BLOOM FLR	7-7-1(a)(7)
Gorund Spinners	T3500	JUMPING JACKS	7-7-1(a)(7)
Gorund Spinners	SPT3500-80	Jumping Jacks 80/12/12	7-7-1(a)(7)
Gorund Spinners	BP6040	Kapow	7-7-1(a)(7)
Gorund Spinners	SP0901B	Prem Ground Bloom Flowers	7-7-1(a)(7)
Gorund Spinners	BC810	Tasmanian Devils	7-7-1(a)(7)
Novelties	BC302	ATTACK VEHICLE	7-7-1(a)(7)
Novelties	BC396	BC Cat Mobile	7-7-1(a)(7)
Novelties	BC340	CRACKER BALLS	7-7-1(a)(7)
Novelties	SP0205A	Crackling Balls	7-7-1(a)(7)
Novelties	BC385	Den of Snakes	7-7-1(a)(7)
Novelties	LPN7047	Dragon Fire	7-7-1(a)(7)
Novelties	SP2006	Flash Strobe	7-7-1(a)(7)
Novelties	BP7129	Half Ton Truck	7-7-1(a)(7)
Novelties	SPF1199	Large Strobe	7-7-1(a)(7)
Novelties	SPW705A	Large Tank	7-7-1(a)(7)

<b>R and M Enterprises, Inc dba Snap Fireworks   2019 Product List Onalaska, WI</b>			
<b>Product Type</b>	<b>No.</b>	<b>Description</b>	<b>Onalaska Ordance Referance</b>
Novelties	BC350	M-85 Tank	7-7-1(a)(7)
Novelties	BC387	M-88 TANK	7-7-1(a)(7)
Novelties	SPT8561-6	Magnum Pistol Popper 6pk	7-7-1(a)(7)
Novelties	SPN1134	Naughty Dog	7-7-1(a)(7)
Novelties	SPT8502	Party Poppers	7-7-1(a)(7)
Novelties	SPT8502-6	Party Poppers 6pk	7-7-1(a)(7)
Novelties	BC341-20/72	Party Poppers Boxed	7-7-1(a)(7)
Novelties	TS0001	POOPING ELEPHANT	7-7-1(a)(7)
Novelties	LN6062	Rolling Snake	7-7-1(a)(7)
Novelties	SPN1130	Snakes Assorted 6pk Poly Bag	7-7-1(a)(7)
Novelties	SPW7054	Tank 4pk in Poly Bag	7-7-1(a)(7)
Novelties	SPW705	Tanks W/ Report	7-7-1(a)(7)
Smoke	SP1430	5 Minute Smoke Tube	7-7-1(A)(6)
Smoke	BC725	BC Neon Camo Smoke 4pk	7-7-1(A)(6)
Smoke	P6013	Color Changing Smoke	7-7-1(A)(6)
Smoke	NN0860-12	Color Smoke Ball Clay 12 Pack	7-7-1(A)(6)
Smoke	SP0860	Color Smoke Clay Balls 12pk	7-7-1(A)(6)
Smoke	SP1413	Color Smoke Tube	7-7-1(A)(6)
Smoke	SMK9192000	Marine Distress Smoke 3 Minute	7-7-1(A)(6)
Smoke	SP1438	Pink Smoke Tube	7-7-1(A)(6)
Smoke	SP1440	Smoke Balls, 2 color changing	7-7-1(A)(6)
Smoke	SP1416	Smoke Grenade w/pull String	7-7-1(A)(6)
Smoke	SP1414	White Camo Smoke	7-7-1(A)(6)
Snaps	NN0003	Giant LOL Snap (Blow Out)	7-7-1(A)(5)
Snaps	NNT8500	Snap A-Dappa (Snap Small Box)	7-7-1(A)(5)
Snaps	SPT8500	Snappers	7-7-1(A)(5)
Snaps	BC335 60/4/40	Super Snap 4pk With header	7-7-1(A)(5)
Snaps	BC335 6/40/40	Super Snaps LG 6/40/40	7-7-1(A)(5)
Snaps	BC335 60/4/50	Super Snaps LG w/hdr 4pk	7-7-1(A)(5)
Snaps	NV3-4702	Torpedo Snaps	7-7-1(A)(5)
Sparklers	BC31320	#20 bc Gold Sparkler Wire	7-7-1(A)(3)

<b>R and M Enterprises, Inc dba Snap Fireworks   2019 Product List Onalaska, WI</b>			
<b>Product Type</b>	<b>No.</b>	<b>Description</b>	<b>Onalaska Ordance Reference</b>
Sparklers	BC313-10W	BC Gold Sparkler #10 (Bamboo)	7-7-1(A)(3)
Sparklers	WDN0981	Morning Glories #14 144ct	7-7-1(A)(3)
Sparklers	SP0981	Morning Glories #14 -72ct	7-7-1(A)(3)
Sparklers	SP098136	Morning Glory #36	7-7-1(A)(3)
Sparklers	NN0981B	Morning Glory Torch #14 - 72ct	7-7-1(A)(3)
Sparklers	BC31315	Neon Sparklers	7-7-1(A)(3)
Sparklers	SP18NS	Neon Sparklers 5pk	7-7-1(A)(3)
Sparklers	LSPW1011	Sparkler #10 Color	7-7-1(A)(3)
Sparklers	SP10C	Sparkler #10 Colored Bamboo	7-7-1(A)(3)
Sparklers	BC31314C	Sparkler #14 Gold Wire	7-7-1(A)(3)
Sparklers	SP14G	Sparkler 14in Gold	7-7-1(A)(3)
Sparklers	SP20G	Sparkler 20in Gold	7-7-1(A)(3)
Sparklers	SP36G	Sparkler 36in Gold	7-7-1(A)(3)

6/03/2020 1:05 PM

L I C E N S E M A S T E R R E P O R T

LICENSES: ALL

SORTED BY: LICENSE NUMBER

EFFECTIVE

LICENSE CODES: Include: RECBURN-E

EXPIRATIO

CLASSES: All

COMMENT:

STATUS: ACTIVE

PAY STATU

CITY LIMITS: INSIDE, OUTSIDE



ID	CODE	NAME/ PROPERTY ADDRESS	STATUS	CLASS/ REPORT	ORIG/ RENEW	TERM/ PRINTED
00020	RECBURN-E	MERTEN 323 14TH AVE N	LINDA ACTIVE	REC BURN REC BURN	4/16/2012	5/11/2020
00025	RECBURN-E	COYNE 2810 MORNING GLORY PL	JOHN ACTIVE	REC BURN REC BURN	4/19/2012	3/24/2020
00183	RECBURN-E	FUNK 1559 YOUNG DR W	SPENCE ACTIVE	REC BURN REC BURN	5/11/2012	4/02/2020
00221	RECBURN-E	MIELKE 919 OAK TIMBER DR	JAMES ACTIVE	REC BURN REC BURN	5/18/2012	3/09/2020
00248	RECBURN-E	SORENSEN 2525 THOMAS CT	ERIC & ACTIVE	REC BURN REC BURN	5/25/2012	5/21/2020
01269	RECBURN-E	GENSCH 2903 HEATHER CT	ERIN ACTIVE	REC BURN REC BURN	5/22/2015	5/22/2020
01345	RECBURN-E	TIGGELLAAR 618 WESTWOOD DR	TOM ACTIVE	REC BURN REC BURN	6/26/2015	4/27/2020
01420	RECBURN-E	JAX 815 PIERCE ST	BARBAR ACTIVE	REC BURN REC BURN	8/22/2016	5/01/2020
01459	RECBURN-E	EITLAND 2111 CLEARWATER DR	BEN & ACTIVE	REC BURN REC BURN	9/26/2016	4/17/2020
01708	RECBURN-E	HOLDERNESS 550 3RD AVE N	ANNETT ACTIVE	REC BURN REC BURN	3/29/2016	3/20/2020
01712	RECBURN-E	BOGGUS 915 8TH AVE N	AMANDA ACTIVE	REC BURN REC BURN	3/29/2016	5/07/2020
01716	RECBURN-E	THIELKER 1040 JOHNSON ST	ANDREW ACTIVE	REC BURN REC BURN	3/29/2016	5/05/2020

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L I C E N S E M A S T E R R E P O R T

LICENSES: ALL

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EFFECTIVE

LICENSE CODES: Include: RECBURN-E

EXPIRATIO

CLASSES: All

COMMENT:

STATUS: ACTIVE

PAY STATU

CITY LIMITS: INSIDE, OUTSIDE

ID	CODE	NAME/ PROPERTY ADDRESS		STATUS	CLASS/ REPORT	ORIG/ RENEW	TERM/ PRINTED
01719	RECBURN-E	PETERSON 2110 ESTHER DR	BRENT	ACTIVE	REC BURN REC BURN	3/30/2016	5/07/2020
01773	RECBURN-E	BAIN 415 MAIN ST BL	PATRIC	ACTIVE	REC BURN REC BURN	5/06/2016	4/08/2020
01811	RECBURN-E	RUEGG 753 SAND LAKE RD	DAVID	ACTIVE	REC BURN REC BURN	6/17/2016	5/07/2020
02400	RECBURN-E	LINCOLN 706 11TH AVE S	LISA	ACTIVE	REC BURN REC BURN	5/24/2018	4/06/2020
02441	RECBURN-E	LUENDORF 311 3RD AVE S	KATHLE	ACTIVE	REC BURN REC BURN	5/25/2018	5/29/2020
02549	RECBURN-E	GERMANSON 1502 WELL ST	TIM	ACTIVE	REC BURN REC BURN	3/19/2018	5/08/2020
02566	RECBURN-E	SMITH 2301 THOMAS CT	SCOTT	ACTIVE	REC BURN REC BURN	4/16/2018	4/13/2020
02568	RECBURN-E	STEINHOFF 749 ELIZABETH LN	JASON	ACTIVE	REC BURN REC BURN	3/30/2018	3/17/2020
02687	RECBURN-E	HITCHLER 1017 LAKE ST	GEOFF	ACTIVE	REC BURN REC BURN	2/26/2013	5/20/2020
02844	RECBURN-E	MUMM 563 COURT RD	JAMES	ACTIVE	REC BURN REC BURN	4/05/2013	3/24/2020
03081	RECBURN-E	SOUTHWORTH 1140 ROLLING OAKS DR	JEREMY	ACTIVE	REC BURN REC BURN	5/30/2013	4/27/2020
03268	RECBURN-E	KRAUSE 653 GREEN CT	RICHAR	ACTIVE	REC BURN REC BURN	7/26/2013	4/27/2020

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03287	RECBURN-E	SAIZ 935 LA CROSSE ST	DAVID ACTIVE	REC BURN REC BURN	7/30/2013	4/23/2020
03380	RECBURN-E	KULT 1140 REDWOOD ST	MICHEL ACTIVE	REC BURN REC BURN	9/06/2013	4/22/2020
03578	RECBURN-E	HOLTHAUS 1416 PINE ST	JON & ACTIVE	REC BURN REC BURN	4/25/2018	4/20/2020
03592	RECBURN-E	GILLE 317 8TH AVE S	LYDIA ACTIVE	REC BURN REC BURN	4/30/2018	3/16/2020
03611	RECBURN-E	VOGLER 631 10TH CT	RYAN & ACTIVE	REC BURN REC BURN	1/10/2014	3/19/2020
03624	RECBURN-E	OLSON 600 14TH AVE N	DAVID ACTIVE	REC BURN REC BURN	4/30/2018	4/06/2020
03635	RECBURN-E	LINDEN 815 EAST AVE N	MIKE ACTIVE	REC BURN REC BURN	1/24/2014	5/11/2020
03646	RECBURN-E	CHARNETZKI 605 WESTWOOD DR	TODD & ACTIVE	REC BURN REC BURN	2/03/2014	4/14/2020
03742	RECBURN-E	SEIBEL 605 SPRUCE ST E	DAVID ACTIVE	REC BURN REC BURN	3/20/2014	4/23/2020
03763	RECBURN-E	FRUIT 1036 LA CROSSE ST	MICHAEL ACTIVE	REC BURN REC BURN	3/26/2014	5/13/2020
03823	RECBURN-E	JOHNS 210 9TH AVE N	SCOTT ACTIVE	REC BURN REC BURN	4/09/2014	3/09/2020
03825	RECBURN-E	MICHEL 425 9TH AVE N	ROBERT ACTIVE	REC BURN REC BURN	4/09/2014	5/18/2020

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03846	RECBURN-E	JOHNSON 416 HICKORY ST	W PEYT ACTIVE	REC BURN REC BURN	4/11/2014	5/15/2020
03873	RECBURN-E	NETWAL 509 14TH AVE N	PAUL & ACTIVE	REC BURN REC BURN	4/18/2014	3/17/2020
03893	RECBURN-E	LIND 1108 VALLEY VUE DR	STEPHE ACTIVE	REC BURN REC BURN	4/24/2014	5/19/2020
03925	RECBURN-E	HINDS 703 EAST AVE N	BARBAR ACTIVE	REC BURN REC BURN	5/05/2014	6/02/2020
03933	RECBURN-E	CLARK 1208 PINE ST	RYAN ACTIVE	REC BURN REC BURN	5/06/2014	4/27/2020
03936	RECBURN-E	DEVER 529 3RD AVE N	JACQUE ACTIVE	REC BURN REC BURN	5/06/2014	4/29/2020
03951	RECBURN-E	SKIFTON 2003 CRAIG LN W	RONALD ACTIVE	REC BURN REC BURN	5/09/2014	3/31/2020
03984	RECBURN-E	PILGER 209 16TH AVE N	PAUL & ACTIVE	REC BURN REC BURN	5/19/2014	3/30/2020
03997	RECBURN-E	CALLENDER 812 14TH AVE N	RONALD ACTIVE	REC BURN REC BURN	5/21/2014	4/02/2020
04001	RECBURN-E	CRAGER 1101 PIERCE ST	CORA ACTIVE	REC BURN REC BURN	5/21/2014	5/19/2020
04010	RECBURN-E	LEE 1078 WINDSONG LN	TRENT ACTIVE	REC BURN REC BURN	5/23/2014	5/21/2020
04111	RECBURN-E	NICHOLS 1209 FAIRFIELD PL	JOANNE ACTIVE	REC BURN REC BURN	6/23/2014	3/17/2020

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04132	RECBURN-E	BERBERICH 1213 LA CROSSE ST	HAROLD ACTIVE	REC BURN REC BURN	7/01/2014	4/21/2020
04137	RECBURN-E	BOTT 814 13TH AVE S	JAMES ACTIVE	REC BURN REC BURN	7/03/2014	5/19/2020
04147	RECBURN-E	MILLER 1000 EAST AVE N	ALETA ACTIVE	REC BURN REC BURN	7/03/2014	3/13/2020
04150	RECBURN-E	HASKINS 1241 ORIOLE LN	JAMES ACTIVE	REC BURN REC BURN	7/03/2014	4/02/2020
04191	RECBURN-E	SCHULTZ 842 PARK AVE	LANDON ACTIVE	REC BURN REC BURN	7/25/2014	4/23/2020
04284	RECBURN-E	DESMOND 1204 CLIFFVIEW AVE	TIM & ACTIVE	REC BURN REC BURN	9/25/2014	5/01/2020
04580	RECBURN-E	VUE 731 11TH AVE S	PAO S ACTIVE	REC BURN REC BURN	5/07/2018	5/15/2020
04665	RECBURN-E	GREENE 1550 MAIN ST	ANTHON ACTIVE	REC BURN REC BURN	3/21/2016	5/15/2020
04700	RECBURN-E	MELBY 501 20TH AVE S	ARTHUR ACTIVE	REC BURN REC BURN	5/05/2016	4/06/2020
04739	RECBURN-E	REZIN 1919 MAPLEWOOD PL	SEAN ACTIVE	REC BURN REC BURN	5/11/2018	3/17/2020
04815	RECBURN-E	ELICKSON 2042 GRAND VIEW BLVD	KENT ACTIVE	REC BURN REC BURN	8/12/2016	4/01/2020
04844	RECBURN-E	BRUSH 1040 EAST AVE N	DOROTH ACTIVE	REC BURN REC BURN	5/22/2018	5/20/2020

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04889 5/22/20-12/31/21	RECBURN-E	FILLNER 278 HICKORY LN	NICHOL ACTIVE	REC BURN REC BURN	12/29/2016	5/22/2020
04982 5/15/20-12/31/21	RECBURN-E	THOMPSON 601 11TH AVE S	DOROTH ACTIVE	REC BURN REC BURN	6/01/2018	5/15/2020
05044 5/15/20-12/31/21	RECBURN-E	MCLEAN 602 LAKE ST	MATTHE ACTIVE	REC BURN REC BURN	6/13/2018	5/15/2020
05112 4/08/20-12/31/21	RECBURN-E	WHEELER 1115 WILSON ST	TAYLOR ACTIVE	REC BURN REC BURN	6/14/2018	4/08/2020
05283 3/13/20-12/31/21	RECBURN-E	RUNNING 605 LAKE ST	KRISTE ACTIVE	REC BURN REC BURN	8/06/2018	3/13/2020
05288 5/13/20-12/31/21	RECBURN-E	WILDENBERG 120 8TH AVE S	CALE ACTIVE	REC BURN REC BURN	8/07/2018	5/13/2020
05317 5/22/20-12/31/21	RECBURN-E	FARA 708 KRUEGER CT	LUKE ACTIVE	REC BURN REC BURN	8/17/2018	5/22/2020
05371 3/25/20-12/31/21	RECBURN-E	WALLACE 1009 EAST AVE	ROBERT ACTIVE	REC BURN REC BURN	9/18/2018	3/25/2020
05380 3/30/20-12/31/21	RECBURN-E	LOCY 619 8TH AVE N	ALBERT ACTIVE	REC BURN REC BURN	9/27/2018	3/30/2020
05411 4/28/20-12/31/21	RECBURN-E	DALBERG 415 MAIN ST	JAY ACTIVE	REC BURN REC BURN	10/12/2018	4/28/2020
06171 3/10/20-12/31/21	RECBURN-E	PENA 1156 FRASER WAY	JESSIC ACTIVE	REC BURN REC BURN	3/10/2020	3/16/2020
06173 3/11/20-12/31/21	RECBURN-E	AMES 415 MAIN	ADAM & ACTIVE	REC BURN REC BURN	3/11/2020	3/16/2020

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06181	RECBURN-E	RIEK 202 3RD AVE N	TORREN ACTIVE	REC BURN REC BURN	3/13/2020	3/22/2020
06184	RECBURN-E	MURPHY 531 13TH PL N	SARAH ACTIVE	REC BURN REC BURN	3/17/2020	3/22/2020
06188	RECBURN-E	ZINNECKER 904 TAHOE DR	MICHAEL ACTIVE	REC BURN REC BURN	4/01/2020	4/07/2020
06197	RECBURN-E	WILLIAMS 633 WINTER ST	LAUREN ACTIVE	REC BURN REC BURN	4/21/2020	5/11/2020
06198	RECBURN-E	KERSKA 927 MAIN ST	JULIE ACTIVE	REC BURN REC BURN	3/25/2020	3/25/2020
06199	RECBURN-E	CRAIG 210 QUINCY ST	JANET ACTIVE	REC BURN REC BURN	4/23/2020	4/27/2020
06206	RECBURN-E	HINTZ 949 WESTVIEW CIRCLE DR	KEVIN ACTIVE	REC BURN REC BURN	4/28/2020	5/04/2020
06210	RECBURN-E	BERGE 327 15TH AVE N	HALEY ACTIVE	REC BURN REC BURN	4/28/2020	5/04/2020
06213	RECBURN-E	VANG 644 WINTER ST	THAOME ACTIVE	REC BURN REC BURN	4/29/2020	5/04/2020
06217	RECBURN-E	DANIEL LEACH 2153 MAPLEWOOD	ACTIVE	REC BURN REC BURN	3/31/2020	4/07/2020
06223	RECBURN-E	MCMAKIN 518 BIRDIE CT	TIMOTH ACTIVE	REC BURN REC BURN	4/01/2020	4/07/2020
06229	RECBURN-E	GANSEN 415 MAIN ST	ERIC ACTIVE	REC BURN REC BURN	4/03/2020	4/07/2020

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ID	CODE	NAME/ PROPERTY ADDRESS	STATUS	CLASS/ REPORT	ORIG/ RENEW	TERM/ PRINTED
06233	RECBURN-E	SCHAFFNER 415 MAIN ST	CARLEY ACTIVE	REC BURN REC BURN	4/06/2020	4/27/2020
06234	RECBURN-E	LLOYD 415 MAIN ST	AMY ACTIVE	REC BURN REC BURN	4/06/2020	4/13/2020
06235	RECBURN-E	FALKENBERG 934 OAK TIMBER DR	SCOTT ACTIVE	REC BURN REC BURN	4/06/2020	4/13/2020
06236	RECBURN-E	LEHMAN 827 6TH AVE N	CASSY ACTIVE	REC BURN REC BURN	4/07/2020	4/14/2020
06237	RECBURN-E	FRANKE 206 8TH AVE S	SHAYLY ACTIVE	REC BURN REC BURN	4/07/2020	4/14/2020
06238	RECBURN-E	BACHMEYER 415 MAIN ST	AMY ACTIVE	REC BURN REC BURN	4/08/2020	4/14/2020
06240	RECBURN-E	HUNTER 415 MAIN ST	JOHN & ACTIVE	REC BURN REC BURN	4/08/2020	4/14/2020
06242	RECBURN-E	RAVENSCROFT 2208 GERMANN CT	DENNIS ACTIVE	REC BURN REC BURN	4/09/2020	4/20/2020
06243	RECBURN-E	PRAIRIE 415 MAIN ST	KEVIN ACTIVE	REC BURN REC BURN	4/09/2020	4/20/2020
06250	RECBURN-E	DICKMAN 506 LOCUST ST	CHANCE ACTIVE	REC BURN REC BURN	4/13/2020	4/20/2020
06251	RECBURN-E	ODEGAARD 1321 PINE ST	DENNIS ACTIVE	REC BURN REC BURN	4/14/2020	4/20/2020
06261	RECBURN-E	HERMANSON 1218 GREENRIDGE DR	TOM ACTIVE	REC BURN REC BURN	4/17/2020	4/27/2020

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06263	RECBURN-E	JUSTIN 646 2ND AVE SW	TOM ACTIVE	REC BURN REC BURN	4/20/2020	4/27/2020
06264	RECBURN-E	ROSS 1315 HERMAN CT	STEPHE ACTIVE	REC BURN REC BURN	4/20/2020	4/27/2020
06265	RECBURN-E	SCHROEDER 615 11TH AVE N	TIA ACTIVE	REC BURN REC BURN	4/20/2020	4/27/2020
06267	RECBURN-E	KING 1004 GREEN COULEE RD	CALVIN ACTIVE	REC BURN REC BURN	4/22/2020	4/27/2020
06268	RECBURN-E	WISE 2914 HEATHER CT	DAVID ACTIVE	REC BURN REC BURN	4/22/2020	4/27/2020
06269	RECBURN-E	PERNER 1216 PINE ST	TERESA ACTIVE	REC BURN REC BURN	4/24/2020	4/29/2020
06270	RECBURN-E	REINHART 504 COUNTRY CLUB LN	THOMAS ACTIVE	REC BURN REC BURN	4/24/2020	4/29/2020
06271	RECBURN-E	MURRY 1234 WILSON ST	TIMOTH ACTIVE	REC BURN REC BURN	4/27/2020	5/12/2020
06273	RECBURN-E	HAND 1510 EAST AVE N	CHRIST ACTIVE	REC BURN REC BURN	5/04/2020	5/08/2020
06274	RECBURN-E	BOSWORTH 557 COURT RD	RANDY ACTIVE	REC BURN REC BURN	5/04/2020	5/08/2020
06276	RECBURN-E	MILLER 415 MAIN ST	TERRY ACTIVE	REC BURN REC BURN	5/06/2020	5/13/2020
06277	RECBURN-E	ISAACS 430 CORONADO CIR	PATRIC ACTIVE	REC BURN REC BURN	5/07/2020	5/13/2020

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06280	RECBURN-E	MOUA 2119 GOLFFVIEW LN	LEVI	ACTIVE	REC BURN REC BURN	5/07/2020	5/13/2020
06281	RECBURN-E	STOKES 324 14TH AVE N	JOHN	ACTIVE	REC BURN REC BURN	5/08/2020	5/13/2020
06282	RECBURN-E	BRANSON 566 COURT RD	MIKE &	ACTIVE	REC BURN REC BURN	5/08/2020	5/13/2020
06283	RECBURN-E	RICE 1512 WELL ST	DAVID	ACTIVE	REC BURN REC BURN	5/11/2020	5/18/2020
06284	RECBURN-E	DOWNING 2401 FRANKLIN ST	DECEMB	ACTIVE	REC BURN REC BURN	5/11/2020	5/14/2020
06285	RECBURN-E	MAROHL 1919 FRANKLIN ST	MATTHE	ACTIVE	REC BURN REC BURN	5/11/2020	5/14/2020
06286	RECBURN-E	SLAMA 1062 GREEN ST	DANIEL	ACTIVE	REC BURN REC BURN	5/11/2020	5/14/2020
06288	RECBURN-E	VANG 981 11TH AVE S	BILL	ACTIVE	REC BURN REC BURN	5/12/2020	5/18/2020
06292	RECBURN-E	LASACK 910 4TH AVE N	LOGAN	ACTIVE	REC BURN REC BURN	5/12/2020	5/18/2020
06293	RECBURN-E	PARR 540 10TH PL	ELIZAB	ACTIVE	REC BURN REC BURN	5/13/2020	5/18/2020
06299	RECBURN-E	PAVELSKI 1320 EAST AVE N	BOBBI	ACTIVE	REC BURN REC BURN	5/14/2020	5/21/2020
06302	RECBURN-E	BURR 1038 GREEN ST	SARAH	ACTIVE	REC BURN REC BURN	5/15/2020	5/21/2020

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06305	RECBURN-E	CLARK 531 8TH AVE S	JEANNI ACTIVE	REC BURN REC BURN	5/15/2020	5/21/2020
06306	RECBURN-E	EHLKE 2205 GREENVIEW LN	BRETT ACTIVE	REC BURN REC BURN	5/18/2020	5/21/2020
06307	RECBURN-E	BINGHAM 1209 10TH AVE N	JEFFRE ACTIVE	REC BURN REC BURN	5/18/2020	5/21/2020
06308	RECBURN-E	THORNE 317 14TH AVE N	RYAN ACTIVE	REC BURN REC BURN	5/18/2020	5/21/2020
06310	RECBURN-E	GRAN 1114 FAIRFIELD ST	ERIC ACTIVE	REC BURN REC BURN	5/18/2020	5/21/2020
06311	RECBURN-E	COOPER 115 11TH AVE S	ANDREW ACTIVE	REC BURN REC BURN	5/18/2020	5/21/2020
06312	RECBURN-E	CLARKE 518 OAK AVE N	SEAN & ACTIVE	REC BURN REC BURN	5/19/2020	5/26/2020
06313	RECBURN-E	WEILLANDT 601 OAK AVE S	JUSTIN ACTIVE	REC BURN REC BURN	5/19/2020	5/26/2020
06323	RECBURN-E	PULJAS 1903 FRANKLIN ST	LUCAS ACTIVE	REC BURN REC BURN	5/21/2020	6/02/2020
06325	RECBURN-E	ULBERG 1300 EAST AVE N	BRANDO ACTIVE	REC BURN REC BURN	5/22/2020	5/29/2020
06326	RECBURN-E	HARTMAN 1302 MONROE ST	CAMERO ACTIVE	REC BURN REC BURN	5/22/2020	5/29/2020
06335	RECBURN-E	SPAIN 644 MEIER LN	TAYLOR ACTIVE	REC BURN REC BURN	5/26/2020	6/02/2020

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06336	RECBURN-E	O'NEILL 1200 REDWOOD ST	SEAN & ACTIVE	REC BURN REC BURN	5/26/2020	6/02/2020
06337	RECBURN-E	DAHL 625 GILSTER ST	KENNET ACTIVE	REC BURN REC BURN	5/26/2020	6/02/2020
06338	RECBURN-E	LEE 545 6TH AVE N	POR CH ACTIVE	REC BURN REC BURN	5/27/2020	6/02/2020
06339	RECBURN-E	MARTINI COOPER 705 13TH AVE S	SEAN ACTIVE	REC BURN REC BURN	5/27/2020	6/02/2020
06342	RECBURN-E	ADICKES 267 ELM DR	GLORIA ACTIVE	REC BURN REC BURN	5/28/2020	6/02/2020
06343	RECBURN-E	GUSTAFSON 4043 MARY DR	KYLER ACTIVE	REC BURN REC BURN	5/29/2020	6/03/2020
06344	RECBURN-E	ODEGARD 2371 GLADSTONE COVE	JEFF & ACTIVE	REC BURN REC BURN	5/29/2020	6/03/2020
06345	RECBURN-E	VIRNIG 519 MAIN ST	BRUCE ACTIVE	REC BURN REC BURN	5/29/2020	6/03/2020
06346	RECBURN-E	RING 2836 PRAIRIE CLOVER PL	DAVID ACTIVE	REC BURN REC BURN	5/29/2020	6/03/2020
06347	RECBURN-E	SJOLANDER 1226 OAK AVE N	ERIC & ACTIVE	REC BURN REC BURN	6/01/2020	
06348	RECBURN-E	KRON 415 MAIN	KEITH ACTIVE	REC BURN REC BURN	6/02/2020	
06349	RECBURN-E	FLORES 415 MAIN ST	KENDRA ACTIVE	REC BURN REC BURN	6/02/2020	

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06350	RECBURN-E	COOK 415 MAIN ST	JON	ACTIVE	REC BURN REC BURN	6/02/2020	
06351	RECBURN-E	SMITH 415 MAIN ST	FAITH	ACTIVE	REC BURN REC BURN	6/02/2020	
06352	RECBURN-E	FILLNER 415 MAIN ST	TOM &	ACTIVE	REC BURN REC BURN	6/02/2020	

REPORT TOTALS: 147 LICENSES

CITY OF ONALASKA  
LICENSE

No. 01074

\$ 40.00

STATE OF WISCONSIN  
COUNTY OF LA CROSSE

WHEREAS, MICHAEL CALLAWAY

has paid the sum of 40.00 Dollars to the Treasurer of said City of Onalaska, as required by the resolutions and ordinances of the said City of Onalaska and complied with all the requirements necessary for obtaining this License,

NOW THEREFORE, by order of the City of Onalaska and by virtue hereof, the said MICHAEL CALLAWAY  
is hereby licensed and authorized to: SOLICITOR

FOR THE PERIOD from 6/15/2020 to 9/14/2020 subject to all the conditions and provisions of said provisions and of said resolutions and ordinances.

MICHAEL CALLAWAY  
303 SOUTH 4TH ST  
READSTOWN WI 54652

Given under my hand and the corporate seal of the City of  
Onalaska, this 28th day of MAY 2020



CITY CLERK / DEPUTY CITY CLERK

**AN ORDINANCE TO AMEND TITLE 1 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO GENERAL PROVISIONS FOR USE  
AND CODE OF ORDINANCES**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 1 General Provisions for Use and Code of Ordinances is hereby deleted in its entirety and replaced as follows:

## Title 1 General Provisions for Use and Code of Ordinances

### Chapter 1            Use and Construction of Code of Ordinances

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#### Division 1    Authority

##### 1.01.11    Title of Code; Citation

- A. These collected Ordinances shall be known and referred to as the "Code of Ordinances, City of Onalaska, Wisconsin." References to the Code of Ordinances, City of Onalaska, Wisconsin, shall be cited using a Title, Division, Section breakdown as follows: "Sec. 1.01.11, Code of Ordinances, City of Onalaska, Wisconsin." This Code may also be referred to by the shortened title "Onalaska Code."

##### 1.01.12    Principles of Construction

- A. The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:
1. **Acts by Agents.** When an ordinance requires an act be done by a person, who may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
  2. **City.** The City of Onalaska, La Crosse County, Wisconsin.
  3. **Code and Code of Ordinances.** The words "Codes," "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the City of Onalaska unless the context of the section clearly indicates otherwise.
  4. **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, "legal holiday" means any statewide legal holiday specified by state law and any other City holiday designated by the Common Council.
  5. **County.** The County of La Crosse, Wisconsin.
  6. **Delegation of Authority.** Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the duty unless the terms of the provision or section specify otherwise.
  7. **Fine.** The equivalent of the word "forfeiture," and vice versa.
  8. **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
  9. **Joint Authority.** All words purporting to give a joint authority to three (3) or more City officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
  10. **Person.** Any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
  11. **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.

12. **Singular and Plural.** Every word referring to the singular number only may extend and be applied to several persons or things as well as to one person or thing, provided these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be in conflict thereto.
13. **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
14. **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time.
15. **Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

#### 1.01.13 Conflict of Provisions

- A. If the provisions of different chapters conflict with each other, the provisions of each chapter shall control as to all matters and questions arising out of the subject matter of such chapter.
- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

#### 1.01.14 Severability

- A. If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

#### 1.01.15 Effective Date of Ordinances

- A. **Code of Ordinances.** The Code of Ordinances, City of Onalaska, Wisconsin, shall take effect from and after passage and publication as provided by state law.
- B. **Subsequent Ordinances.** All Ordinances passed by the Common Council subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

#### 1.01.16 Repeal of General Ordinances

- A. **Ordinances Repealed.** All general Ordinances heretofore adopted by the Common Council are hereby repealed. This shall not include any Ordinances or parts of Ordinances or resolutions relating to the following subjects and not conflicting with the provisions of this Code, except that some of the following provisions may be amended by this Code of Ordinances:
  1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
  2. Any ordinance or resolution promising or guaranteeing the payment of money for the City, or any contract or obligations assumed by the City;
  3. The administrative Ordinances or resolutions of the City not in conflict or inconsistent with the provisions of the Code;
  4. Any appropriation ordinance or resolution;
  5. Any right or franchise granted by the Common Council to any person, firm or corporation;
  6. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;
  7. Any ordinance or resolution establishing or prescribing the street grades of any streets in the City;
  8. Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;
  9. Any ordinance or resolution dedicating or accepting any plat or subdivision in the City;
  10. Any ordinance annexing property to the City;
  11. Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition, moving or removal of buildings or other structures;
  12. Unified Development Code and Building Codes.
  13. Charter ordinances.
  14. The issuance of corporate bonds and notes of the City of whatever name or description.
  15. Water and sewer rates, rules and regulations and sewer and water main construction.
- B. **Effect of Repeals.** The repeal or amendment of any provision of this Code or of any other Ordinance or resolution of the Common Council shall not:

1. Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the City has expressly reserved the right to revoke such right, privilege, obligation or liability.
2. Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of Ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

#### 1.01.17 General Penalty

- A. **General Penalty.** Except where a penalty is provided elsewhere in this Code, any person over the age of eighteen (18) years who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: Any person, upon conviction for violating any provision of this Code for which another penalty is not provided, may be required to forfeit not more than Two Thousand Dollars (\$2,000.00).
  1. **First Offense - Penalty.** Any person over the age of eighteen (18) years who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this code. In default of payment of such forfeiture and costs may have their driving privilege suspended per Sec. 345.45(1)(b), Wis. Stats., or be imprisoned in the County Jail until such forfeiture and costs are paid or both, but not exceeding six (6) months.
  2. **Second and Subsequent Offenses - Penalty.** Any person over the age of eighteen (18) years who is found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance or part of an ordinance within three (3) years from the date of the last offense to the date of the current offense shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this Code. In default of payment of such forfeiture and costs may have their driving privilege suspended per Sec. 345.47(1)(b), Wis. Stats., or be imprisoned in the County Jail until such forfeiture and costs are paid or both, but not exceeding six (6) months.
- B. **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. **Other Remedies.**
  1. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
  2. Execution or assessment against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs. In the alternative, upon authorization of the court imposing any such forfeiture and costs, such sum as remains unpaid shall be assessed against any real property owned by the defendant within the City and shall be added to the City's portion of the property tax liability.
  3. In addition to any forfeiture imposed under this Section or any other penalty section of the Code of Ordinances of the City of Onalaska, the City may institute an action or proceeding to enjoin any violation; and such violation or any nonpayment of any forfeiture and costs shall constitute the basis for revocation or denial of any and all licenses and permits wherein the City is the issuing authority.
- D. **Time to Pay.** Any forfeiture and costs imposed as a penalty pursuant to this Section or any penalty provisions of this Code shall be payable forthwith if so ordered by the court; however, the court may, in its discretion, allow reasonable time for payment, or reasonable payment plans, considering the defendant's ability to pay, and the court shall allow any time for payment or payment plan as provided for by any state law applicable at the time of imposition of the forfeiture.
- E. **Alternative Juvenile Dispositions and Sanctions.**
  1. For a juvenile adjudged to have violated an Ordinance, the Court is authorized to impose any of the dispositions listed in Secs. 938.343 and 938.344 Wis. Stats., in accordance with the provisions of those Statutes, as amended from time to time.

2. For a juvenile who violates a condition of a dispositional order of the Court under Secs. 938.343 or 938.344, the Court is authorized to impose any of the sanctions listed in Sec. 938.355(6)(d) Wis. Stats. in accordance with the provisions of those Statutes, as amended from time to time.
3. This section is enacted under the authority of Sec. 938.17(2)(cm) Wis. Stats.

#### 1.01.18 City Clerk to Maintain Copies of Documents Incorporated by Reference

- A. Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the City Clerk shall maintain in their office a copy of any such material as adopted and as amended from time to time. Materials on file in the office of the City Clerk shall be considered public records open to reasonable examination by any person during the office hours subject to such restrictions on examination as the City Clerk imposes for the preservation of the material.

#### 1.01.19 City of Onalaska Fee Schedule

- A. There shall be a City of Onalaska Fee Schedule approved at a minimum annually by the Common Council which shall set forth all of the fees charged by the City of Onalaska.

## Chapter 2 Enforcement of Ordinances; Issuance of Citations

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### Division 1 Enforcement

#### 1.02.11 Method of Enforcement

- A. The City of Onalaska hereby elects to use the citation method of enforcement of ordinances. All City officers and other city personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

#### 1.02.12 Citations

- A. Enforcement proceedings under this Code in Municipal Court may be initiated by the use of a compliant or citation as authorized by Sec. 800.02, Wis. Stats. In addition to peace officers, the Zoning Administrator, Fire Chief, Building Inspectors, City Engineer and City Attorney as well as designated employees under their supervision, are authorized to issue citations for violations of the Municipal Code which are directly related to their official responsibilities.

#### 1.02.13 Schedule of Deposits

- A. The schedule of cash deposits shall be established for use with citations issued under this Chapter by the Common Council according to the penalty provision of this Code.
- B. Deposits shall be made in cash, money order or certified check to the City Treasurer's office which shall provide a receipt therefor.

#### 1.02.14 Procedure

- A. Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

#### 1.02.15 Non-Exclusivity

- A. **Other Ordinance.** Adoption of this Chapter does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

## Chapter 3 City Logo

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### Division 1 Form and Use of City Logo

#### 1.03.11 Form of Official City Logo

- A. The City of Onalaska has adopted the logo set forth below as its official city logo (the "Official City Logo") depicted below is a stylized portrayal of the sun, water (lake), cattails, sunfish and sky (air). The words

"Onalaska Wisconsin Est. 1851" are integrated into the design. This Official City Logo shall be used by the City of Onalaska and its departments only in their official capacity and shall not be used by others.



### 1.03.12 Use of Official City Logo

- A. The Common Council finds that the Official City Logo as set forth herein above is a symbol of the authority and jurisdiction of the City, and as such, are valuable assets of the City and its citizens. The Common Council desires to insure that only appropriate uses are made of the Official City Logo.
- B. The Official City Logo may not be used by individuals, groups or organizations other than the City.
- C. No person shall use a symbol that imitates the Official City Logo or that is deceptively similar in appearance to the Official City Logo.

### 1.03.13 Violation

- A. Any person who violates this Chapter is deemed to have committed a civil infraction as set forth in Chapter 1.01.17 of the Code of Ordinances and shall be punishable by a penalty of up to Five Hundred Dollars (\$500.00) for each violation. Each day a violation continues shall be deemed to be a separate violation. The City's right to prosecute under this Section shall not affect its rights to pursue civil or injunctive relief under federal or state laws, or any other relief available under the law.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ONALASKA

By: \_\_\_\_\_  
Kim Smith, Mayor

By: \_\_\_\_\_  
Caroline Burmaster, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1669 – 2020**

Please route in this order

Eric Rindfleisch, Administrator

*E. Rindfleisch* 5/12/20  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Cari Burmaster, City Clerk

*C. Burmaster* 5-4-20  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Charles Ashbeck, Chief of Police

*Chief Ashbeck* 5-4-20  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

*Fred Buehler* 5-4-20  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

# Title 1 General Provisions for Use and Code of Ordinances

## Chapter 1 Use and Construction of Code of Ordinances

### Division 1 Authority

#### 1.01.11 Title of Code; Citation

- A. These collected Ordinances shall be known and referred to as the "Code of Ordinances, City of Onalaska, Wisconsin." References to the Code of Ordinances, City of Onalaska, Wisconsin, shall be cited using a Title, Division, Section breakdown as follows: "Sec. 1.01.11,2-1-1, Code of Ordinances, City of Onalaska, Wisconsin." This Code may also be referred to by the shortened title "Onalaska Code."

#### 1.01.12 Principles of Construction

- A. The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:
1. **Acts by Agents.** When an ordinance requires an act be done by a person, who may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
  2. **City.** ~~"City" shall mean~~ The City of Onalaska, La Crosse County, Wisconsin.
  3. **Code and Code of Ordinances.** The words "Codes," "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the City of Onalaska unless the context of the section clearly indicates otherwise.
  4. **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, "legal holiday" means any statewide legal holiday specified by state law and any other City holiday designated by the Common Council.
  5. **County.** The County of La Crosse, Wisconsin.
  - 4.6. **Delegation of Authority.** Whenever a provision appears requiring the head of a department or some other eCity officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the duty unless the terms of the provision or section specify otherwise.
  - 5.7. **Fine.** ~~The term "fine" shall be the~~ equivalent of the word "forfeiture," and vice versa.
  6. ~~**Gender; singular and plural.** Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa. this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males.~~
  - 7.8. **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
  - 8.9. **Joint Authority.** All words purporting to give a joint authority to three (3) or more City officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
  - 9.10. **Person.** ~~The word "person" shall mean a~~ Any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
  - 10.11. **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
  - 11.12. **Singular and Plural.** ~~Every word in these Ordinances referring to the singular number only may extend and be applied to several persons or things as well as to one person or thing, provided these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be in conflict thereto. shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one (1) person or thing.~~

13. **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

~~12.~~

~~13-14.~~ **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes ~~for the year 1995-96, as amended~~ as of the adoption of this Code, as amended or renumbered from time to time.

~~14-15.~~ **Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

### 1.01.13 Conflict of Provisions

- A. If the provisions of different chapters conflict with each other, the provisions of each ~~individual~~ chapter shall control as to all matters and questions arising out of the subject matter of such chapter, all issues arising out of the events and persons intended to be governed by that chapter.
- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

### 1.01.14 Separability of Provisions Severability

- A. If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

### 1.01.15 Effective Date of Ordinances

- A. **Code of Ordinances.** The Code of Ordinances, City of Onalaska, Wisconsin, shall take effect from and after passage and publication as provided by state law.
- B. **Subsequent Ordinances.** All Ordinances passed by the Common Council subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

### 1.01.16 Repeal of General Ordinances

- A. **Ordinances Repealed.** All general Ordinances heretofore adopted by the Common Council are hereby repealed. This shall not include any Ordinances or parts of Ordinances or resolutions relating to the following subjects and not conflicting with the provisions of this Code, except that some of the following provisions may be amended by this Code of Ordinances:
1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
  2. Any ordinance or resolution promising or guaranteeing the payment of money for the City, or any contract or obligations assumed by the City;
  3. The administrative Ordinances or resolutions of the City not in conflict or inconsistent with the provisions of the Code;
  4. Any appropriation ordinance or resolution;
  5. Any right or franchise granted by the Common Council to any person, firm or corporation;
  6. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;
  7. Any ordinance or resolution establishing or prescribing the street grades of any streets in the City;
  8. Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;
  9. Any ordinance or resolution dedicating or accepting any plat or subdivision in the City;
  10. Any ordinance annexing property to the City;
  11. Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition, moving or removal of buildings or other structures;
  12. Unified Development Code and Building Codes Zoning ordinances; dwelling building code; and other building code ordinances.
  13. Charter ordinances.
  14. The issuance of corporate bonds and notes of the City of whatever name or description.
  15. Water and sewer rates, rules and regulations and sewer and water main construction.
- B. **Effect of Repeals.** The repeal or amendment of any provision of this Code or of any other eOrdinance or resolution of the Common Council shall not:
1. Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the City has expressly reserved the right to revoke such right, privilege, obligation or liability.

2. Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of Ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

#### 1.01.17 General Penalty

- A. **General Penalty.** Except where a penalty is provided elsewhere in this Code, any person over the age of eighteen (18) years who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: Any person, upon conviction for violating any provision of this Code for which another penalty is not provided, may be required to forfeit not more than Two Thousand Dollars (\$2,000.00).
  1. **First Offense - Penalty.** Any person over the age of eighteen (18) years who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this code. In default of payment of such forfeiture and costs may have his/her/their driving privilege suspended per Sec. 345.45(1)(b), Wis. Stats., or be imprisoned in the County Jail until such forfeiture and costs are paid or both, but not exceeding six (6) months.
  2. **Second and Subsequent Offenses - Penalty.** Any person over the age of eighteen (18) years who is found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance or part of an ordinance within three (3) years from the date of the last offense to the date of the current offense shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this Code. In default of payment of such forfeiture and costs may have his/her/their driving privilege suspended per Sec. 345.47(1)(b), Wis. Stats., or be imprisoned in the County Jail until such forfeiture and costs are paid or both, but not exceeding six (6) months.
- B. **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. **Other Remedies.**
  1. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
  2. Execution or assessment against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs. In the alternative, upon authorization of the court imposing any such forfeiture and costs, such sum as remains unpaid shall be assessed against any real property owned by the defendant within the City and shall be added to the City's portion of the property tax liability.
  3. In addition to any forfeiture imposed under this Section or any other penalty section of the Code of Ordinances of the City of Onalaska, the City may institute an action or proceeding to enjoin any violation; and such violation or any nonpayment of any forfeiture and costs shall constitute the basis for revocation or denial of any and all licenses and permits wherein the City is the issuing authority.
- D. **Time to Pay.** Any forfeiture and costs imposed as a penalty pursuant to this Section or any penalty provisions of this Code shall be payable forthwith if so ordered by the court; however, the court may, in its discretion, allow reasonable time for payment, or reasonable payment plans, considering the defendant's ability to pay, and the court shall allow any time for payment or payment plan as provided for by any state law applicable at the time of imposition of the forfeiture.
- E. **Alternative Juvenile Dispositions and Sanctions. Disposition of Children Twelve (12) Through Seventeen (17) Years of Age Adjudged to Have Violated an Ordinance.**
  1. For a juvenile adjudged to have violated an ordinance, the Court is authorized to impose any of the dispositions listed in Secs. 938.343 and 938.344 Wis. Stats., in accordance with the provisions of those Statutes, as amended from time to time. If the court finds a child twelve (12) through seventeen (17) years of age violated an ordinance adopted by this Code, other than an ordinance enacted under Sec. 118.163, Wis. Stats., or Subsections 11-4-4(a) or (b), 11-4-6(b) or 11-4-7 of this

Code of Ordinances, it shall enter an order making one (1) or more of the dispositional orders permitted under Sec. 48.343(1),(2),(4),(5),(6),(7) or (8), Wis. Stats.

2. For a juvenile who violates a condition of a dispositional order of the Court under Secs. 938.343 or 938.344, the Court is authorized to impose any of the sanctions listed in Sec. 938.355(6)(d) Wis. Stats. in accordance with the provisions of those Statutes, as amended from time to time.
- 2.3. This section is enacted under the authority of Sec. 938.17(2)(cm) Wis. Stats. Upon stipulation of the parties and subject to the approval of the court upon a finding that such stipulation is in the public interest and serves the interests of justice, the court may impose terms not to exceed One Hundred Dollars (\$100.00) against the defendant upon dismissal of the action.

**F. Juvenile Disposition Alternatives for Alcohol/Drug Offenses.**

— If a juvenile is found to have engaged in underage drinking of alcohol, drinking of alcohol on school premises or at a school sponsored activity, falsifying proof of age, possessing drug paraphernalia, delivery of drug paraphernalia to a minor in violation of City ordinances, the Court may order any of the following:

- A forfeiture;
  - Suspension or revocation of the juvenile's driver's license;
  - Participation in a supervised work program;
1. After ordering any of the above penalties, the Court may, with the juvenile's agreement, enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed and may require the juvenile to do any of the following:
    - Submit to an Alcohol or Other Drug Abuse (AODA) assessment;
    - Participate in an outpatient AODA treatment program if an AODA assessment recommends treatment;
    - Participate in an AODA education program.
  1. In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
    - The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
    - The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
    - The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
  1. If the Court finds that a juvenile's parent or guardian is unable to provide or refuses to provide a court-ordered AODA services for juvenile through his or her their health insurance or other third (3rd) party payments, the Court may order the parent or health insurer to pay.
  1. If payment is not attainable as described in Subsection (f)(3) above, the Court may order the municipality to pay for any AODA services so ordered.

**F. Dispositional Alternatives for Other Ordinance Violations.** The Court may impose one or more of the following dispositional alternatives against a juvenile found to have violated a municipal ordinance, for which no penalty is otherwise provided, as follows:

1. Counseling for the juvenile and/or the parent or guardian;
1. A forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the same violation.
1. If a forfeiture is for a violation that is only applicable to a juvenile, the maximum forfeiture amount is Three Hundred Dollars (\$300.00) plus costs. forfeiture amount is Fifty Dollars (\$50.00) plus costs;
1. Suspend a fishing, hunting or driving license from ninety (90) to five (5) years for failure to pay the forfeiture;
1. Order the juvenile to participate in a supervised work program or other community service work;
1. Order participation in an AODA assessment, an outpatient AODA treatment or an AODA education program;
1. Order participation in a pupil assistance program provided by the juvenile's school provided the juvenile's school agrees;
1. In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
  - The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
  - The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
  - The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.

- ~~G. **Violation of Juvenile Dispositional Orders.** The Court may impose the following sanctions on a juvenile who has violated a City ordinance and who has violated a condition of his or her their dispositional order:~~
- ~~— Suspend the juvenile's operating privilege for a period not more than ninety (90) days;~~
  - ~~1. Detain the juvenile in his or her their home or current residence for not more than thirty (30) days without electronic monitoring;~~
  - ~~1. Order not more than twenty-five (25) hours of community service work in a supervised work program.~~

#### 1.01.18 City Clerk to Maintain Copies of Documents Incorporated by Reference

- A. Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the City Clerk shall maintain in his ~~their~~ office a copy of any such material as adopted and as amended from time to time. Materials on file at in the office of the City Clerk's Office shall be considered public records open to reasonable examination by any person during the office hours of the City Clerk subject to such restrictions on examination as the City Clerk imposes for the preservation of the material.

#### 1.01.19 City of Onalaska Fee Schedule

- A. There shall be a City of Onalaska Fee Schedule approved at a minimum annually by the Common Council which shall set forth all of the fees charged by the City of Onalaska.

## Chapter 2 Enforcement of Ordinances; Issuance of Citations

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### Division 1 Enforcement

#### 1.02.11 Method of Enforcement

- A. The City of Onalaska hereby elects to use the citation method of enforcement of ordinances. All City officers and other city personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

#### 1.02.12 ~~Information Contained in Citations~~

- A. Enforcement proceedings under this Code in Municipal Court may be initiated by the use of a compliant or citation as authorized by Sec. 800.02, Wis. Stats. In addition to peace officers, the Zoning Administrator, Fire Chief, Building Inspectors, City Engineer and City Attorney as well as designated employees under their supervision, are authorized to issue citations for violations of the Municipal Code which are directly related to their official responsibilities.

~~The citation shall contain the following:~~

~~The name and address of the alleged violator.~~

~~Factual allegations describing the alleged violation.~~

~~The time and place of the offense.~~

~~The section of the ordinance violated.~~

~~A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.~~

~~The time at which the alleged violator may appear in court.~~

~~A statement which in essence informs the alleged violator:~~

~~That a cash deposit based on the schedule established by this Chapter may be made which shall be delivered or mailed to the Clerk of Municipal Court or Chief of Police prior to the time of the scheduled court appearance.~~

~~That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.~~

~~That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.~~

~~That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.~~

~~A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection (a) above has been read. Such statement shall be sent or brought with the cash deposit.~~

~~Such other information as the City deems necessary.~~

#### **1.02.13 — Form of Citation**

~~The form of the citation to be used by the City is on file in the City Clerk's Attorney office and is adopted by reference as though fully set forth herein.~~

#### **1.02.134 Schedule of Deposits**

- A. The schedule of cash deposits shall be established for use with citations issued under this Chapter by the Common Council according to the penalty provision of this Code.
- B. Deposits shall be made in cash, money order or certified check to the Clerk of Municipal CourtCity Treasurer's office ~~which~~ shall provide a receipt therefor.

#### **1.02.15 — Issuance of Citation**

~~— **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter Title.~~

~~A. **City Officials.** The following City Officials and their authorized designees may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:~~

- ~~1. Any Police Officers~~

- 1.—~~Building Inspectors~~
- 2.—~~Fire Chief or Fire Inspectors~~
- ~~HVAC Inspector~~
- 3.—~~Plumbing Inspector~~
- 3.—~~Electrical Inspector~~
- 3.—~~Zoning Administrator~~
- ~~Street Foreman~~City Engineer / Director of Public Works
- 3.—~~City Attorney~~
- 3.—~~School District Administration~~High School Principal/Vice-Principal
- Utility Supervisor
- 3.—~~City Clerk~~

#### 1.02.146 Procedure

- A. Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

#### 1.02.157 Non-Exclusivity

- A. **Other Ordinance.** Adoption of this Chapter does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

## Chapter 3 City Logo

### Division 1 Form and Use of City Logo

#### 1.03.11 Form of Official City Logo

- A. The City of Onalaska has adopted the logo set forth below as its official city logo (the "Official City Logo") depicted below is a stylized portrayal of the sun, water (lake), cattails, sunfish and sky (air). The words "Onalaska Wisconsin Est. 1851" are integrated into the design. This Official City Logo shall be used by the City of Onalaska and its departments only in their official capacity and shall not be used by others.



#### 1.03.12 Policy of Use of Official City Logo

- A. The ~~City Common~~ Council finds that the Official City Logo as set forth herein above is a symbol of the authority and jurisdiction of the City, and as such, are valuable assets of the City and its citizens. The ~~City Common~~ Council desires to insure that only appropriate uses are made of the Official City Logo.
- ~~B. The Official City Logo may not be used by individuals, groups or organizations other than the City, unless prior written approval has been granted by the Administrative Committee of the City of Onalaska. Any other use will be in violation of Section 1-3-3 of this Chapter.~~
- ~~B.C. No person shall use a symbol that imitates the Official City Logo or that is deceptively similar in appearance to the Official City Logo.~~

#### 1.03.13 Restrictions on Use

- ~~Use of the Official City Logo shall be restricted as follows:~~
- ~~0. Except as authorized by the City or as otherwise provided by law, the Official City Logo shall not be used on or in connection with any advertisement or promotion for any product, business, organization, service or article, whether offered for sale, for profit or offered without a charge.~~

~~1. No person shall use a symbol that imitates the Official City Logo or that is deceptively similar in appearance to the official City Logo.~~

### **1.03.134 Violation**

- A. Any person who violates this ~~e~~Chapter is deemed to have committed a civil infraction as set forth in Chapter 1-~~1-7~~.~~01.17~~ of the Code of Ordinances and shall be punishable by a penalty of up to Five Hundred Dollars (\$500.~~00~~) for each violation. Each day a violation continues shall be deemed to be a separate violation. The City's right to prosecute under this ~~s~~Section shall not affect its rights to pursue civil or injunctive relief under federal or state laws, or any other relief available under the law.

**AN ORDINANCE TO AMEND TITLE 2 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO GOVERNMENT AND  
ADMINISTRATION**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 2 Government and Administration is hereby deleted in its entirety and replaced as follows:

## Title 2 Government and Administration

### Chapter 01 City Government; Elections

#### Division 1 Authority

##### 2.01.11 City Government

- A. **Mayor-Council Government.** The City of Onalaska is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 62 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Onalaska operates under the Mayor-Council form of government under Ch. 62, Wis. Stats.
- B. **Division of Responsibilities.**
1. **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
  2. **Executive Branch.** The Mayor shall be the chief executive officer. They shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties.

##### 2.01.12 Official Newspaper

- A. The official newspaper of the City of Onalaska shall be the Coulee Courier.

##### 2.01.13 Aldermanic District Boundaries

- A. **Number of Aldermanic Districts.** The City of Onalaska shall be divided into three (3) Aldermanic Districts.
- B. **Boundaries.** The Aldermanic Districts shall be numbered and bounded as shown on the City of Onalaska Aldermanic District and Ward Map on file in the office of the City Clerk. The Common Council shall modify the City of Onalaska Aldermanic District and Ward Map when required by Sec. 5.15(2), Wis. Stats.

##### 2.01.14 Appointment of Election Officials

- A. There shall be a minimum of three (3) election inspectors for each polling place at each election. Additional election inspectors may be appointed to serve at any poll where election day registration makes it necessary. Pursuant to Sec. 7.30 Wis. Stats., the City Clerk or their designee may allow for the selection of two (2) or more sets of officials to work at different times on election day and permit the City Clerk or their designee to establish different working hours for different election officials assigned at the same polling place.

##### 2.01.15 Elections

- A. **Annual City Election.** The annual City election shall be held on the first Tuesday in April or such day as otherwise set forth by the Wisconsin Legislature for the spring election.
- B. **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m.
- C. **Polling Places.** The designated polling place for all Wards and Council Member Districts of the City of Onalaska shall be at City Hall, and such sites as designated by the Common Council.

- D. **Combining Wards.** Wards may be combined for voting purposes if the Electors in the combined wards vote for the same offices, per Sec. 5.15(6)(b), Wis. Stats.

### 2.01.16 Non-Partisan Primary for City Offices

- A. Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Sec. 8.11, Wis. Stats. Such candidate shall file with their nomination papers a declaration that they will qualify for the office to which they may be elected.

### 2.01.17 Severability

- A. Should any section, subsection, clause, or provision of this Title be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Title in whole or in any part thereof other than the part so declared to be invalid.

## Chapter 02 City Administration

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### Division 1 Common Council and Committees

#### 2.02.11 Common Council

- A. The Council Member(s) of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.
- B. The Common Council has the power to preserve order at its meetings, compel attendance of Council Members and may fine or expel for neglect of duty. The Common Council shall be judge of the election and qualification of its members.

#### 2.02.12 Council Members

- A. **Election, Term, Number.** The City shall have six (6) Council Members in addition to the Mayor, who is a member of the Common Council by virtue of their office as Mayor. The six (6) Council Members shall constitute the Common Council. Two Council Member(s) shall be elected from each Council Aldermanic District. One (1) Council Member(s) from each of the three (3) Council Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and one (1) each of said Council Members shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- B. **Appointment as Mayor.** A Council Member shall be eligible for appointment as Mayor to fill an unexpired term.

#### 2.02.13 President of the Council

- A. The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President of the Council ("Council President") who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that they shall not have power to approve an act of the Common Council which the Mayor has disapproved, by filing objections with the City Clerk. When so officiating, the Council President shall be referred to as "Acting Mayor." The Council President shall be elected for a one (1) year term of office.

#### 2.02.14 Standing Committees; Action on Committee Reports

- A. **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) Council Members to each of the following committees, subject to Council confirmation, the respecting general duties of which shall be as follows, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
1. **Administrative Committee** (licenses, administrative regulations and functions, recreation, City Cemetery).
  2. **Finance and Personnel Committee** (personnel administration, compensation, bond programs, risk management, financial claims against the City).
  3. **Utilities Committee** (light, power, water, transportation, sewer).
  4. **Judiciary Committee** (ordinances, resolutions, legal claims against the City).

- B. **Committee Chairpersons.** The chairperson of each committee shall be designated by the Mayor. No Council Member shall serve more than two (2) consecutive years as a chairperson of a standing committee. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Council Members shall serve on at least one (1) standing committee. The Mayor shall be an ex-officio member of each standing committee.
- C. **Committee of the Whole; Special Committees.**
  - 1. If any issue requires committee review by more than one (1) committee, this issue may be referred to the entire Common Council meeting as a "Committee of the Whole."
  - 2. The Mayor may declare the entire Council a Committee of the Whole for informal discussion at any meeting or for any other purpose, and shall ex-officio be chairman of the same.
  - 3. The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- D. **Reference and Reports.**
  - 1. The Mayor may refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
  - 2. Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk a minimum of one (1) week prior to the meeting at which action is requested or in the case of an emergency or special meeting in written form a minimum of thirty-six (36) hours prior to the meeting at which action is requested.
- E. **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

#### 2.02.15 Powers of the Common Council

- A. **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- B. **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

#### 2.02.16 Cooperation with Other Municipalities

- A. The Common Council, on behalf of the City, may join with other villages, towns, cities, counties or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

#### 2.02.17 Rules of the Common Council and its Sub-Committees

- A. The Common Council and members of its sub-committees shall follow the "Rules of the Common Council and its Sub-Committees" as adopted by the Common Council and as may be amended from time to time.

#### 2.02.18 Vacancy in the Office of the Common Council

- A. In the event of a vacancy in the office of the Common Council such vacancy shall be filled pursuant to Sec. 17.23 Wis. Stats. Where the Common Council appoints a successor, the procedure for appointment of a successor shall be as follows:
  - 1. The Mayor shall provide notice to the Common Council that a vacancy has occurred at the first meeting after the Mayor is informed or provided notice of the vacancy. Upon the Common Council voting to fill the vacancy by appointment, the Council may direct the medium used to publicize the vacancy. The Mayor will announce that resumes and letters of interest from individuals interested in filling the vacancy shall be accepted in the office of the City Clerk for twenty-one (21) days following the meeting ("Application Period").
  - 2. Following the 22nd day after the Mayor's announcement of the vacancy, the City Clerk shall make all resumes received from individuals interested in the vacancy available to the Common Council and the Mayor following the closure of the Application Period.

3. The Mayor shall recommend an individual to fill the vacancy in the Common Council at the first Common Council meeting following the closure of the Application Period.
4. The Common Council shall vote in a public ballot on the approval of the appointment of the individual recommended by the Mayor.
5. If the Common Council does not approve the appointment of the individual recommended by the Mayor, the Mayor shall recommend an alternate candidate. This process shall continue until a successor is approved by majority vote.
6. At the time of the appointment of a successor to fill a vacancy in the Common Council, the Common Council shall determine whether the appointed successor shall serve until the end of the current term or whether a special election shall occur pursuant to Secs. 8.50 and 17.23, Wis. Stats.

### 2.02.19 Salary and Expenses

- A. **Salary.** Commencing on April 20, 2021, upon election alderpersons shall be compensated Four Thousand Eight Hundred Dollars (\$4,800.00) per calendar year paid monthly while holding office. Commencing the third Tuesday of each April thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions.
- B. **Expenses.** Commencing on April 20, 2021, upon election alderpersons shall receive One Thousand Two Hundred Dollars (\$1,200.00) per year paid monthly for general un-itemized expenses. Commencing the third Tuesday of each of each April thereafter, the expenses shall increase by the same percentage as set forth in Section A above for salary. Covered expenses include those expenses not authorized through the Common Council budget to be used for standard business expenses as authorized under IRS guidelines incurred in representing the Alderperson's district.

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## Division 2 Mayor

### 2.02.21 Mayor

- A. **Election.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- B. **Duties.**
  1. The Mayor shall be the Chief Executive officer of the City. They shall take care that City ordinances and the State Statutes are observed and enforced.
  2. The Mayor shall, from time to time, provide the Council such information and recommend such measures as they may deem advantageous to the City. When present, they shall preside at the meetings of the Council.
  3. The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
  4. The Mayor shall vote in the event of a tie vote by the Common Council.
- C. **Signatory for Grants-In-Aid.** The Mayor is authorized without approval of the Common Council to execute applications to State or Federal agencies for financial grants-in-aid for lawful purposes. This shall be done on the condition that such applications shall not bind the City to an expenditure of funds and a report that such an application, including the reasons therefor, shall be made to the Common Council within thirty (30) days after execution by the Mayor. The Council, within thirty (30) days of the receipt of the report, may, upon majority vote of all members, cause the application to be withdrawn.
- D. **Veto Power.** The Mayor shall have the veto power as provided by State law as to acts of the Council. All Council acts shall be submitted to the Mayor by the City Clerk, and shall be in force upon their approval, evidenced by their signature, or upon their failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, they shall file their objection with the City Clerk, who shall present it to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

### 2.02.22 Salary

- A. **Salary.** Commencing on April 16, 2024, the Mayor shall be compensated Twenty Thousand Dollars (\$20,000.00) per calendar year paid monthly while holding office. Commencing the third Tuesday of each April thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions.
- B. **Expenses.** Commencing on April 20, 2021, upon election the Mayor shall receive Two Thousand Four Hundred Dollars (\$2,400.00) per year paid monthly for general un-itemized expenses. Commencing the third Tuesday of each of each April thereafter, the expenses shall increase by the same percentage as set forth in Section A above for salary. Covered expenses include those expenses not authorized through the Common Council budget to be used for standard business expenses as authorized under IRS guidelines incurred in representing the City of Onalaska.

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## Division 3 Meetings

### 2.02.31 Meetings of the Common Council

- A. **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- B. **Regular Meetings.** Regular meeting of the Common Council shall be held on the second Tuesday of each calendar month, at the hour of 7:00 p.m. for each month of the year. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Onalaska City Hall when practicable, including special meetings, unless another location is designated by the Common Council at a previous meeting. Meetings may be held telephonically or via videoconference subject to open meetings law when necessitated by an emergency declared under Title 5 of the City Ordinances.

### 2.02.32 Special Meetings

- A. Special meetings may be called by the Mayor or by two (2) Council Members upon notice of the time and purpose thereof being delivered at least twenty-four (24) hours before the meeting to each member of the Council by written electronic notice delivered personally to each member or left at the member's usual abode at least twenty-four (24) hours before the meeting unless an affirmative waiver of notice has been received. Any special meeting attended by all Council Members shall be a regular meeting for the transaction of any business that may come before such meeting.
- B. The Mayor may call a special meeting, without notice, at a regularly convened Council meeting if all members are present. A special meeting may also be called if all members consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the City Clerk before the commencement of the meeting.
- C. Non-governmental parties requesting a special meeting of the Council shall pay a fee as set forth on the City of Onalaska Fee Schedule for such a meeting.

### 2.02.33 Open Meetings

- A. Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards, committees and commissions, shall be open to the public.

### 2.02.34 Quorum

- A. Two-thirds (2/3) of all members of the Common Council shall constitute a quorum, but a lesser number may adjourn if two-thirds (2/3rds) is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- B. The Council may, by a majority vote of those present, adjourn to a specific date and hour.
- C. When the Council is required to take action at a regularly scheduled or special Council meeting and cannot defer such action to the next regularly scheduled Council meeting, and it is known that the number of the Council members required to establish a quorum or take such action cannot be physically present at the meeting any such absent member may be present at and participate in the meeting via teleconference or videoconference as if the member were present in person. When it appears to the City Clerk that the requisite number of Council members will not be physically present at a meeting where such action is required, the City Clerk shall notify those members who will not be present to ascertain whether they wish to be present via teleconference or videoconference. The City Clerk or their designee shall then make all necessary arrangements to enable member(s) who wish to be present via teleconference or videoconference to do so.

### 2.02.35 Presiding Officers

- A. **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In case of absence of the Mayor and President of the Council, the City Clerk shall call the meeting to order and the senior Council Member present shall be the president pro tem.
- B. **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in the current edition of Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the City Clerk, the presiding officer shall appoint a Clerk pro tem.

## 2.02.36 Order of Business

- A. **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and distributed to the Mayor and the members of Common Council no later than the Monday preceding the regular meeting. Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same to the City Clerk in a timely fashion. Generally, the following order may be observed in the conduct of all meetings of the Council.
1. Call to Order/Roll Call.
  2. Pledge of Allegiance.
  3. Public Input.
  4. Report from the Mayor.
  5. Consent Agenda.
  6. Recap of Items Pulled from the Consent Agenda.
  7. Business from committees, boards and commissions.
  8. Finance & Personnel Committee
  9. Judiciary & Administrative Committees
  10. Board of Public Works
  11. Plan Commission
  12. Utilities Committee
  13. Parks, Recreation and Library Board
  14. Other sub-committees, boards and commissions which shall be listed in alphabetical order.
  15. Reports by City Administrator, City Clerk, City Attorney, Officers and Departments.
  16. Any Items for Closed Session.
  17. Any other business permitted by law.
  18. Adjournment.
- B. **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all Council Members and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council.
- C. **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the record and the Council shall adjourn.

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## Division 4 Robert's Rules and Meeting Conduct

### 2.02.41 Conduct of Deliberations

- A. A roll call shall be used with all questions, upon request of a Council Member or as required by law.
- B. A voice vote shall be used with all motions not requiring a roll call.
- C. All aye and nay votes shall be recorded in the official minutes.
- D. Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by the current edition of Robert's Rules of Order, Revised, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;
1. No Council Member shall address the Council until they have been recognized by the presiding officer. They shall thereupon address themselves to the presiding officer and confine their remarks to the question under discussion.
  2. When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
  3. No person other than a Council Member shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
  4. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
  5. The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, their vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
  6. Any member of the Council may demand a roll call vote. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating

any liability or charge against the City or any fund thereof, the vote shall be by roll call. A member of the Council may not change their vote on any question after the result has been announced.

7. When a question is under discussion, the following motions shall have precedence in the order listed:
  - a. To adjourn.
  - b. To recess.
  - c. To lay on the table.
  - d. To move the previous question.
  - e. To postpone to a day certain.
  - f. To refer to a committee.
  - g. To amend.
  - h. To postpone indefinitely.

#### 2.02.42 Reconsideration and Rescission of Questions

- A. **Reconsideration.** It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed. If the motion for reconsideration is brought at the succeeding Council meeting, it must appear on the agenda, due to open meeting law requirements.
- B. **Rescission.** A motion for rescission may be heard at the next succeeding regular meeting of the Council or the Sub-Committees which undertake the action proposed for rescission provided that such motion is on the Agenda for such meeting and specifies exactly what action the Council or Sub-Committee will be asked to take. A motion for rescission requires a two-thirds (2/3rds) vote. After the Council action in question has been published it cannot be rescinded.

#### 2.02.43 Call for the Previous Question

- A. Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

#### 2.02.44 Amendment of Rules

- A. The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

#### 2.02.45 Suspension of Rules

- A. Any of the provisions of Divisions 3-5 of this Chapter, may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

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### Division 5 Ordinances

#### 2.02.51 Introduction of Business, Resolutions and Ordinances; Disposition of Communications

- A. **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to Sec. 2.02.14. Any member of the Council may require the reading in full of any Ordinance or resolution at any time it is before the Council.
- B. **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. **Notice.**
  1. The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.

#### 2.02.52 Publication and Effect of Ordinances

- A. All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City and shall be immediately recorded, with the affidavit of publication, by the City Clerk. A printed copy of such ordinance or regulation and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.

- B. All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

## Chapter 03      Municipal Officers and Employees

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### Division 1    General Provisions

#### 2.03.11    General Provisions

- A. **General Powers.** Officers shall have the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of them by the Council. Officers whose powers and duties are not enumerated in Ch. 62, Wis. Stats. shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- B. **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- D. **Legal Representation.** Whenever any City official in their official capacity proceeded against or obliged to proceed before any Civil Court, Board, Committee or Commission, to defend or maintain their official position, or because of some act arising out of the performance of their official duties, and they have prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse them for the expenses reasonably incurred for costs and attorney's fees.
- E. **Comptroller, Street Commissioner and Constable Eliminated.** As provided in Sec. 62.09(1)(b), Wis. Stats., the offices of Comptroller, Street Commissioner and Constable are hereby eliminated.

#### 2.03.12    Eligibility for Office

- A. No person shall be elected by the people to a City office who is not, at the time of their election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward, and actually residing therein or is not eligible by State Statute to hold office.
- B. An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- C. No member of the Common Council shall, during the term for which they are elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

#### 2.03.13    Removal from Office

- A. **Elected Officials.** Elected officials may be removed by the Common Council as provided in Secs. 9.10, 17.12 and 17.16, Wis. Stats.
- B. **Appointed Officials.** Appointed officials may be removed as provided in Secs. 17.12, and 17.16, Wis. Stats.

#### 2.03.14    Custody of Official Property

- A. City officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

#### 2.03.15    Oath of Office; Bonds/Insurance of Officers

- A. **Oath.** Every person elected or appointed to any statutory office shall take and file their official oath within ten (10) days after the notice of their election or appointment.
- B. **Bonds.** The City Clerk, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City and shall be recorded in a book kept for that purpose. Such bonds shall be paid for by the City. If the Council does not require any or all of these officials to execute and file an official bond, the council shall obtain a

dishonesty insurance policy or other appropriate insurance policy that covers such officials, in an amount determined by the council, in lieu of the bond requirement.

### 2.03.16 Procedure-Making Authority

- A. **Authorization for Department Heads.** Heads of departments of the City including, without limitation by enumeration, the City Administrator, City Attorney, City Clerk, City Treasurer, Chief of Police, Director of Public Works, Fire Chief, Human Resources Director, Parks and Recreation Director, and Zoning Administrator, may make procedures, regulations or directives for the administration of their departments in line with the policies of the Council, but not for the conduct of the general public.
- B. **Approval of Rules.** Any proposed departmental procedures, regulation or directive other than those proposed by the Police or Fire Department, shall be referred to the City Administrator for review. The Police and Fire Departments shall report to the Mayor utilizing the subsequent process. The City Administrator or Mayor shall either approve the proposed rule, or return the proposed rule to the Department along with suggested revisions in a reasonable amount of time, not to exceed two (2) weeks. All rules shall be consistent with City Ordinances, resolutions and applicable City Personnel Rules, Policies and Regulations. Any rule or part thereof returned by the Mayor or City Administrator to the Department Head shall be deemed to be unacceptable and not in force.
- C. **Time of Taking Effect.** All proposed procedures, regulations or directives shall be effective at the direction of the Department Head, unless returned by the City Administrator or Mayor, or the Common Council acts by resolution to nullify such procedures. In emergency situations requiring immediate action, procedures may become effective immediately; but all procedures so enacted shall be reported to the City Administrator or Mayor within twenty-four (24) hours, with the reasons for the necessity for the immediate implementation. All emergency procedures are temporary in nature and must be formally presented to become permanent.

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## Division 2 Officers

### 2.03.21 Officers

- A. **Appointment by Council.** The City of Onalaska, pursuant to Sec. 62.09 and 66.01, Wis. Stats., hereby elects not to be governed by those portions of Ch. 62, Wis. Stats., which are in conflict with this Section. The following offices shall be filled by appointment by a majority vote of the Common Council for an indefinite term, subject to removal by a two-thirds (2/3rd) vote of the Common Council for incompetency, misconduct, inefficiency or failure to perform duties:
  - 1. Attorney
  - 2. City Clerk
  - 3. Engineer
  - 4. Financial Services Director
  - 5. Treasurer
  - 6. Public Works Director
  - 7. Director of Parks & Recreation
  - 8. Zoning Administrator
  - 9. Director of Inspections
- B. **Duties.** The holder of any City office may be assigned additional duties or appointed to additional offices as the Common Council may direct from time to time. Any reference in this Code of Ordinances to a particular office shall be construed to refer to the holder of that office regardless of whether that individual also has been assigned additional duties or also holds additional duties.
- C. **Compensation.** Compensation of each office shall be determined by the City's current wage scale.
- D. **Deputies.** City officers may appoint Deputies subject to confirmation by a majority of all the members of the Common Council. Deputies shall act under the respective City Officer and shall during the temporary absences or disability of the City Officer or during a vacancy in such office, perform the duties of said City Officer.
- E. **Other Officials.** The Mayor shall have the authority to appoint such other officials as are created from time to time by law or by the Common Council, whose appointments shall be confirmed by a majority vote of the Common Council and whose terms of office and compensation, if any, shall be prescribed by the Council.

### 2.03.22 Chief of Police

- A. **Appointment.**
  - 1. The Chief of Police shall be appointed by the Police and Fire Commission and shall hold the office, subject to suspension or removal by the Police and Fire Commission for cause. The Chief of Police shall within six (6) months after commencement of employment, or following any required

probationary period, whichever is later, establish and maintain residence at a distance not greater than fifteen (15) miles from the nearest corporate boundary of the City.

2. The compensation to be paid the Chief of Police for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.
- B. **Duties.** The Chief of Police shall be responsible for performing the duties required under State law and the job description for the position of Chief of Police adopted by Common Council and as may be amended from time to time.

### 2.03.23 Fire Chief

A. **Appointment.**

1. The Fire Chief shall be appointed by the Police and Fire Commission and shall hold the office, subject to suspension or removal by the Police and Fire Commission for cause. The Fire Chief shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than fifteen (15) miles from the nearest corporate boundary of the City.
2. The compensation to be paid the Fire Chief for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.

- B. **Duties.** The Fire Chief shall be responsible for performing the duties required under State law and the job description for the position of Fire Chief adopted by Common Council and as may be amended from time to time.

### 2.03.24 Assessor

A. **Appointment.**

1. The City of Onalaska hereby elects not to be governed by those portions of Sec. 62.09(3)(b) Wis. Stats. relating to the method of selection of the City Assessor which are in conflict with this Section.
2. The City Assessor, or assessing firm, shall be appointed by the Mayor, subject to confirmation by the Council. The Assessor's term shall commence on the first day of the month succeeding their appointment. The City Assessor shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council.
3. A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
4. No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.

- B. **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.

- C. **Definition.** For purposes of this Section, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

D. **Confidentiality of Information.**

1. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.
2. The several sections of the 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.

### 2.03.25 Weed Commissioner

- A. The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following their appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the City Clerk, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

### 2.03.26 City Administrator

- A. **Office and Purpose.** The office of City Administrator is created, to be an officer of the City, pursuant to Sec. 62.09(1)(a), Wis. Stats. The City Administrator shall be the chief operating officer of the City, shall administer City departments to implement the policies set by the Council, and be responsible for the efficient coordination of all City departments, boards and commissions. The Common Council may adopt a job description for the City Administrator and amend it from time to time, and the City Administrator shall substantially comply with the requirements of the job description. It is the intent that the City Administrator shall have the clear authority to coordinate and administer the day-to-day operations of municipal government as specified in this Section.
- B. **Appointment and Termination.** At any time there is a vacancy in the office of City Administrator, a nominee for the office shall be selected by a selection committee. The selection committee may delegate any duties of the selection process to City staff or working groups and may appoint nominating committees or interview panels as necessary. The selection committee shall negotiate the basic terms of the nominee's employment contract, and the final contract shall contain such additional provisions as are determined by the Common Council, City Attorney and Human Resources. The nominee and the proposed terms of the employment contract shall be presented to the Council, which shall then confirm or reject the nominee and the proposed terms of the nominee's employment contract. Confirmation shall be by simple majority vote. Upon confirmation by the Council, the Mayor shall execute the employment contract and the nominee shall assume the office. If the Common Council does not confirm either the nominee or the proposed terms of the employment contract, then the selection committee shall either begin searching for another nominee or attempt to re-negotiate the terms of the employment contract to which the Council objects, and shall continue until a nominee and a contract have been confirmed by the Council and an employment contract has been executed by the Mayor on behalf of the City. Selection and confirmation of the City Administrator shall be based solely on merit, including education, training, general fitness for office and experience in municipal administration.
- C. **Term.** The City Administrator shall hold office for an indefinite term, subject to removal at any time by a two-thirds (2/3rds) vote of the Council.
- D. **Contract.** The City Administrator's employment contract shall be in writing and shall specify that employment is at-will.
- E. **Organizational Level.** The City Administrator, as chief operating officer, is delegated the Mayor's executive authority to administer independently the operations of certain City departments, as defined below, and is therefore subordinate to, and performs duties at the request of, the Common Council. The City Administrator is superior to, and has direct authority over, the heads of the City departments which are under the City Administrator's direction.
- F. **Specific Duties.** The City Administrator shall perform the following duties, in addition to the duties attendant to the office and as specified in the City Administrator's job description:
1. Administer the operations of, and have direct authority over the heads of the following City departments: Assessor; Finance; Information Technology; Planning; Parks and Recreation; Public Works; and all other City departments and offices the oversight of which is not given to other City officials.
  2. Coordinate the operations of, and facilitate the cooperation of all City departments, commissions and boards to maximize the efficiency of implementation of policies set by the Council, regardless of whether the City Administrator has direct authority over the departments, commissions or boards.
- G. **Annual Review.** The City Administrator shall undergo an annual performance review consistent with the review cycle for all exempt employees. The review shall be conducted by the Common Council President and Finance & Personnel Chair; if they are one and the same, then another Council member, other than the Council President shall be chosen by the Council President. The Mayor and Human Resources Director will serve as advisors during the review. The Council President shall request input from the remaining Council members for the review committee one (1) month prior to the review being completed. The Council President shall prepare a report to the Council of the results of the review, identify specific goals to address performance deficiencies, and recommend other appropriate actions to be taken, including salary adjustments.
- H. **Acting City Administrator.** The City Administrator may designate a City officer to act as City Administrator in the City Administrator's absence from office for reasons of illness, vacation, business or any other reason for a period of more than three (3) days. The City Administrator may appoint a Deputy

City Administrator subject to confirmation by a majority of all the members of the Common Council. The Deputy Administrator shall act under the City Administrator and shall during the temporary absences or disability of the City Administrator or during a vacancy in such office, perform the duties of City Administrator.

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## Division 3 Joint Municipal Court

### 2.03.31 Joint Municipal Court

- A. **Established.** Pursuant to Ch. 755 Wis. Stats., there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, Town of Campbell, Town of Holland Town of Shelby, Village of Bangor, Village of Holmen, Village of Rockland and the Village of West Salem, (hereinafter referred to individually as "Member Municipality" and collectively as "Member Municipalities").
- B. **Municipal Court Committee.** There is hereby created a Municipal Court Committee. The Municipal Court Committee shall be comprised of one representative of each member municipality who shall be appointed by the Mayor, President or Chair of the member municipality, subject to confirmation by the respective governing body, and in addition, one (1) member who shall be a Police Chief of a member municipality. The Chief's position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Shelby, Bangor, Holmen, and West Salem. In the event a Member Municipality not listed above has a Police Chief, they shall be added to the rotation. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative. The term for each municipal member representative, other than Chief, shall be for two (2) years.
- C. **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Ch. 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge a person must be a qualified elector of a Member Municipality.
- D. **Election and Term of Municipal Judge.** The position of the municipal judge shall be by election. The municipal judge shall be elected at large at the spring election, for a four (4) year term, commencing on May 1st succeeding their election. Electors of the Member Municipalities shall be eligible to vote for the municipal judge of the Joint Municipal Court.
- E. **Creation of the Position of Clerk of the Municipal Court.** Pursuant to Ch. 755, Wis. Stats., the office of the Clerk of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska and written appointment by the municipal judge. One member of the Joint Municipal Court Committee, selected by the Chair, shall participate in the interviews for the hiring of the Municipal Court Clerk. Training and compensation of said clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.
- F. **Salary of Municipal Judge.** The municipal judge shall receive a fixed salary and municipal judge's training pursuant to Sec. 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the recommendation of the Municipal Court Committee, subject to Sec. 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the municipal judge for any time during their term for which they have not executed and filed the official bond and oath as required by this Section.
- G. **Bond and Oath of Municipal Judge.** The municipal judge shall, after election to fill a vacancy, take and file the official oath as prescribed in Sec. 755.03, Wis. Stats., with the City Clerk of the City of Onalaska. In lieu of an official bond, the Member Municipalities shall collectively maintain the Municipal Court Judge on a dishonesty insurance policy or other appropriate insurance policy that covers the judge and a copy of the policy shall be provided yearly to the Joint Municipal Court Committee.
- H. **Oath of Municipal Court Clerk.** The Municipal Court Clerk shall, before entering upon the duties of the office take and file the official oath as prescribed in Sec. 19.01 Wis. Stats., with the City Clerk of the City of Onalaska. The City of Onalaska shall provide a copy of the sworn oath to the other Member Municipalities.
- I. **Jurisdiction of Municipal Judge.** The municipal judge shall have jurisdiction as provided in Article VII, Secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement and seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- J. **Joint Municipal Court.**
  1. **Location.** The Joint Municipal Court's location shall be the City of Onalaska City Hall. The time(s) of the municipal court shall be determined by the municipal judge and the Municipal Court Committee.

2. **Vacancies.** If the municipal judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the municipal judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute municipal judge designated or assigned hereunder shall be compensated as authorized by Sec. 800.065(3), Wis. Stats.
  3. The municipal judge shall satisfy all continuing education requirements for municipal judges.
  4. Upon the proper and timely written request for substitution of the municipal judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
  5. The procedures of the Joint Municipal Court shall be in accord with the applicable Wisconsin Statutes, this Chapter and the Joint Municipal Court Agreement entered into between the Member Municipalities. The Joint Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, each Member Municipality shall draft a bond schedule, which shall become effective upon approval by the Member Municipality's governing body. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- K. Fees and Costs.**
1. The municipal judge may impose punishment and sentences as provided by Ch. 800 and 938 Wis. Stats., and as provided in the ordinances of the Member Municipalities that are parties to the agreement. The Treasurer of the City of Onalaska and the Municipal Court Clerk certifies the monthly accounting with the State of Wisconsin. Such reports are available by request to each Member Municipality.
  2. The municipal judge shall collect a fee for Court Costs on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. For the purposes of this section, the "Court Costs" for matters adjudicated by the Coulee Region Joint Municipal Court shall be at the maximum rate allowed pursuant to Sec. 814.65, Wis. Stats., or its successor or replacement.
- L. Withdrawal from Joint Municipal Court.** Any member municipality may withdraw from this Agreement by giving notice in writing to the Municipal Court Committee no later than September 30th of any year. Upon giving such notice, the member municipality's participation in the joint municipal court shall terminate on December 31st of said year.
- M. Statutes Adopted by Reference.** Chs. 755 and 800, Wis. Stats. as may be amended, are hereby adopted by reference.
- N. Contempt of Court.** The municipal judge, after affording an opportunity to the person accused to be heard in defense, may impose as sanction authorized under Sec. 800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed Two Hundred Dollars (\$200.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

## Chapter 04 Boards and Commissions

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### Division 1 General Provisions for Boards

#### 2.04.11 Board of Review

- A. **Composition.** The Board of Review shall consist of the Mayor, City Clerk, and three (3) Council Members appointed by the Mayor. The Board of Review members, except members who are full-time employees or officers of the City of Onalaska, shall receive such compensation as shall be fixed by the Common Council.
- B. **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.
- C. **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.
- D. **Confidentiality.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats. or any successor statute thereto, then, such income and expense information may be revealed to and used by such persons: in the discharging duties imposed by law; in the discharge of duties imposed by office (including but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats. confidential and not a public record and therefore is not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

- E. **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.

#### 2.04.12 Board of Public Works

- A. The Board of Public Works shall consist of the Director of Public Works, the Mayor, the Financial Services Director, and two (2) Council Members along with an alternate Council Member. The two (2) Council Members shall be annually appointed by the Mayor, subject to confirmation by the Council at the organizational meeting. The alternate Council Member shall serve when either of the regular Council Members are absent or must withdraw on grounds of conflict of interest. The Board of Public Works shall perform those duties prescribed in this Code of Ordinances and Sec. 62.14, Wis. Stats.

#### 2.04.13 Board of Zoning Appeals

- A. **Establishment.** A Board of Zoning Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. The Board of Zoning Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The member of the Common Council who serves on the Plan Commission shall serve as an alternate member. The Mayor shall designate one (1) of the members chairperson.
- B. **Powers.** The Board of Zoning Appeals shall have the following powers:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's Unified Development Code and Building Code.
  2. To hear and decide special exceptions to the terms of City Unified Development Code, Floodplain Regulations, and Building Code upon which the Board of Zoning Appeals is required to pass.
  3. To authorize, upon appeal in specific cases, such variance from the terms of the City's Unified Development Code as described in Section 13.05.23.
  4. The Board of Zoning Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's Unified Development Code and Building Codes.
- C. **Meetings and Rules.** All meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.

#### 2.04.14 Parks, Recreation & Library Board

- A. **Appointments.** The Parks, Recreation & Library Board shall consist of seven (7) members including six (6) citizens from the City of Onalaska and one (1) Council Member. The members of this Board shall be appointed for terms of three (3) years, except that the Council Member shall be annually appointed by the Mayor subject to confirmation by the Council. Any Board member may be reappointed and may serve an unlimited number of consecutive terms. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Board in an advisory, non-voting capacity for a term of one (1) year.
- B. **Compensation; Oaths.** No compensation shall be paid for service on the Board. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- C. **Powers and Duties.** The Board shall have all the powers conferred by law under Sec. 27.08, Wis. Stats. and Sec. 43.54, Wis. Stats. and shall be charged with all the duties so required such as recommend, oversee work, and oversee funds of all parks, park and recreational facilities, playgrounds, and recreational activities as part of properties within the City. The Parks, Recreation & Library Board is specifically empowered and directed:
1. To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.

2. To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
  3. With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
  4. To serve as liaison between the City and the County library system library board.
  5. To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system, park and recreation facilities and recreation programs, subject to budgetary approval by the Common Council.
  6. To coordinate library related activities of the City and the County library system and ensure the City's responsibility for the operation and maintenance of the library is carried out in the manner which best serves the interest of the residents of the area.
  7. To have jurisdiction of the parks and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
  8. To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks and playgrounds as the Board shall deem necessary.
  9. And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- D. **Public Recreation Program.** The Parks, Recreation & Library Board shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City.
- E. **Record.** The Parks, Recreation & Library Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the office of the City Clerk.
- F. **Finance.**
1. **Budget.** The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system.
  2. **Deposits.** All revenues and income from the operation of Park and Recreation Programs shall be deposited with the City Treasurer.
  3. **Monetary Contributions.** All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

#### 2.04.15 Community Development Authority

- A. **Findings and Declaration of Necessity.** The Common Council hereby finds and declares that a need for blight elimination, community development, housing programs and projects exist in the City and that a community development authority functioning within the City constitutes an effective and efficient means for carrying out such programs and projects. The necessity in the public interest for the provisions of this Section is also declared as a matter of legislative determination.
- B. **Creation of Community Development Authority; Status as Public Body.** Pursuant to Sec. 66.1335 Wis. Stats. (entitled "Housing and Community Development Authorities"), there is hereby created a community development authority, which shall be known as the "Community Development Authority of the City of Onalaska." The Community Development Authority (the "CDA") is deemed a public body and a body corporate and politic, exercising necessary public powers, and having all the powers, duties and functions conferred on redevelopment authorities, community development authorities, housing authorities and housing authorities for elderly persons by applicable law.
- C. **Composition of Governing Body; Powers Vested in Commissioners; Compensation.** The CDA shall consist of seven (7) resident persons having sufficient ability and experience in the field of urban renewal, community development, and housing, who shall serve as the governing body (the "Commissioners") of the CDA. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Commission in an advisory, non-voting capacity for a term of one (1) year. The powers of the CDA shall be vested in, and exercised by, the Commissioners in office from time to time.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the CDA. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- E. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council as follows:

1. Two (2) of the Commissioners shall be members of the Common Council, one (1) of which shall be a member of the Finance and Personnel Committee and the other shall not be a member of the Finance and Personnel Committee. Each of the Common Council Commissioners shall serve with full voting rights. The remaining five (5) Commissioners of the CDA shall be selected with preference to the following qualifications: (1) background in finance, banking, accounting, financial investments or any combination thereof, (2) legal, paralegal or real estate law background or any combination thereof, (3) background in either real estate, real estate development, commercial and residential construction or property management or any combination thereof, (4) background in the Onalaska business community and Onalaska community organizations and (5) background in either manufacturing, business start-ups or other related background.
  2. All Commissioners who are not members of the Common Council shall be appointed for terms of four (4) years. A Commissioner who is not a member of the Common Council shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change or residence, removal, resignation, incapacity or death.
  3. Vacancies occurring during any term shall be filled for the unexpired portion of the term and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
  4. The Mayor of the City of Onalaska shall be a non-voting ex-officio member of the Community Development Authority.
- F. **Evidence of Appointment.** The records maintained in the office of the City Clerk reflecting that the City Clerk administered the oath of appointment of the Commissioner. Such record shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon their office.
- G. **Removal of Commissioners.** A Commissioner may be removed from office by the Mayor by incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after they shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Sec. 17.16, Wis. Stats., relating to removal for cause shall apply to any such removal.
- H. **Meetings; Quorum; Bylaws.** All meetings of the CDA shall be held in compliance with the provisions of Subch. IV of Ch. 19, Wis. Stats. and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the CDA for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of a majority of the Commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- I. **Selection of Officers, Agents and Employees.**
1. The CDA shall annually elect a Chairperson and Vice Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
  2. The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The CDA may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
  3. The employees of the CDA shall be selected and serve under the provisions of the City's civil service system and shall be subject to pertinent civil service and personnel policies established for City employees with equivalent duties and responsibilities unless the CDA:
    - a. Adopts and approves hiring, personnel and employment policies;
    - b. Resolves to apply and maintain hiring, personnel and employment policies; and
    - c. The CDA provides sixty (60) days' notice of the adoption of the policies and resolutions set forth above.
  4. The CDA may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the CDA in the performance of its duties or functions which could be performed by the staff of the CDA.
- J. **City Assistance to CDA.**
1. The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of CDA's duties and functions. All City departments,

boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to, the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency.

2. In the event that any department or commission or agency shall have good cause for failing to comply with the request of the CDA for assistance, the matter shall be referred to the Mayor's office and, if deemed necessary, to the Common Council for adjudication.
  3. In addition, the CDA may contract with the City of Onalaska for performance of such services as may be required by the authority in the performance of its functions. In the event assistance is provided by the department, board, commission or agency of the City, whether by contract or not, the CDA shall agree to compensate the City of Onalaska for all services rendered to the authority.
- K. Interested Commissioners or Employees.** No Commissioner or employee of the CDA shall acquire any direct or indirect interest in any project or in any property included or planned to be included in any such project, nor shall they have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, they shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA, and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to so disclose such interest shall constitute misconduct in office.
- L. Powers and Duties of CDA.**
1. The CDA shall have all powers, duties and functions set out in Secs. 66.1201, 66.1213 and 66.1333 Wis. Stats. for housing and redevelopment authorities and as to all housing projects initiated by the CDA it shall proceed under Secs. 66.1201 or 66.1213, Wis. Stats. as applicable and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105, Wis. Stats., as determined appropriate by the Common Council on a project by project basis.
  2. The CDA may, upon the direction of the Common Council, act as agent of the City in planning and carrying out community development programs and activities funded under the Federal Housing and Community Development Act of 1974, as amended, and any or all community development programs and activities initiated by the CDA and approved by the Mayor and Common Council shall be undertaken and carried out pursuant to such Act and other applicable law.
  3. The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the Plan Commission under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105 Wis. Stats.
  4. In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.
- M. Annual Budget.** An annual budget shall be established by the CDA, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.
- N. Annual Report.** The CDA shall coordinate with City Staff to include a summary of their yearly activities in the annual Planning Department report.
- O. Evidence of Authority.** A certified copy of this Section shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Sec. 66.1335, Wis. Stats.
- P. Construction.** All powers, duties and functions of a community development authority, as set forth in Sec. 66.1335, Wis. Stats., are deemed to have been granted to the CDA as though set forth in this Section, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein.
- Q. Committees.** The CDA shall create related committees and boards on an as needed basis to assist in the implementation of the powers and duties of the CDA as set forth above including but not limited to those powers conferred to a redevelopment authority as set forth in Sec. 66.1335, Wis. Stats. and such other duties, powers and functions related to community development as are conferred on it by the Common Council.

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## Division 2 General Provisions for Commissions

### 2.04.21 Police and Fire Commission

- A. The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually appoint at the organizational

meeting one (1) member for a term of five (5) years, subject to confirmation by the Council. No appointment shall be made which will result in more than three (3) members of the board belonging to the same political party. The Commission shall keep a record of its proceedings. The Board of Police and Fire Commissioners shall have the power and authority prescribed by Sec. 62.13, Wis. Stats., and this Code of Ordinances.

#### 2.04.22 Plan Commission

- A. **Composition.** The Plan Commission shall consist of seven (7) members as follows: the Mayor, one (1) Council Member, Director of Public Works, and four (4) citizens.
- B. **Appointment.** The Common Council member shall be appointed by the Mayor each April and confirmed by the Common Council for a period of one (1) year and the four (4) citizen members shall be appointed by the Mayor for a term of three (3) years.
- C. **Organization of Commission.** The Mayor shall appoint a presiding officer each year, which can be the Mayor or any member of Plan Commission and the Commission shall select by election a vice-chairman, secretary and such other officers as may in their judgement be necessary.
- D. **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the office of the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- E. **Duties.**
  1. **The Master Plan.**
    - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
    - b. The Plan Commission may adopt the master plan as a whole by a single resolution, or as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Mayor and the City Clerk, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.
  2. **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location, acceptance, extension, alteration, vacation, abandonment, sale, acquisition of land for or lease of land for any street, alley or other public ways (along with other appropriate City boards or commissions), park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Ch. 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
  3. **Miscellaneous Powers.** The Plan Commission exercises final review and approval of site development plans and requests for conditional use permits and has the authority to make those decisions which the City of Onalaska Unified Development Code (Title 13) has given the Plan

Commission the authority to make. The Plan Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

- F. **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- G. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.

#### 2.04.23 Room Tax Commission

- A. **Membership and Organization.** The Room Tax Commission shall consist of five (5) members who shall be selected as follows: One (1) member of the Common Council; one (1) member shall be a representative of the Wisconsin hotel and motel industry; three (3) members shall be citizens residing in the City of Onalaska. All members shall be appointed by the Mayor subject to Common Council approval. Strong consideration shall be given to citizens members who are business owners or have experience in tourism and hospitality industries. All members of the Commission shall serve for a one (1) year term from the date of appointment. Any vacancies occurring on the Room Tax Commission shall be filled by appointment by the Mayor, subject to confirmation by the Common Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy. The Commission shall choose a Chairperson, Vice-Chairperson and such other officers as it deems appropriate.
- B. **Meetings.** Meetings may be held under call of the Chairperson of the Commission or if requested in writing by three (3) members of the Commission filed with the City Clerk in which event, the City Clerk shall notify all members of the coming meeting. At least twenty-four (24) hours' notice shall be allowed under this procedure. The City Clerk shall give written notice of each meeting to the Mayor and to all members of the Room Tax Commission. Three (3) members shall constitute a quorum. Such regular meetings shall be open to the public.
- C. **Powers.** The Room Tax Commission shall require for all organizations, whether private or governmental, who receive funds hereunder, an annual accounting of the application of all room tax funds designated for tourism development and tourism promotion ("Tourism Funds"). The Room Tax Commission shall designate the use of all Tourism Funds of the City of Onalaska.
- D. **Statutory Authority.** The Room Tax Commission shall be the entity in which room tax is allocated for the City of Onalaska pursuant to Sec. 66.0615, Wis. Stats., as may be amended.
- E. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the office of the City Clerk.
- F. **Annual Budget.** An annual budget shall be established by the Room Tax Commission in conjunction with the Financial Services Director, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.

#### 2.04.24 Historic Preservation Commission

- A. **Composition and Appointment.** A Historic Preservation Commission is hereby created, consisting of up to eight (8) members but no less than seven (7) members. The membership shall consist of one (1) Council Member; and up to seven (7) citizen members. Where possible, preference shall be given to have three (3) of the citizen members have one (1) or more of the following backgrounds: real estate, property development or construction, attorney, architecture, land use or planning, history or local historian. In addition, the Common Council may appoint an ex-officio member of the Ho Chunk Nation or other Native American Nation having cultural history in Onalaska. The ex-officio member shall serve a three (3) year term. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners subject to confirmation by the Common Council.
- B. **Term Limits.** Term limits for appointed members shall be three (3) years.
- C. **Powers and Duties of Historic Preservation Commission.** The Commission shall have the power, subject to the procedures set forth Section 13.02.45, to designate structures and historic sites and to recommend designation of Historic Districts within the City limits.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.

#### 2.04.25 Municipal Harbor Commission

- A. **Creation.** Pursuant to a resolution by the City of Onalaska Common Council, there shall be a Municipal Harbor Commission (the "MHC") pursuant to Sec. 30.37, Wis. Stats.
- B. **Composition of Governing Body.** The MHC shall consist of seven (7) resident persons who shall serve as the governing body (the "Commissioners") of the MHC.
- C. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the MHC shall be appointed by the Mayor and confirmed by the Common Council, as follows:
  - 1. The appointments of the seven (7) Commissioners shall be made for terms of three (3) years. A Commissioner shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
  - 2. Vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.
- E. **Filing of Certificate of Appointment.** A certificate of the appointment or reappointment of any Commissioner shall be filed with the office of the City Clerk. Such certificate shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon their office.
- F. **Meetings; Quorum; Bylaws.** All meetings of the MHC shall be held in compliance with the provisions of Subch. IV of Ch. 19, Wis. Stats. and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the MHC for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the MHC upon the affirmative vote of a majority of the Commissioners present at any meeting of the MHC at which a quorum is present. No vacancy in the membership of the MHC shall impair the right of a quorum to exercise the powers and perform the functions of the MHC. The MHC may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- G. **Selection of Officers, Agents and Employees.**
  - 1. The MHC shall annually elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
  - 2. The MHC may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The MHC may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
  - 3. The MHC may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the MHC from time to time. The MHC may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the MHC in the performance of its duties or functions which could be performed by the staff of the MHC
- H. **Duties and Powers.** The purpose of the MHC is to provide for the development and operation of harbors and the preservation of navigable waterways within the City of Onalaska. The City of Onalaska Municipal Harbor Commission has the powers and shall perform all duties set forth in Secs. 30.37 and 30.38, Wis. Stats., which are hereby incorporated by reference.
- I. **Relationship to Other Municipal Board and Commissions.** The MHC shall make recommendations to the Onalaska Common Council. The MHC shall function independently from the Onalaska Common Council except when incurring debt, obtaining real property, selling real property or taking any action requiring Common Council approve pursuant to Sec. 30.38, Wis. Stats.

#### 2.04.26 Arts Commission

- A. **Creation.** Pursuant to Resolution No. 28-2019 there shall be an Arts Commission.
- B. **Composition and Appointment.** The Arts Commission shall consist of seven (7) members (the "Commission Members"). The Mayor of the City of Onalaska, shall appoint the Commission Members subject to confirmation by the Onalaska Common Council. One Member of the Commission shall be a Council Member and one member shall be the Mayor with the remaining five (5) members being Onalaska residents. The Members shall serve for three year terms except that for the initial Members: One Members shall serve a one year term, two Members shall serve a two year term and two Members shall serve a three year term. The appointment of persons to the Arts Commission shall be made at the organizational meeting of the Council in April of any year in which a member's three year tenure has

expired. Any vacancies in occurring on the Arts Commission shall be filled by appointments by the Mayor, subject to the approval by the Common Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy.

- C. **Selection of Officers, Agents and Employees.** On an annual basis, the members of the Commission shall nominate and select a Chair, Vice-Chair and Secretary. These appointments shall remain in effect until the following year.
- D. **Advisory Members.** In addition to the members set forth in Section B, there shall be two (2) advisory, non-voting members. One advisory member shall be a representative from Centering Onalaska, with such advisory member appointed by Centering Onalaska on a yearly basis. The second advisory member shall be a student recommended by the Onalaska High School Arts Department ("Student Advisor"). Each of these advisory members shall serve for one year terms but may be appointed for consecutive terms.
- E. **Duties and Powers.** The powers of the Arts Commission shall be vested in, and exercised by, the Commission Members in office from time to time. Members shall receive no compensation for their services but they may be reimbursed for expenses actually and necessarily incurred in the performance of their duties if such expenses are pre-approved by the Common Council.
- F. **Purpose.** The purpose of the Arts Commission shall be to encourage artistic activities and initiate cultural programs that integrate, support, and advance arts and culture as an essential part of life in Onalaska, to assess the potential for a dedicated arts district, to help develop plans and studies that work to focus the goals and needs of the art community in Onalaska and work closely with the community to provide exhibition and performance spaces and organize events where residents in Onalaska can experience a diversity of arts and culture, to serve as a forum to receive and review proposals and forward them to appropriate Council committee, to work as advocate for the arts by commenting on policies and plans of the City and by seeking non-City funding for its advancement; and to analyze gaps and opportunities in programming, support, funding, and promotion for the arts, cultural activity and economic development.

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## Division 3 Meetings; Public Notices; and Residency Requirements

### 2.04.31 General Provisions Regarding Meetings and Public Notices

- A. **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
  - 1. Fix a regular date, time and place for its meeting;
  - 2. All meeting notices shall be filed with the office of the City Clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
  - 3. Post, at the City Hall, an agenda of the matters to be taken up at such meeting.
  - 4. Record all proceedings conducted in meeting.
- B. **Special Meetings.** Nothing shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Secs. 19.81 to 19.89, Wis. Stats.

### 2.04.32 Residency Required for Service on Boards or Commissions

- A. No person not a resident of and not residing in the City of Onalaska shall be appointed in a voting capacity to any City board or commission. Any board or commission member who moves from the City shall immediately be removed from such board of commission. This residency requirement shall not apply to any City of Onalaska employees who hold a seat on any City board or commission as a result of their employment with the City.

## Chapter 05 Ethical Standards

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### Division 1 Administration

#### 2.05.11 Declaration of Policy

It is declared that high ethical standards among City officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the City in their public officers and employees. The purpose of this Chapter is to

establish guidelines for ethical standards of conduct for all such City officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of City officers and employees and their official actions.

#### 2.05.12 Statutory Standards of Conduct

- A. The provisions of the following Sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:
1. Sec. 946.10. Bribery of Public Officers and Employees.
  2. Sec. 946.11. Special Privileges from Public Utilities.
  3. Sec. 946.12. Misconduct in Public Office.
  4. Sec. 946.13. Private Interest in Public Contract Prohibited.

#### 2.05.13 Definitions

- A. **Anything of value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the city, fees, and expenses which are permitted and reported under Sec. 19.56 Wis. Stats., political contributions which are reported under Ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to state business by a person other than an organization.
- B. **Associated.** When used with reference to an organization, includes any organization in which a person or a member of their immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent (10%) of the outstanding equity.
- C. **Gift.** The payment or receipt of anything of value without valuable consideration.
- D. **Organization.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust.
- E. **Public Officer.** Those persons serving in statutory elected or appointed offices provided for in Ch. 62, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Mayor, Chairperson and/or Common Council, whether paid or unpaid.
- F. **Public Employee.** Any person excluded from the definition of a public officer who is employed by the City.

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## Division 2 General Provisions

#### 2.05.21 Specific Conflicts of Interest

- A. **Use of Public Property.** No public officer or employee shall use or permit the use of City vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such officer or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- B. **Conflicts of Interest.** Except as provided herein, no public officer or public employee shall engage in any business transaction with the City, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or will tend to impair their independence or judgment or action in the performance of their official duties.
- C. **Disclosure of Interest.** Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the City, or as part of their official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Common Council (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.
- D. **Representing Private Interests before the Common Council or City Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the City, shall represent, for compensation, private interests before the Common Council or any City board, commission or committee without disclosure of the private business relationship and explicit consent of the Common Council.
- E. **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Common Council, disclose confidential information concerning the property, government or affairs of the City, nor shall they use such information to advance the financial or other private interest of themselves or others.
- F. **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to their knowledge, has a direct financial interest in

any transaction or official business with the City, which may tend to impair their independence of judgment or action in the performance of their official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to Twenty-Five Dollars (\$25.00) in value, and that is not intended to influence the official or employee.

**Disclosure of Interest in Legislation.** To the extent that a member of the Common Council or any public officer or employee of the City of Onalaska, whether paid or unpaid, participates in the discussion of or gives official opinion to the Council on any legislation before the Council, they shall publicly disclose the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

### 2.05.22 Nepotism

#### A. Public Officers.

1. A public officer may not use their public office to obtain employment of the officer's spouse or a dependent relative (Sec. 19.5(2); 19.59(1)(a), Wis. Stats.). However, if the officer is not involved in the hiring, promotion or conditions of employment, a qualified spouse or dependent may be hired or promoted.
2. The State Board of Ethics recommends that officers do not advocate for or hire or promote, or exercise jurisdiction, supervision or direction over someone the officer is related to as a parent, grandparent, child, grandchild, sibling, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, or spouse.

#### B. Public Employees.

1. The City of Onalaska permits members of the same family to work for the City. The City will not, however, consider or accept employment applications from individuals whose employment would result in a supervisor/subordinate relationship or a possible conflict of interest.
2. Relatives are defined as: parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step-relative, or any person with whom the employee has a close personal relationship, such as a domestic partner, romantic partner, or co-habitant.
3. If a conflict develops during the course of employment, Human Resources will evaluate the situation on a case by case basis. If needed, supervision may be shifted to another supervisor to eliminate the conflict and/or one (1) employee may have to transfer to another department or resign.

### 2.05.23 Confidentiality of Public Officers or Employees

- A. Confidential information is, at the time of a proposed disclosure, information where the City's interests in its confidentiality or in the City's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes but is not limited to information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Sec. 19.85, Wis. Stats., unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this Section information shall include knowledge imparted orally, recordings, and written documents or records marked confidential.
- B. No officer or employee may intentionally use or intentionally disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of their official position or activities, nor shall such officer or employee use such information to advance the financial or other private interests of such officer or employee or others.

### 2.05.24 Advisory Opinions

- A. Any individual, either personally or on behalf of an organization or governmental body, may request of the office of the City Attorney, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the City Attorney an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The City Attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefore shall be in writing. It is prima facie evidence of intent to comply with this Section when a person refers a matter to the City Attorney and abides by the advisory opinion, if the material facts are as stated in the opinion request. Except as provided below, the City Attorney may not make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.
- B. The City Attorney replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or proposes to make public the substance of or

any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the office of the City Attorney in connection with the request for an advisory opinion.

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## Division 3 Enforcement

### 2.05.31 Sanctions

- A. A determination that a public official or public employee's actions constitute improper conduct under the provisions of this Section may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, sanctioning, censuring or other appropriate disciplinary action as permitted by law subject to any collective bargaining agreements or meet and confer resolution. As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a non-reimbursable forfeiture of no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

### 2.05.32 Enforcement and Collective Bargaining Agreements

- A. Any person having concerns or complaints related to these Ethical Standards can bring their concern or complaint to the office of the Human Resources Department. Upon receipt of a concern or complaint, the Human Resources Director, the City Administrator and/or the Mayor and the applicable Department Head or in the case of a concern or complaint with respect to a committee or committee member, the applicable Committee Chairman, shall meet to investigate and make a determination with respect to the concern or complaint and if necessary determine the appropriate level of disciplinary action. In the event that an employee, covered under a collective bargaining agreement, is allegedly involved in a violation of these Ethical Standards, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethical Standards Chapter.

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## Chapter 06 Review of Administrative Determinations

### Division 1 Authority

#### 2.06.11 Adoption by Reference

- A. The provisions of Wis. Stats. §§ 68.01—68.03, 68.05—68.14, commonly known as the "Municipal Administrative Procedure" laws, which govern the review of administrative determinations by a municipality, or its governing body, boards, commissions, officers or employees, are hereby adopted by reference and made applicable to the review of administrative determinations by the city, or its governing body, boards, commissions, officers or employees, except as such are in conflict or inconsistent with the provisions of this chapter and as are inapplicable by their nature.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ONALASKA

By: \_\_\_\_\_  
Kim Smith, Mayor

By: \_\_\_\_\_  
Caroline Burmaster, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1670 – 2020**

Please route in this order

~~Dahl Rezoning~~

Eric Rindfleisch, Administrator

  
\_\_\_\_\_  
(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Jarrold Holter, City Engineer

 5-5-20  
\_\_\_\_\_  
(signature)

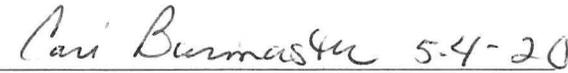
- No Fiscal Impact
- Budgeted Item
- Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Charles Ashbeck, Chief of Police

 5-7-20  
\_\_\_\_\_  
(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Cari Burmaster, City Clerk

 5-4-20  
\_\_\_\_\_  
(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Dan Wick, Parks & Rec Director

 5-4-2020  
\_\_\_\_\_  
(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

 5-4-2020  
\_\_\_\_\_  
(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

## Title 2 Government and Administration

### Chapter 01 City Government; Elections

#### Division 1 Authority

##### 2.01.11 City Government

- A. **Mayor-Council Government.** The City of Onalaska is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66, Wis. Stats., of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Onalaska operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.
- B. **Division of Responsibilities.**
1. **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
  2. **Executive Branch.** The Mayor shall be the chief executive officer. He/she/They shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, he/she shall preside at the meetings of the Common Council. He/she shall from time to time give the Council such information and recommend such measures as he/she may deem advantageous to the City.

##### 2.01.12 Official Newspaper

- A. The official newspaper of the City of Onalaska shall be the Coulee Courier.

##### 2.01.13 Ward and Aldermanic District Boundaries

- A. **Number of Aldermanic Districts – Wards.** The City of Onalaska shall be divided into three (3) Aldermanic Districts. ~~There shall be twelve (12) wards within the three (3) Aldermanic Districts, with each Aldermanic District containing four (4) wards.~~
- B. **Boundaries.** The Aldermanic Districts shall be numbered and bounded as shown on the City of Onalaska Aldermanic District and Ward Map ~~in the form on file in the office of~~ with the City Clerk. The City Common Council shall modify the City of Onalaska Aldermanic District and Ward Map when required by Sec. Wis. Stat. 5.15(2), Wis. Stats.

##### 2.01.14 Appointment of Election Officials

- A. There shall be a minimum of three (3) election inspectors for each polling place at each election. ~~Additional election inspectors may be appointed to serve at any poll where election day registration makes it necessary. Pursuant to Sec. 7.30 Wis. Stats., the City Clerk or their designee may allow for the selection of two (2) or more sets of officials to work at different times on election day and permit the City Clerk or their designee to establish different working hours for different election officials assigned at the same polling place, held under Chapters 5 through 12, Wis. Stats., of the Wisconsin Statutes, and a minimum of seven (7) inspectors for each polling place for presidential elections, except that the number of election workers may be reduced to three (3) at the City Clerk's discretion. When voting machines are used, the number of inspectors may be reduced to three (3). Inspectors shall be appointed as provided in Sec. 7.30, Wis. Stats., Wisconsin Statutes. The City Clerk may select alternate inspectors or two (2) sets of inspectors to work at different times on election day.~~

##### 2.01.15 Elections

- A. **Annual City Election.** The annual City election shall be held on the first Tuesday in April or such day as otherwise set forth by the Wisconsin Legislature for the spring election.
- B. **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m.
- C. **Polling Places.** The designated polling place for all Wards and Council Member Districts of the City of Onalaska shall be at City Hall, and such sites or as designated by the Common Council.
- D. **Combining Wards.** Wards may be combined for voting purposes if the Electors in the combined wards vote for the same offices, per Sec. 5.15(6)(b), Wis. Stats.

### 2.01.16 Non-Partisan Primary for City Offices

- A. Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Section 8.11, Wis. Stats. Such candidate shall file with his/her/their nomination papers a declaration that he/she/they will qualify for the office to which he/she/they may be elected.

### 2.01.17 Severability

- A. Should any section, subsection, clause, or provision of this Ordinance Title be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance Title in whole or in any part thereof other than the part so declared to be invalid.

## Chapter 02 Mayor; ~~Common Council~~ City Administration

### Division 1 Common Council and Committees

#### 2.02.11 Common Council

- A. The Council Member(s) of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.
- A.B. The Common Council has the power to preserve order at its meetings, compel attendance of Council Members and ~~punish nonattendance~~ may fine or expel for neglect of duty. The Common Council shall be judge of the election and qualification of its members.

#### 2.02.12 Council Member(s)

- A. **Election, Term, Number.** The City shall have six (6) Council Members in addition to the Mayor, who is a member of the Common Council by virtue of his/her/their office as Mayor. The six (6) Council Members shall constitute the Common Council. Two Council Member(s) shall be elected from each Council Aldermanic District. One (1) Council Member(s) from each of the three (3) Council Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and one (1) each of said Council Members shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- B. **Appointment as Mayor.** A Council Member shall be eligible for appointment as Mayor to fill an unexpired term.

#### 2.02.13 President of the Council

- A. The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President of the Council ("Council President") who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, ~~except that~~ he/she/they shall not have power to approve an act of the Common Council which the Mayor has disapproved, by filing objections with the City Clerk. ~~He/she/They shall, when so officiating, be styled the Council President shall be referred to as~~ "Acting Mayor." The ~~President of the Council~~ Council President shall be elected for a one (1) year term of office.

#### 2.02.14 Standing Committees; Action on Committee Reports

- A. **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) Council Members to each of the following committees, subject to Council confirmation, the respecting general duties of which shall be as follows, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
1. ~~Administration~~ Administrative Committee (licenses, administrative regulations and functions, recreation, City Cemetery, health, fire department, printing).
  2. **Finance and Personnel Committee** (personnel administration, compensation, bond programs, risk management, financial claims against the City).
  3. **Utilities Committee** (light, power, water, transportation, sewer).
  4. **Judiciary Committee** (ordinances, resolutions, ~~special legal~~ claims against the City).
- B. **Committee Chairpersons.** The chairperson of each committee shall be designated by the Mayor. No Council Member shall serve more than two (2) consecutive years as a chairperson of a standing committee. Each member shall serve as appointed unless excused by a majority of the members of the

Council. All Council Members shall serve on at least one (1) standing committee. The Mayor shall be an ex-officio member of each standing committee.

~~C. Meetings. Committee Chairpersons shall prepare brief reports summarizing the respective committee activities and present said reports at regular Council meetings.~~

**D.C. Committee of the Whole; Special Committees.**

1. If any issue requires committee review by more than one (1) committee, this issue shall ~~may automatically~~ be referred to the entire Common Council meeting as a "Committee of the Whole."
2. The Mayor may declare the entire Council a ~~e~~Committee of the ~~w~~hole for informal discussion at any meeting or for any other purpose, and shall ex-officio be chairman of the same.
3. The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.

**E.D. Reference and Reports.**

1. The Mayor may refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
2. ~~Committee reports shall be prepared by the committee chairperson and submitted to the Mayor for review and approval. The Mayor shall then forward the report to the City Clerk for filing and distribution to the Council members.~~ submitted to the City Clerk **a minimum of one (1) week prior to the meeting at which action is requested or in the case of an emergency or special meeting** in written form a minimum of ~~two (2) thirty-six (36) hours~~ **days** prior to the meeting at which action is requested.
3. ~~Formal committee recommendations shall be placed on the agenda for Council action only if they are submitted to the City Clerk at least ten (10) days prior to the meeting at which action is requested.~~ Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk **a minimum of one (1) week prior to the meeting at which action is requested or in the case of an emergency or special meeting** in written form a minimum of ~~two (2) thirty-six (36) hours~~ **days** prior to the meeting at which action is requested.

**F.E. Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

**2.02.15 General Powers of the Common Council**

A. **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

~~B. The grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.~~

~~C. Acquisition of Easements and Property Rights. Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.~~

~~D. City Finances. The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.~~

**E.B. Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

**2.02.16 Cooperation with Other Municipalities**

A. The Common Council, on behalf of the City, may join with other villages, towns, cities, counties or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

### 2.02.17 Rules of the Common Council and its Sub-Committees

~~A. A. The Common Council and members of its sub-committees shall follow the "Rules of the Common Council and its Sub-Committees" as adopted by the Common Council and as may be amended from time to time.~~

~~A.~~

### 2.02.18 Vacancy in the Office of the Common Council

- A. In the event of a vacancy in the office of the Common Council such vacancy shall be filled pursuant to ~~Wis. Stat. Sec. 17.23. A vacancy in the office of the Common Council shall be filled by the Mayor. Where the Common Council appoints a successor to the position of a successor shall be as follows:~~
1. The Mayor shall provide notice to the Common Council that a vacancy has occurred at the first ~~regularly scheduled~~ meeting after the Mayor is informed or provided notice of the vacancy. ~~Upon the Common Council voting to fill the vacancy by appointment, the~~ The Council may direct the medium used to publicize the vacancy. ~~Upon providing notice to the Common Council the Mayor will announce the resumes and letters of interest from individuals interested in filling the vacancy shall be accepted in the office of the City Clerk for twenty-one (21) days following the meeting ("Application Period").~~
  2. Following the 22nd day after the Mayor's announcement of the vacancy, the City Clerk shall make all resumes received from individuals interested in the vacancy available to the Common Council and the Mayor following the closure of ~~the Application Period, the period for individuals to submit letters of interest and resumes.~~
  3. The Mayor shall recommend an individual to fill the vacancy in the Common Council at the first ~~regularly scheduled Common Council meeting following the closure of the Application Period after a vacancy has been announced by the Mayor.~~
  4. The Common Council shall vote in a public ballot on the approval of the appointment of the individual recommended by the Mayor.
  5. If the Common Council does not approve the appointment of the individual recommended by the Mayor, the Mayor shall recommend an alternate candidate. This process shall continue until a successor is approved by majority vote.
  6. At the time of the appointment of a successor to fill a vacancy in the Common Council, the Common Council shall determine whether the appointed successor shall serve until the end of the current term or whether a special election shall occur pursuant to ~~Secs. Wis. Stat. §8.50 and 17.23. Wis. Stats. The special election shall be on the first Tuesday of April after the vacancy occurs if the vacancy occurs between the 1st Wednesday after the 1st Tuesday of April and December 1st of the initial year of the term. A special election shall occur on the Tuesday after the first Monday in November if the vacancy occurs between December 2nd and May 31st of any term.~~

### 2.02.19 Salary and Expenses

- ~~A. Salary. Commencing on April 20, 2021, upon election alderpersons shall be compensated Four Thousand Eight Hundred Dollars (\$4,800.00) per calendar year paid monthly while holding office. Commencing the third Tuesday of each April thereafter, the compensation shall increase by the same percentage as approved by the cCouncil for the full-time non-union positions.~~
- ~~A-B Expenses. Commencing on April 20, 2021, upon election alderpersons shall receive One Thousand Two Hundred Dollars (\$1,200.00) per year paid monthly for general un-itemized expenses. Commencing the third Tuesday of each of each April thereafter, the expenses shall increase by the same percentage as set forth in Section A above for salary. The Common Council, whether operating under general or special law, may, by three-fourths (3/4) vote of all the members of the Common Council, shall determine the annual salaries and/or per diem compensation to be paid to the Mayor and Council Members. Covered expenses include those expenses not authorized through the CityCommon Council budget to be used for standard business expenses as authorized under IRS guidelines incurred in representing the aAldersperson's district.~~

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## Division 2 Mayor; Salaries

### 2.02.21 Mayor

- A. **Election.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- B. **Duties.**
1. The Mayor shall be the Chief Executive officer of the City. ~~He/she/They~~ shall take care that City ordinances and the State Statutes are observed and enforced.
  2. The Mayor shall, from time to time, provide the Council such information and recommend such measures as ~~he/she/they~~ may deem advantageous to the City. When present, ~~he/she/they~~ shall preside at the meetings of the Council.
  3. The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.

3-4. The Mayor shall vote in the event of a tie vote by the Common Council.

C. **Signatory for Grants-In-Aid.** The Mayor is authorized without approval of the Common Council to execute applications to State or Federal agencies for financial grants-in-aid for lawful purposes. This shall be done on the condition that such applications shall not bind the City to an expenditure of funds and a report that such an application, including the reasons therefor, shall be made to the Common Council within thirty (30) days after execution by the Mayor. The Council, within thirty (30) days of the receipt of the report, may, upon majority vote of all members, cause the application to be withdrawn.

C.D. **Veto Power.** The Mayor shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided provided by State law as to acts of the Council. All such Council acts shall be submitted to him/her/the Mayor/m by the City Clerk, and shall be enforced in force upon his/her/their approval, evidenced by his/her/their signature, or upon his/her/their failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, he/she/they shall file his/her/their objection with the City Clerk, who shall present it to the Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

#### **2.02.22 Salaries**

A. **Salary.** Commencing on April 16, 2024, the Mayor shall be compensated Twenty Thousand Dollars (\$20,000.00) per calendar year paid monthly while holding office. Commencing the third Tuesday of each April thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions.

B. **Expenses.** Commencing on April 20, 2021, upon election the Mayor shall receive Two Thousand Four Hundred Dollars (\$2,400.00) per year paid monthly for general un-itemized expenses. Commencing the third Tuesday of each of each April thereafter, the expenses shall increase by the same percentage as set forth in Section A above for salary. Covered expenses include those expenses not authorized through the City Common Council budget to be used for standard business expenses as authorized under IRS guidelines incurred in representing the alderperson's district City of Onalaska.

A. ~~The Mayor and Council Members who make up the Common Council, whether operating under general or special law, may, by three-fourths (3/4) vote of all the members of the Common Council, determine the annual salaries and/or per diem compensation to be paid to the Mayor and Council Members.~~

B. ~~The Mayor shall be paid an annual salary of Eighteen Thousand Dollars (\$18,000.00) commencing with the term beginning in April 2016. The position of Mayor shall be a part-time position with no fringe benefits.~~

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### **Division 3 Meetings**

#### **2.02.31 Meetings of the Common Council**

A. **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.

B. **Regular Meetings.** Regular meeting of the Common Council shall be held on the second Tuesday of each calendar month, at the hour of 7:00 p.m. for each month of the year. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Onalaska City Hall when practicable, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting. Meetings may be held telephonically or via videoconference subject to open meetings law when necessitated by an emergency declared under Title 5 of the City Ordinances.

#### **2.02.32 Special Meetings**

A. Special meetings may be called by the Mayor or by two (2) Council Members upon notice of the time and purpose thereof being delivered at least six-twenty-four (246) hours before the meeting to each member of the Council by written electronic notice delivered personally to each member or left at the member's usual abode at least twenty-four (246) hours before the meeting unless an affirmative waiver of notice has been received. The City Clerk shall cause an affidavit of service of such notice to be filed in his/her/their office prior to the time fixed for such special meetings. Any special meeting attended by all Council Members shall be a regular meeting for the transaction of any business that may come before such meeting.

A.B. The Mayor may call a special meeting, without notice, at a regularly convened Council meeting if all members are present. A special meeting may also be called if all members consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the City Clerk before the commencement of the meeting.

**B-C** Non-governmental parties requesting a special meeting of the Council shall pay a fee as set forth on the City of Onalaska Fee Schedule for such a meeting.

### 2.02.33 Open Meetings

A. Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards, committees and commissions, shall be open to the public.

### 2.02.34 Quorum

- A. Two-thirds (2/3) of ~~the members-elect~~ members of the Common Council shall constitute a quorum, but a lesser number may adjourn if two-thirds (2/3 rds) is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- B. The Council may, by a majority vote of those present, adjourn ~~from time to time~~ to a specific date and hour.
- C. When the Council is required to take action at a regularly scheduled or special Council meeting and cannot defer such action to the next regularly scheduled Council meeting, and it is known that the number of the Council members required to establish a quorum or take such action cannot be physically present at the meeting ~~due to such exigent circumstances as serious illness, death in the family, absence from the City, etc.~~, any such absent member may be present at and participate in the meeting via teleconference or videoconference as if the member were present in person. When it appears to the City Clerk that the requisite number of Council members will not be physically present at a meeting where such action is required, the City Clerk shall notify those members who will not be present to ascertain whether they wish to be present via teleconference or videoconference. The City Clerk or their designee shall then make all necessary arrangements to enable member(s) who wish to be present via teleconference or videoconference to do so.

### 2.02.35 Presiding Officers

- A. **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In case of absence of the Mayor and President of the Council, the City Clerk shall call the meeting to order and the senior Council Member present shall be the president pro tem.
- B. **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in the current edition of Robert's Rules of Order, Revised (1984), unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the City Clerk, the presiding officer shall appoint a eClerk pro tem.

### 2.02.36 Order of Business

- A. **A—Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and distributed to the Mayor and the members of Common Council no later than the Monday preceding the regular meeting. Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same to the City Clerk in a timely fashion. Generally, the following order may be observed in the conduct of all meetings of the Council.
1. Call to Order/Roll Call
  2. Pledge of Allegiance
  3. Public Input
  4. Report from the Mayor
  5. Consent Agenda
  6. Recap of Items Pulled from the Consent Agenda
  7. Business from committees, boards and commissions.
  8. Finance & Personnel Committee
  9. Judiciary & Administrative Committees
  10. Board of Public Works
  11. Plan Commission
  12. Mass Transit/Utilities Committee
  13. Parks, & Recreation and Library Board
  14. Other sub-committees, boards and commissions which shall be listed in alphabetical order.
  15. Reports by City Administrator, City Clerk, City Attorney, Officers and Departments.
  16. Any Items for Closed Session
  17. Any other business permitted by law.
  18. Adjournment.

- B. **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all Council Members and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council.
- C. **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the [journal-record](#) and the Council shall adjourn.

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## **Division 4 Robert's Rules and Meeting Conduct**

### **2.02.41 Conduct of Deliberations**

**A.** A roll call shall be used with all questions upon request of a Council Member or motions as required by law.

**A-B.** A voice vote shall be used with all motions not requiring a roll call.

**B-C.** All aye and nay votes shall be recorded in the official minutes.

**C-D.** Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by the current edition of Robert's Rules of Order, Revised (1984), which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;

1. No Council Member shall address the Council until he/she/they has yes been recognized by the presiding officer. He/she/They shall thereupon address himself/herself/themselves to the presiding officer and confine his/her/their remarks to the question under discussion.
2. When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
3. No person other than a Council Member shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
4. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
5. The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, his/her/their vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
6. Any member of the Council may demand a roll call vote n-aye and nay vote on any matter, and all aye and nay votes shall be recorded in the journal-record. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and noes roll call. A member of the Council may not change his/her/their vote on any question after the result has been announced.
7. When a question is under discussion, the following motions shall have precedence in the order listed:
  - a. To adjourn.
  - b. To recess.
  - c. To lay on the table.
  - d. To move the previous question.
  - e. To postpone to a day certain.
  - f. To refer to a committee.
  - g. To amend.
  - h. To postpone indefinitely.

### **2.02.42 Reconsideration and Rescission of Questions**

- A. **Reconsideration.** It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed. If the motion for reconsideration is brought at the succeeding Council meeting, it must appear on the agenda, due to open meeting law requirements.
- B. **Rescission.** A motion for rescission may be heard at the next succeeding regular meeting of the Council or the Sub-Committees which undertake the action proposed for rescission provided that such motion is on the Agenda for such meeting and specifies exactly what action the Council or Sub-Committee will be

asked to take. A motion for rescission requires a two-thirds (2/3~~rds~~) vote. After the Council action in question has been published it cannot be rescinded.

#### 2.02.43 Call for the Previous Question

- A. Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

#### 2.02.44 Amendment of Rules

- A. The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

#### 2.02.45 Suspension of Rules

- A. Any of the provisions of ~~Sections 2-2-17 through 2-2-24~~ Divisions 3-5 of this Chapter, inclusive, of this Code may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

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### Division 5 Ordinances

#### 2.02.51 Introduction of Business, Resolutions and Ordinances; Disposition of Communications

- A. **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title ~~and the name of the Council Member or Mayor~~ introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to ~~Section 2-2-52.02.14~~. Any member of the Council may require the reading in full of any ~~e~~OOrdinance or resolution at any time it is before the Council.
- B. **Subject and Numbering of Ordinances.** Each ~~O~~Ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. **Notice.**
1. The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.  
~~—Ordinances will be placed on the agenda for Council action only if they are submitted to the City Clerk in written form not later than noon on the Friday prior to the meeting at which action is requested.~~

#### 2.02.52 Publication and Effect of Ordinances

- A. All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City ~~once~~ and shall be immediately recorded, with the affidavit of publication, by the City Clerk ~~in a book kept for that purpose~~. A printed copy of such ordinance or regulation ~~in any book, pamphlet or newspaper~~ and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- B. All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

## Chapter 03 Municipal Officers and Employees

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### Division 1 General Provisions

#### 2.03.11 General Provisions

- A. **General Powers.** Officers shall have ~~generally~~ the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of ~~him~~ them by the Council. Officers whose powers and duties are not enumerated in ~~Chapter 62, Wis. Stats. of the Wisconsin Statutes~~ shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.

- B. **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- D. **Legal Representation.** Whenever any City official in his their official capacity proceeded against or obliged to proceed before any Ceivil Court, Board, Committee or Commission, to defend or maintain his their official position, or because of some act arising out of the performance of his their official duties, and he they hasve prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him them for the expenses reasonably incurred for costs and attorney's fees.
- E. **Comptroller, Street Commissioner and Constable Eliminated.** As provided in Sec. 62.09(1)(b), Wis. Stats., the offices of Comptroller, Street Commissioner and Constable areis hereby eliminated. The duties of that office shall be performed by the Financial Services Director.

### 2.03.12 Eligibility for Office

- A. No person shall be elected by the people to a City office who is not, at the time of his their election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward, and actually residing therein or is not eligible by State Statute to hold office.
- B. An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- C. No member of the Common Council shall, during the term for which he they isare elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

### 2.03.13 Removal from Office

- A. **Elected Officials.** Elected officials may be removed by the Common Council as provided in Secs. 9.10, 17.12(1)(a) and 17.16, Wis. Stats.
- B. **Appointed Officials.** Appointed officials may be removed as provided in Secs. tion 17.12(1)(e), and 17.16, Wis. Stats.

### 2.03.14 Custody of Official Property

- A. City officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

### 2.03.15 Oath of Office; Bonds/Insurance of Officers

- A. **Oath.** Every person elected or appointed to any statutory office shall take and file his their official oath within ten (10) days after the notice of his their election or appointment.
- B. **Bonds.** The City Clerk, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City Clerk and shall be recorded by him them in a book kept by him them for that purpose. Such bonds shall be paid for by the City. If the Council does not require any or all of these officials to execute and file an official bond, the council shall obtain a dishonesty insurance policy or other appropriate insurance policy that covers such officials, in an amount determined by the council, in lieu of the bond requirement.

### 2.03.16 RuleProcedure-Making Authority

- A. **Authorization for Department Heads.** Heads of departments of the City including, without limitation by enumeration, the City Administrator, City Attorney, City Clerk, City Treasurer, Chief of Police, Parks and Recreation Director, Fire Chief, Director of Public Works, Fire Chief, Human Resources Director, Parks and Recreation Director, Land Use Development Director and Zoning Administrator, Financial Services Director, City Clerk, City Attorney, and Human Resources ManagerDirector, may make rulesprocedures, regulations or directives for the administration of their departments in line with the policies of the Council, but not for the conduct of the general public.
- B. **Approval of Rules.** Any proposed departmental rulesprocedures, regulation or directive other than those proposed by the Police or Fire Department, shall be referred to the Mayor City Administrator for review. The Police and Fire Departments shall report to the Mayor utilizing the subsequent process. Within fifteen (15) days of formal presentation to the Mayor or City Administrator, The City Administrator or Mayor shall

either approve the proposed rule, or return the proposed rule to the Department along with suggested revisions in a reasonable amount of time, not to exceed two (2) weeks. All rules shall be consistent with City Ordinances, resolutions and applicable City Personnel Rules, Policies and Regulations. Any rule or part thereof returned by the Mayor or City Administrator to the Department Head shall be deemed to be unacceptable and not in force, returned by the Mayor or City Administrator to the Department Head shall be deemed to be unacceptable and not in force.

- C. **Time of Taking Effect.** All proposed rules-procedures, regulations or directives shall be effective thirty (30) calendar days after presentation to the Mayor or City Administrator or Mayor at the direction of the Department Head, unless returned by the City Administrator or Mayor, or the Common Council acts by resolution to nullify such rule-procedures. In emergency situations requiring immediate action, rules-procedures may become effective immediately; but all rules-procedures so enacted shall be reported to the City Administrator or Mayor within twenty-four (24) hours, with the reasons for the necessity for the immediate implementation. All emergency rules-procedures are temporary in nature and must be formally presented as required in subsection (b) to become permanent rules.

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## **Division 2 Officers**

### **2.03.21 Officers-City Clerk**

**A. Appointment by Council. Appointment Not to Be Governed by Statutes.** The City of Onalaska, pursuant to Sections 62.09 and 66.01, Wis. Stats. of the Wisconsin Statutes, hereby elects not to be governed by those portions of Chapter 62, Wis. Stats., which are in conflict with this Section. (Charter Ordinance.) The following offices shall be filled by appointment by a majority vote of the Common Council for an indefinite term, subject to removal by a two-thirds (2/3rd) vote of the Common Council for incompetency, misconduct, inefficiency or failure to perform duties:

1. Attorney
2. City Clerk
3. Engineer
4. Financial Services Director
5. Treasurer
6. Public Works Director
7. Director of Parks & Recreation
8. Zoning Administrator
9. Director of Inspections

**B. Duties.** The holder of any City office may be assigned additional duties or appointed to additional offices as the Common Council may direct from time to time. Any reference in this Code of Ordinances to a particular office shall be construed to refer to the holder of that office regardless of whether that individual also has been assigned additional duties or also holds additional duties.

**C. Compensation.** Compensation of each office shall be determined by the City's current wage scale.

**D. Deputies.** City officers may appoint Deputies subject to confirmation by a majority of all the members of the Common Council. Deputies shall act under the respective City Officer and shall during the temporary absences or disability of the City Officer or during a vacancy in such office, perform the duties of said City Officer.

**A.E. Other Officials.** The Mayor shall have the authority to appoint such other officials as are created from time to time by law or by the Common Council, whose appointments shall be confirmed by a majority vote of the Common Council and whose terms of office and compensation, if any, shall be prescribed by the Council.

**A. Term.** The City Clerk shall hold office for an indefinite term, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council.

**B. Duties.** The City Clerk shall be responsible for performing those duties required by Section 62.09(11), Wis. Stats. of the Wisconsin Statutes and those duties contained in the job description for the position adopted by the Common Council.

**B. Bond.** The City Clerk shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

### **2.03.22 City Attorney**

**Appointment.** The office of the City Attorney is an appointed position. The Mayor shall appoint a City Attorney, subject to confirmation by a majority of the members of the Common Council. The City Attorney shall serve at the pleasure of the Common Council.

~~Duties. The City Attorney shall be responsible for performing the duties as required by the job description for the position of City Attorney as adopted by the Common Council as may be amended from time to time. The City Attorney shall have the following duties:~~

- ~~0. The Attorney shall conduct all of the law business in which the City is interested.~~
- ~~0. The Attorney shall, when requested by City officers, give written legal opinions, which shall be filed with the City.~~
- ~~0. The Attorney shall draft ordinances, bonds and other instruments as may be required by City officials.~~
- ~~0. The Attorney may appoint an assistant, who shall have power to perform the Attorney's duties and for whose acts the Attorney shall be responsible to the City. Such assistant shall receive no compensation from the City, unless previously provided by ordinance.~~
- ~~0. The Common Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.~~
- ~~0. The City Attorney shall perform such other duties as provided by State law and as designated by the Common Council.~~

### 2.03.22 Chief of Police

#### A. Appointment.

1. The Chief of Police shall be appointed by the Police and Fire Commission and shall hold ~~the office during good behavior~~, subject to suspension or removal by the Police and Fire Commission for cause. The Chief of Police shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than ~~fifteen (15)~~ miles from the nearest corporate boundary of the City.
2. The compensation to be paid the Chief of Police for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.

B. **Duties.** The Chief of Police shall be responsible for performing the duties required under State law and the job description for the position of Chief of Police adopted by Common Council and as may be amended ~~from time to time~~ by the Common Council.

### 2.03.23 Fire Chief

#### A. Appointment.

1. The Fire Chief shall be appointed by the Police and Fire Commission and shall hold ~~the office during good behavior~~, subject to suspension or removal by the Police and Fire Commission for cause. The Fire Chief shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than ~~fifteen (15)~~ miles from the nearest corporate boundary of the City.
2. The compensation to be paid the Fire Chief for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.

B. **Duties.** The Fire Chief shall be responsible for performing the duties required under State law and the job description for the position of Fire Chief adopted by Common Council and as may be amended ~~from time to time~~ by the Common Council.

### 2.03.24 Assessor

#### A. Appointment.

1. The City of Onalaska hereby elects not to be governed by those portions of Sec. ~~tion~~ 62.09(3)(b) ~~Wis. Stats. of the Wisconsin Statutes~~ relating to the method of selection of the City Assessor which are in conflict with this Section.
2. The City Assessor, or assessing firm, shall be appointed by the Mayor ~~Common Council~~, subject to confirmation by the Council. The Assessor's term shall commence on the first day of ~~May the month~~ succeeding ~~his their~~ appointment. The City Assessor shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3 ~~rd~~s) vote of the Common Council.
3. A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
4. No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.

B. **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.

C. **Definition.** For purposes of this Section, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

D. **Confidentiality of Information.**

1. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to [Section 70.47\(7\)\(af\)](#), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under [Section 70.47\(7\)\(af\)](#), unless a court determines that it is inaccurate, is, per [Section 70.47\(7\)\(af\)](#), not subject to the right of inspection and copying under [Section 19.35\(1\)](#), Wis. Stats.
2. The several sections of the 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.

### 2.03.25 Weed Commissioner

A. The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following [his-her](#) appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the [Office](#) of the City Clerk, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

### 2.03.267 City Administrator

- A. **Office and Purpose.** The office of City Administrator is created, to be an officer of the City, pursuant to [Wis-Stats- Sec §62.09\(1\)\(a\)](#), [Wis Stats](#). The City Administrator shall be the chief operating officer of the City, shall administer City departments to implement the policies set by the Council, and shall be responsible for the efficient coordination of all City departments, boards and commissions. The Common Council may adopt a job description for the City Administrator and amend it from time to time, and the City Administrator shall substantially comply with the requirements of the job description. It is the intent that the City Administrator shall have the clear authority to coordinate and administer the day- to-day operations of municipal government as specified in this [Section](#).
- B. **Appointment and Termination.** At any time there is a vacancy in the office of City Administrator, a nominee for the office shall be selected by a selection committee. The selection committee may delegate any duties of the selection process to City staff or working groups and may appoint nominating committees or interview panels as necessary. The selection committee shall negotiate the basic terms of the nominee's employment contract, and the final contract shall contain such additional provisions as are determined by the Common Council, [City Attorney](#) and Human Resources. The nominee and the proposed terms of the employment contract shall be presented to the Council, which shall then confirm or reject the nominee and the proposed terms of the nominee's employment contract. Confirmation shall be by simple majority vote. Upon confirmation by the Council, the Mayor shall execute the employment contract and the nominee shall assume the office. If the Common Council does not confirm either the nominee or the proposed terms of the employment contract, then the selection committee shall either begin searching for another nominee or attempt to re-negotiate the terms of the employment contract to which the Council objects, and shall continue until a nominee and a contract have been confirmed by the Council and an employment contract has been executed by the Mayor on behalf of the City. Selection and confirmation of the City Administrator shall be based solely on merit, including education, training, general fitness for office and experience in municipal administration, [and municipal land use, development, planning and zoning](#).
- C. **Term.** The City Administrator shall hold office for an indefinite term, subject to removal at any time by a two-thirds (2/3rds) vote of the Council.
- D. **Contract.** The City Administrator's employment contract shall be in writing and shall specify that employment is at-will.
- E. **Organizational Level.** The City Administrator, as chief operating officer, is delegated the Mayor's executive authority to administer independently the operations of certain City departments, as defined below, and is therefore subordinate to, and performs duties at the request of, the [City Common Council](#).

The City Administrator is superior to, and has direct authority over, the heads of the City departments which are under the City Administrator's direction.

- F. **Specific Duties.** The City Administrator shall perform the following duties, in addition to the duties attendant to the office and as specified in the City Administrator's job description:
1. Administer the operations of, and have direct authority over the heads of, the following City departments: Assessor; Cemetery; Finance; Information Technology; Planning; Parks and Recreation; Public Works; and all other City departments and offices the oversight of which is not given to other City officials.
  2. Coordinate the operations of, and facilitate the cooperation of all City departments, commissions and boards to maximize the efficiency of implementation of policies set by the Council, regardless of whether the City Administrator has direct authority over the departments, commissions or boards.
- G. **Annual Review.** The City Administrator shall undergo an annual performance review consistent with the review cycle for all exempt employees. The review shall be conducted by the Common Council President and Finance & Personnel Chair; if they are one and the same, then another Council member, other than the Council President shall be chosen by the Council President. The Mayor and Human Resources Director will serve as advisors during the review. The Council President shall request input from the remaining Council members for the review committee one (1) month prior to the review being completed. The Council President shall prepare a report to the Council of the results of the review, identify specific goals to address performance deficiencies, and recommend other appropriate actions to be taken, including salary adjustments.
- H. **Acting City Administrator.** The City Administrator may designate a City officer to act as City Administrator in the City Administrator's absence from office for reasons of illness, vacation, business or any other reason for a period of more than three (3) days. The City Administrator may appoint a Deputy City Administrator subject to confirmation by a majority of all the members of the Common Council. The Deputy Administrator shall act under the City Administrator and shall during the temporary absences or disability of the City Administrator or during a vacancy in such office, perform the duties of City Administrator.

### ~~2.03.2~~ ~~Inspection ID~~ **Financial Services Director/Deputy & Treasurer/Deputy**

~~Appointment Not to Be Governed by Statutes.~~ The City of Onalaska, pursuant to Sec. 62.09, Wis. Stats., hereby elects not to be governed by those portions of Sec. 62.09(3)(b), Wis. Stats., relating to the method of selection of the Financial Services Director/Treasurer which are in conflict with this Section.

~~Appointment.~~ The Financial Services Director/Treasurer shall be appointed by the Mayor, subject to confirmation by the Common Council. The Financial Services Director/Treasurer shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council. ~~The Financial Services Director/Treasurer may appoint a Deputy Financial Services Director/Deputy Treasurer subject to confirmation by a majority of all the members of the Common Council. The Deputy Financial Services Director/Deputy Treasurer shall act under the Financial Services Director/Treasurer and shall, during the temporary absence or disability of the Financial Services Director/Treasurer or during a vacancy in such office, perform the duties of Financial Services Director/Treasurer. The acts of the Deputy Financial Services Director/Deputy Treasurer shall be covered by official bond as the Common Council shall direct.~~

~~Duties.~~ The Financial Services Director/Treasurer shall be responsible for performing the duties set forth in Sec. 62.09(9), Wis. Stats., as well as those duties contained in the job description for the position adopted by the Common Council as may be amended from time to time. ~~The Deputy Financial Services Director/Deputy Treasurer shall be responsible for performing the duties contained in the job description for the position adopted by the Common Council as may be amended from time to time.~~

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## **Division 1—Directors**

### ~~2.03.31~~ ~~Director of Inspection; Deputy Directors~~

~~Appointment.~~ The Director of Inspection and such Deputy Director shall be appointed by the Mayor, subject to confirmation by the Common Council. ~~The Director of Inspection shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council.~~

~~Duties.~~ The Director of Inspection and such Deputy Director shall be responsible for performing the duties contained in their respective job descriptions for the positions adopted by the Common Council as may be amended from time to time.

~~Organization.~~

The Department of Inspection shall consist of a Director and such Deputy Inspectors as the Council shall provide. The Department shall provide all inspection services herein enumerated and such other inspection services as the Common Council shall direct.

1. The Department of Inspection is charged with the responsibility of implementing the directives of the Common Council or the Board of Public Works. The Board of Public Works shall work through the Director of Inspection and said Director shall be responsible for the inspections by the various Deputies.

**Director of Inspection.**

0. The Director shall have charge of the Department of Inspection and shall assign duties to the Deputy Inspectors and generally direct the work of the Department.

0. The Deputy Inspectors shall perform such duties as the Director shall require. In the event that there are special inspection requirements by operation of state law, the Director or one (1) of the Deputies shall satisfy such specific requirements.

**Qualifications.**

0. The Director shall have a general knowledge and show proficiency in the fields of building construction, plumbing, heating installation, electrical installation and such other related subjects as the Common Council shall direct.

0. The Deputy Directors are to have proper state certification in their appropriate area(s) of responsibility as determined by the Director of Inspection.

**Appointment of Director and Deputies.** The Director of Inspections shall be appointed by the Common Council. Each deputy, whether hired or independently contracted, shall be appointed by the Director of Inspection after showing suitable proficiency for the duties pursuant to the job description and shall hold office until removed by the Director of Inspection or the Common Council.

**Jurisdiction of Department.** The Department of Inspection, under the direction of the Director of Inspections, shall have control of the supervision and inspection of plumbing, drainage, and drain-laying and shall faithfully enforce all laws, ordinances and rules in relation thereto. It shall be the duty of the Department of Inspection to see that all material construction, reconstruction or alteration of plumbing, drainage or plumbing, ventilation hereafter done in any building shall conform with the laws and ordinances and the rules and regulations laid down by the City or by the State Board of Health and Wisconsin Department of Safety and Professional Services (DPS), and that said work is done by qualified plumbers and drain-layers as provided by law in this Code, and to make all inspections required thereby and in the manner set forth. Said Department shall also perform such other appropriate duties as may be described by the Director of Inspections, by ordinance, or by resolution of the Council. It shall also, when so ordered by the Director of Inspections, inspect water services as to their depth below grade, manner of construction, material and workmanship, and as to the placement of the earth, and in any other respects or particulars designated by the Land Use Development Director, supervise public sewer work, all connections, and all excavations for the purpose of making or repairing the same. The Department shall enforce the City ordinances, the State Statutes when applicable, and the rules and regulations of the various State agencies pertaining to zoning, buildings, heating, ventilating or air conditioning, plumbing, and electrical work.

**Authority to Enter Premises.** The members of the Department of Inspection, or any of them, shall have the power and authority, at all reasonable times for any proper purpose, to enter upon any private or public premises and make inspections thereof, and to require any person or persons doing work for which permits are required to produce such permit. It shall be unlawful to resist or obstruct or in any manner interfere with any member of the inspection department lawfully performing his duties.

A. **Preparation of Forms and Records.** The Department of Inspection shall prepare suitable forms for the applications and permits required and keep in its office a proper daily record of all the transactions of its office. The yearly report shall cover the period ending December 31st and shall be filed on or before January 10th next thereafter, and shall show the total amount of fees earned and a summary of the work of the office during said period.

A. **Scope Enumerated.** In all cases in the Code of Ordinances where reference is made to the Electrical Inspector, City Electrician, Building Inspector, Plumbing Inspector, Zoning Inspector, the Fire Inspector under the Heating, Ventilating and Air Conditioning Code and Sidewalk Inspector, such references are hereby amended and shall refer to the Director and various deputies in the Department of Inspection.

### ~~2.03.32~~ Director of Public Works

~~Appointment.~~ The Director of Public Works shall be appointed by the Mayor, subject to confirmation by the Common Council. The Director of Public Works shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council.

~~A. Duties.~~ The Director of Public Works shall be responsible for performing the duties contained in their respective job descriptions for the positions adopted by the Common Council as may be amended from time to time.

### ~~2.03.33~~ Director of Parks and Recreation

~~Appointment.~~ The Director of Parks and Recreation shall be responsible for planning, organizing, supervising, and controlling all Municipal Parks and Recreation programs and operations. He shall be appointed by the Mayor, subject to confirmation by majority vote of the Common Council. ~~The Director of Parks and Recreation shall have indefinite term of office, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council, for an indefinite term of office.~~

~~Major Duties and Responsibilities.~~ The Director of Parks and Recreation shall be responsible for performing the duties contained in their respective job description for the position adopted by the Common Council.:

- ~~1. Coordinate the various programs and personnel of the City's Parks and Recreation programs;~~
- ~~1. Supervise directly or through subordinates the staff assigned to the Department;~~
- ~~1. Be responsible for planning, organizing, developing, executing and evaluating a year-round comprehensive recreation program;~~
- ~~1. Be responsible for long range and master plans for park and recreation activity including plans for acquisition of park property as required;~~
- ~~1. Assist in recruitment and hiring of all full-time, part-time, and seasonal personnel required for the work;~~
- ~~1. Prepare and submit an annual budget and control for conformance to the final budget as authorized;~~
- ~~1. Coordinate park and recreation programs and facilities with schools and other community recreation and beautification programs; and~~
- ~~1. Perform such other duties as directed by the Common Council.~~

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## Division 3 Joint Municipal Court

### 2.033.341 Joint Municipal Court

- A. **Established.** Pursuant to Ch. ~~apter~~ 755 Wis. ~~consin~~ ~~Stats~~ ~~tutes~~, there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, Town of Campbell, Town of Holland Town of Shelby, Village of Bangor, Village of Holmen, Village of Rockland and the Village of West Salem, (hereinafter referred to individually as "Member Municipality" and collectively as "Member Municipalities").
- B. **Municipal Court Committee.** There is hereby created a Municipal Court Committee. The Municipal Court Committee shall be comprised of one representative of each member municipality who shall be appointed by the Mayor, President or Chair of the member municipality, subject to confirmation by the respective governing body, and in addition, one (1) member who shall be a ~~p~~Police ~~e~~Chief of a member municipality. The Chief's position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Shelby, Bangor, Holmen, and West Salem. In the event a Member Municipality not listed above has a Police Chief, they shall be added to the rotation. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative. The term for each municipal member representative, other than ~~e~~Chief, shall be for two (2) years.
- C. **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Ch. ~~apter~~ 755, Wis. Stats., the office of ~~M~~municipal ~~j~~udge is hereby created. Eligibility for the office of ~~m~~Municipal ~~j~~udge shall be as follows: To be eligible for the office of ~~m~~Municipal ~~j~~udge a person must be a qualified elector of a Member Municipality.
- D. **Election and Term of Municipal Judge.** The position of the municipal judge shall be by election. The municipal judge shall be elected at large at the spring election, for a four (4) year term, commencing on May 1st succeeding ~~his or her~~~~their~~ election. Electors of the Member Municipalities shall be eligible to vote for the municipal judge of the Joint Municipal Court.

- E. **Creation of the Position of Clerk of the Municipal Court.** Pursuant to [Chapter 755](#), Wis. Stats., the office of the [Clerk](#) of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska and written appointment by the municipal judge. One member of the Joint Municipal Court Committee, selected by the Chair, shall participate in the interviews for the hiring of the Municipal Court Clerk. Training and compensation of said clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.
- F. **Salary of Municipal Judge.** The municipal judge shall receive a fixed salary and municipal judge's training pursuant to [Section 755.18](#), Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the recommendation of the Municipal Court Committee, subject to [Sec. 755.04](#), Wis. Stats., which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the municipal judge for any time during [his or her](#) term for which [he or she](#) has [not](#) executed and filed the official bond and oath as required by [subsection \(g\)](#) of this [Section](#).
- G. **Bond and Oath of Municipal Judge.** The municipal judge shall, after election to fill a vacancy, take and file the official oath as prescribed in [Sec. 755.03](#), Wis. Stats., with the [City Clerk](#) of the City of Onalaska. In lieu of an official bond, the Member Municipalities shall collectively maintain the Municipal Court Judge on a dishonesty insurance policy or other appropriate insurance policy that covers the judge and a copy of the policy shall be provided yearly to the Joint Municipal Court Committee.
- H. **Oath of Municipal Court Clerk.** The [Municipal Court Clerk](#) shall, before entering upon the duties of the office take and file the official oath as prescribed in [Sec. 19.01](#) Wis. Stats., with the [City Clerk](#) of the City of Onalaska. The City of Onalaska shall provide a copy of the sworn oath to the other Member Municipalities.
- I. **Jurisdiction of Municipal Judge.** The municipal judge shall have jurisdiction as provided in [Article VII, §§Secs. 755.045 and 755.05](#), Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement and seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- J. **Joint Municipal Court.**
1. **Location.** The Joint Municipal Court's location shall be the City of Onalaska City Hall. The time(s) of the municipal court shall be determined by the municipal judge and the Municipal Court Committee.
  2. **Vacancies.** If the municipal judge is temporarily absent, sick or disabled, the provisions of [Sec. 800.06\(1\)](#), Wis. Stats., shall apply, and if the municipal judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of [Sec. 800.06\(2\)](#), Wis. Stats., shall apply. Any substitute municipal judge designated or assigned hereunder shall be compensated as authorized by [Wis. Stat. Sec. 800.065\(3\)](#), [Wis. Stats.](#)
  3. The municipal judge shall satisfy all continuing education requirements for municipal judges.
  4. Upon the proper and timely written request for substitution of the municipal judge, the provisions of [Sec. 800.05](#), Wis. Stats., shall apply.
  5. The procedures of the Joint Municipal Court shall be in accord with the applicable Wisconsin Statutes, this [ordinance Chapter](#) and the Joint Municipal Court Agreement entered into between the Member Municipalities. The Joint Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, each Member Municipality shall draft a bond schedule, which shall become effective upon approval by the Member Municipality's governing body. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- K. **Fees and Costs.**
1. The municipal judge may impose punishment and sentences as provided by [Chapters 800 and 938](#) Wis. Stats., and as provided in the ordinances of the Member Municipalities that are parties to the agreement. The Treasurer of the City of Onalaska and the Municipal Court Clerk certifies the monthly accounting with the State of Wisconsin. Such reports are available by request to each Member Municipality.
  2. The municipal judge shall collect a fee for Court Costs on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. For the purposes of this section, the "Court Costs" for matters adjudicated by the Coulee Region Joint Municipal Court shall be at the maximum rate allowed pursuant to [Wis. Stat. Sec. 814.65](#), [Wis. Stats.](#) or its successor or replacement.
- L. **Withdrawal from Joint Municipal Court.** Any member municipality may withdraw from this Agreement by giving notice in writing to the Municipal Court Committee no later than September 30th of any year. Upon giving such notice, the member municipality's participation in the joint municipal court shall terminate on December 31st of said year.
- M. **Statutes Adopted by Reference.** [Chapters 755 and 800](#), Wis. Stats. as may be amended, are hereby adopted by reference.

- N. **Contempt of Court.** The municipal judge, after affording an opportunity to the person accused to be heard in defense, may impose as sanction authorized under [Sec. § 800.12, Wis. Stats.](#), and may impose a forfeiture therefore not to exceed ~~two hundred dollars~~ (\$200.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

## Chapter 04 Boards, and Commissions and Committees

### Division 1 General Provisions for Boards

#### 2.04.11 Board of Review

- A. **Composition.** The Board of Review shall consist of the Mayor, City Clerk, and three (3) Council Members appointed by the Mayor. The Board of Review members, except members who are full-time employees or officers of the City of Onalaska, shall receive such compensation as shall be fixed ~~by resolution or ordinance~~ by the Common Council.
- B. **Duties.** The duties and functions of the Board of Review shall be as prescribed in ~~Sections~~ 70.46 and 70.47, Wis. Stats.
- C. **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.
- D. **Confidentiality.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to ~~Sec. Wis. Stat. § 70.47(7)(af)~~, ~~Wis. Stats.~~ or any successor statute thereto, then, such income and expense information may be revealed to and used by such persons: in the discharging duties imposed by law; in the discharge of duties imposed by office (including but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under ~~Wis. Stat. § Sec. 70.47(7)(af)~~, ~~Wis. Stats.~~ unless a court determines that it is inaccurate, is, per ~~Wis. Stat. § Sec. 70.47(7)(af)~~, ~~Wis. Stats.~~ confidential and not a public record and therefore is not subject to the right of inspection and copying under ~~§ Sec. 19.35(1)~~, Wis. Stats.
- E. **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.

#### 2.04.12 Board of Public Works

- A. The Board of Public Works shall consist of the Director of Public Works, the Mayor, the Financial Services Director, and two (2) Council Members along with an alternate Council Member. The two (2) Council Members shall be annually appointed by the Mayor, subject to confirmation by the Council at the organizational meeting. The alternate Council Member shall serve when either of the regular Council Members are ~~either~~ absent or must withdraw on grounds of conflict of interest. The Board of Public Works shall perform those duties prescribed in this Code of Ordinances and Sec. 62.14, Wis. Stats.

#### 2.04.13 Board of Zoning Appeals

- A. **Establishment.** A Board of Zoning Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. The Board of Zoning Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The member of the Common Council who serves on the Plan Commission shall serve as an alternate member. The Mayor shall designate one (1) of the members chairperson.
- B. **Powers.** The Board of Zoning Appeals shall have the following powers:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's ~~Unified Development Code and Building Code~~ zoning ordinances or building codes.
  2. To hear and decide special exceptions to the terms of City ~~Unified Development Code, zoning and Floodplain zoning r~~Regulations ~~and Building Code~~ upon which the Board of Zoning Appeals is required to pass.

To authorize, upon appeal in specific cases, such variance from the terms of the City's ~~Unified Development Code as described in Section 13.05.23, zoning regulations as will not be contrary to the public interest, where~~

~~owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done, provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.~~

~~3.~~

~~4. To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.~~

~~5.4. The Board of Zoning Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances Unified Development Code and Building Codes. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.~~

~~C. Meetings and Rules. All meetings of the Zoning Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Common Council shall provide, and compensate, a secretary for the Board of Appeals. The Zoning Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.~~

~~D. Offices. The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.~~

~~D. Appropriations. The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.~~

#### 2.04.14 Parks, Recreation & Library Board

A. **Appointments.** The Parks, Recreation & Library Board shall consist of seven (7) members including six (6) citizens from the City of Onalaska and one (1) Council Member. The members of this Board shall be appointed for terms of three (3) years, except that the Council Member shall be annually appointed by the Mayor subject to confirmation by the Council. Any Board member may be reappointed and may serve an unlimited number of consecutive terms. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Board in an advisory, non-voting capacity for a term of one (1) year.

B. **Compensation; Oaths.** No compensation shall be paid for service on the Board. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.

C. **Powers and Duties.** The Board shall have all the powers conferred by law under Sec. 27.08, Wis. Stats. and Section 43.54, Wis. Stats. and shall be charged with all the duties so required such as recommend, oversee work, and oversee funds of all parks, park and recreational facilities, playgrounds, and recreational activities as part of properties within the City. The Parks, Recreation & Library Board is specifically empowered and directed:

1. To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
2. To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
3. With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
4. To serve as liaison between the City and the County library system library board.
5. To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system, park and recreation facilities and recreation programs, subject to budgetary approval by the Common Council.

6. To coordinate library related activities of the City and the County library system and ensure the City's responsibility for the operation and maintenance of the library is carried out in the manner which best serves the interest of the residents of the [City of Onalaska](#).
  7. To have jurisdiction of the parks and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
  8. To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks and playgrounds as the Board shall deem necessary.
  9. And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- D. **Public Recreation Program.** The [City Parks, Recreation & Library Board](#) shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City.
- E. **Record.** The Parks, Recreation & Library Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the [office of the City Clerk](#).
- F. **Finance.**
1. **Budget.** The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system.
  2. **Deposits.** All revenues and income from the operation of Park and Recreation Programs shall be deposited with the [Financial Services Director/City Treasurer](#).
  3. **Monetary Contributions.** All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

#### 2.04.15 Community Development Authority

- A. **Findings and Declaration of Necessity.** The Common Council hereby finds and declares that a need for blight elimination, community development, housing [and elderly housing](#) programs and projects exist in the City and that a community development authority functioning within the City constitutes a [more](#) effective and efficient means for carrying out such programs and projects. The necessity in the public interest for the provisions of this Section is also declared as a matter of legislative determination.
- B. **Creation of Community Development Authority; Status as Public Body.** Pursuant to Sec. 66.1335 Wis. Stats. (entitled "Housing and Community Development Authorities"), there is hereby created a community development authority, which shall be known as the "Community Development Authority of the City of Onalaska." The Community Development Authority (the "CDA") is deemed a public body and a body corporate and politic, exercising necessary public powers, and having all the powers, duties and functions conferred on redevelopment authorities, community development authorities, housing authorities and housing authorities for elderly persons by applicable law.
- C. **Composition of Governing Body; Powers Vested in Commissioners; Compensation.** The CDA shall consist of seven (7) resident persons having sufficient ability and experience in the field of urban renewal, community development, and housing, who shall serve as the governing body (the "Commissioners") of the CDA. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Commission in an advisory, non-voting capacity for a term of one (1) year. The powers of the CDA shall be vested in, and exercised by, the Commissioners in office from time to time.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the CDA. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- E. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council as follows:
1. Two (2) of the Commissioners shall be members of the Common Council, one (1) of which shall be a member of the Finance and Personnel Committee and the other shall not be a member of the Finance and Personnel Committee. Each of the Common Council Commissioners shall serve with full voting rights. The remaining five (5) Commissioners of the CDA shall be selected with [preference](#) to the following qualifications: (1) background in finance, banking, accounting, financial investments or any combination thereof, (2) legal, paralegal or real estate law background or any combination thereof, (3) background in either real estate, real estate development, commercial and residential construction or property management or any combination thereof, (4) background in the Onalaska business community and Onalaska community organizations and (5) background in either manufacturing, business start-ups or other related background.
  2. All Commissioners who are not members of the Common Council shall be appointed for terms of four (4) years. A Commissioner who is not a member of the Common Council shall hold office until [his or](#)

- hertheir successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of his or hertheir change or residence, removal, resignation, incapacity or death.
3. Vacancies occurring during any term shall be filled for the unexpired portion of the term and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
  4. The Mayor of the City of Onalaska shall be a non-voting ex-officio member of the Community Development Authority.
- F. **Evidence of Appointment.** The records maintained in the office of the by the City Clerk reflecting that the City Clerk administered the oath of appointment of the Commissioner. Such record shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his or hertheir office.
- G. **Removal of Commissioners.** A Commissioner may be removed from office by the Mayor by incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after he or shethey shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Sec. 17.16, Wis. Stats., relating to removal for cause shall apply to any such removal.
- H. **Meetings; Quorum; Bylaws.** All meetings of the CDA shall be held in compliance with the provisions of Subchapter IV of Chapter 19, Wis. Stats. of the Wisconsin Statutes and Section 2-2-12 of and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the CDA for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of a majority of the Commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- I. **Selection of Officers, Agents and Employees.**
1. The CDA shall annually elect a Chairperson and Vice Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
  2. The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The CDA may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
  3. The employees of the CDA shall be selected and serve under the provisions of the City's civil service system and shall be subject to pertinent civil service and personnel policies established for City employees with equivalent duties and responsibilities unless the CDA:
    - a. Adopts and approves hiring, personnel and employment policies;
    - b. Resolves to apply and maintain hiring, personnel and employment policies; and
    - c. The CDA provides sixty (60) days' notice of the adoption of the policies and resolutions set forth in subsections (a) and (b) above.
  4. The CDA may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the CDA in the performance of its duties or functions which could be performed by the staff of the CDA.
- J. **City Assistance to CDA.**
1. The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of CDA's duties and functions. All City departments, boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to, the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency.
  2. In the event that any department or commission or agency shall have good cause for failing to comply with the request of the CDA for assistance, the matter shall be referred to the Mayor's office and, if deemed necessary, to the Common Council for adjudication.
  3. In addition, the CDA may contract with the City of Onalaska for performance of such services as may be required by the authority in the performance of its functions. In the event assistance is provided by the department, board, commission or agency of the City, whether by contract or not, the CDA shall agree to compensate the City of Onalaska for all services rendered to the authority.

- K. **Interested Commissioners or Employees.** No Commissioner or employee of the CDA shall acquire any direct or indirect interest in any project or in any property included or planned to be included in any such project, nor shall he they have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, he they shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA, and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to so disclose such interest shall constitute misconduct in office.
- L. **Powers and Duties of CDA.**
1. The CDA shall have all powers, duties and functions set out in Secs. 66.1201, 66.1213 and 66.1333 Wis. Stats. for housing and redevelopment authorities and as to all housing projects initiated by the CDA it shall proceed under Wisconsin Statutes Section 66.1201 or Section 66.1213, Wis. Stats. as applicable and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under Wisconsin Statutes Sections 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105, Wis. Stats. as determined appropriate by the Common Council on a project by project basis.
  2. The CDA may, upon the direction of the Common Council, act as agent of the City in planning and carrying out community development programs and activities funded under the Federal Housing and Community Development Act of 1974, as amended, and any or all community development programs and activities initiated by the CDA and approved by the Mayor and Common Council shall be undertaken and carried out pursuant to such Act and other applicable law.
  3. The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the City Plan Commission under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105 Wis. Stats.
  4. In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.
- M. **Annual Budget.** An annual budget shall be established by the CDA, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.
- N. **Annual Report.** The CDA shall coordinate with City Staff to include a summary of their yearly activities in the annual Planning Department report.
- O. **Evidence of Authority.** A certified copy of this Section shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Sec. 66.1335, Wis. Stats.
- P. **Construction.** All powers, duties and functions of a community development authority, as set forth in Sec. 66.1335, Wis. Stats., are deemed to have been granted to the CDA as though set forth in this Section, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein.
- Q. **Committees.** The CDA shall create related committees and boards on an as needed basis to assist in the implementation of the powers and duties of the CDA as set forth above including but not limited to those powers conferred to a redevelopment authority as set forth in Sec. 66.1335, Wis. Stats. and such other duties, powers and functions related to community development as are conferred on it by the Common Council.

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## **Division 2** General Provisions for Commissions

### **2.04.21** Police and Fire Commission

- A. The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually appoint at the organizational meeting one (1) member for a term of five (5) years, subject to confirmation by the Council. No appointment shall be made which will result in more than three (3) members of the board belonging to the same political party. The Commission shall keep a record of its proceedings. The Board of Police and Fire Commissioners shall have the power and authority prescribed by Section 62.13, Wis. Stats., and this Code of Ordinances.

#### 2.04.22 City-Plan Commission

- A. **Composition.** The Plan Commission shall consist of seven (7) members as follows: the Mayor, one (1) Council Member, Director of Public Works, and four (4) citizens.
- B. **Appointment.** The Common Council member shall be appointed by the Mayor each April and confirmed by the Common Council for a period of one (1) year and the four (4) citizen members shall be appointed by the Mayor for a term of three (3) years.
- C. **Organization of Commission.** The Mayor shall appoint a presiding officer each year, which can be the Mayor or any member of Plan Commission and the Commission shall select by election a vice-chairman, secretary and such other officers as may in their judgement be necessary.
- D. **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the [office of the City Clerk](#). Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- E. **Duties.**
1. **The Master Plan.**
    - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
    - b. The Plan Commission may adopt the master plan as a whole by a single resolution, or as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Mayor and the City Clerk, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.
  2. **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: [the location of any statue or other memorial](#); the location, acceptance, extension, alteration, vacation, abandonment, sale, acquisition of land for or lease of land for any street, alley or other public ways (along with other appropriate City boards or commissions), park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Ch. [apter 236](#), Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
  3. **Miscellaneous Powers.** The Plan Commission exercises final review and approval of site development plans and requests for conditional use permits and has the authority to make those decisions which the City of Onalaska [Zoning-Unified Development](#) Code (Title 13) has given the Plan Commission the authority to make. ~~including but not limited to approval of non-substantial changes to Planned Unit Developments, sign approval for Roof Signs, extensions for the limitations to Outdoor Displays and Sales, approval of Temporary Sales Events and approval of Tower Lighting.~~ The Plan Commission may make reports and recommendations relating to the plan and development of the

City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

- F. **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- G. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the [office of the City Clerk](#).

#### 2.04.23 Room Tax Commission

- A. **Membership and Organization.** The Room Tax Commission shall consist of five (5) members who shall be selected as follows: One (1) member of the Common Council; one (1) member shall be a representative of the Wisconsin hotel and motel industry; three (3) members shall be citizens residing in the City of Onalaska. All members shall be appointed by the Mayor subject to Common Council approval. Strong consideration shall be given to citizens members who are business owners or have experience in tourism and hospitality industries. All members of the Commission shall serve for a one (1) year term from the date of appointment. Any vacancies occurring on the Room Tax Commission shall be filled by appointment by the Mayor, subject to confirmation by the Common Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy. The Commission shall choose a Chairperson, Vice-Chairperson and such other officers as it deems appropriate.
- B. **Meetings.** Meetings may be held under call of the Chairperson of the Commission or if requested in writing by three (3) members of the Commission filed with the City Clerk in which event, the City Clerk shall notify all members of the coming meeting. At least twenty-four (24) hours' notice shall be allowed under this procedure. The City Clerk shall give written notice of each meeting to the Mayor and to all members of the Room Tax Commission. Three (3) members shall constitute a quorum. Such regular meetings shall be open to the public.
- C. **Powers.** The Room Tax Commission shall require for all organizations, whether private or governmental, who receive funds hereunder, an annual accounting of the application of all room tax funds designated for tourism development and tourism promotion ("Tourism Funds"). The Room Tax Commission shall designate the use of all Tourism Funds of the City of Onalaska.
- D. **Statutory Authority.** The Room Tax Commission shall be the entity in which room tax is allocated for the City of Onalaska pursuant to [Sec. Wis. Stat. 66.0615, Wis. Stats.](#), as may be amended ~~from time to time~~.
- E. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the [office of the City Clerk](#).

#### 2.04.24 Historic Preservation Commission

- A. **Composition and Appointment.** A Historic Preservation Commission is hereby created, consisting of up to eight (8) members but no less than seven (7) members. The membership shall consist of one (1) Council Member; and up to seven (7) citizen members. Where possible, preference shall be given to have three (3) of the citizen members have one (1) or more of the following backgrounds: real estate, property development or construction, attorney, architecture, land use or planning, history or local historian. In addition, the [City-Common Council](#) may appoint an ex-officio member of the Ho Chunk Nation or other Native American Nation having cultural history in Onalaska. The ex-officio member shall serve a three (3) year term. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners subject to confirmation by the [City of Onalaska Common Council](#).
- B. **Term Limits.** Term limits for appointed members shall be three (3) years. ~~Initially, two (2) members shall be appointed to two (2) year terms, one (1) of which will be a citizen member; three (3) such members shall be appointed to three (3) year terms, and two (2) citizen members shall serve one (1) year terms.~~
- C. **Powers and Duties of Historic Preservation Commission.** The Commission shall have the power, subject to the procedures set forth Section 13.02.45, to designate structures and historic sites and to recommend designation of Historic Districts within the City limits.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., said oath to be filed with the [office of the City Clerk](#).

#### 2.04.25 Municipal Harbor Commission

- A. **Creation.** Pursuant to a resolution by the City of Onalaska Common Council, there shall be a Municipal Harbor Commission (the "MHC") pursuant to Sec. 30.37, Wis. Stats.
- B. **Composition of Governing Body.** The MHC shall consist of seven (7) resident persons who shall serve as the governing body (the "Commissioners") of the MHC.
- C. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the MHC shall be appointed by the Mayor and confirmed by the Common Council, as follows:
1. The ~~first~~ appointments of the seven (7) Commissioners shall be made for ~~the following terms: three (3) for terms of one (1) year, ending on the third Tuesday in February of 2008, and two (2) each for terms of two (2) and three (3) years, ending on the third Tuesday in February of 2009 and 2010, respectively. Thereafter, all Commissioners shall be appointed for terms of three (3) years.~~ A Commissioner shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
  2. ~~After the appointments of the original seven (7) Commissioners have been made and confirmed,~~ Vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the [office of the City Clerk](#).
- E. **Filing of Certificate of Appointment.** A certificate of the appointment or reappointment of any Commissioner shall be filed with the [office of the City Clerk](#). Such certificate shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon [his or her](#) office.
- ~~F. **Removal of Commissioners.** A Commissioner may be removed from office by the Mayor for incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after he or she they shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Sec. 17.16, Wis. Stats., relating to removal for cause shall apply to any such removal.~~
- G.F. Meetings; Quorum; Bylaws.** All meetings of the MHC shall be held in compliance with the provisions of Subchapter IV of Chapter 19, [Wis. Stats. of the Wisconsin Statutes](#) and [Section 2-2-12](#) of this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the MHC for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the MHC upon the affirmative vote of a majority of the Commissioners present at any meeting of the MHC at which a quorum is present. No vacancy in the membership of the MHC shall impair the right of a quorum to exercise the powers and perform the functions of the MHC. The MHC may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- H.G. Selection of Officers, Agents and Employees.**
1. The MHC shall annually elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
  2. The MHC may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The MHC may delegate to one [\(1\)](#) or more of its agents or employees such powers or duties as may deem proper.
  3. The MHC may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the MHC from time to time. The MHC may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the MHC in the performance of its duties or functions which could be performed by the staff of the MHC.
- I.H. Duties and Powers.** The purpose of the [City of Onalaska MHCunicipal Harbor Commission](#) is to provide for the development and operation of harbors and the preservation of navigable waterways within the City of Onalaska. The City of Onalaska Municipal Harbor Commission has the powers and shall perform all duties set forth in [Secs. 30.37 and 30.38 of the Wis. Stats.](#) which are hereby incorporated by reference.
- I. Relationship to Other Municipal Board and Commissions.** The [MHCunicipal Harbor Commission](#) shall make recommendations to the Onalaska Common Council. The [MHCunicipal Harbor Commission](#) shall function independently from the Onalaska [City Common](#) Council except when incurring debt, obtaining

real property, selling real property or taking any action requiring City Common Council approve pursuant to Sec. 30.38, of the Wis. Stats.

#### **2.04.26 Arts Commission**

- A. Creation.** Pursuant to Resolution No. 28-2019 there shall be an Arts Commission.
- B. Composition and Appointment.** The Arts Commission shall consist of seven (7) members (the "Commission Members"). The Mayor of the City of Onalaska, shall appoint the Commission Members subject to confirmation by the Onalaska Common Council. One Member of the Commission shall be a Council Member and one member shall be the Mayor with the remaining five (5) members being Onalaska residents. The Members shall serve for three year terms except that for the initial Members: One Members shall serve a one year term, two Members shall serve a two year term and two Members shall serve a three year term. The appointment of persons to the Arts Commission shall be made at the organizational meeting of the Council in April of any year in which a member's three year tenure has expired. Any vacancies in occurring on the Arts Commission shall be filled by appointments by the Mayor, subject to the approval by the Common Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy.
- C. Selection of Officers, Agents and Employees.** On an annual basis, the members of the Commission shall nominate and select a Chair, Vice-Chair and Secretary. These appointments shall remain in effect until the following year.
- D. Advisory Members.** In addition to the members set forth in Section B, there shall be two (2) advisory, non-voting members. One advisory member shall be a representative from Centering Onalaska, with such advisory member appointed by Centering Onalaska on a yearly basis. The second advisory member shall be a student recommended by the Onalaska High School Arts Department ("Student Advisor"). Each of these advisory members shall serve for one year terms but may be appointed for consecutive terms.
- E. Duties and Powers.** The powers of the Arts Commission shall be vested in, and exercised by, the Commission Members in office from time to time. Members shall receive no compensation for their services but they may be reimbursed for expenses actually and necessarily incurred in the performance of their duties if such expenses are pre-approved by the Common Council.
- F. Purpose.** The purpose of the Arts Commission shall be to encourage artistic activities and initiate cultural programs that integrate, support, and advance arts and culture as an essential part of life in Onalaska, to assess the potential for a dedicated arts district, to help develop plans and studies that work to focus the goals and needs of the art community in Onalaska and work closely with the community to provide exhibition and performance spaces and organize events where residents in Onalaska can experience a diversity of arts and culture, to serve as a forum to receive and review proposals and forward them to appropriate Council committee, to work as advocate for the arts by commenting on policies and plans of the City and by seeking non-City funding for its advancement, and to analyze gaps and opportunities in programming, support, funding, and promotion for the arts, cultural activity and economic development.

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### **Division 3 Meetings; Public Notices; and Residency Requirements**

#### **2.04.31 General Provisions Regarding Meetings and Public Notices**

- A. Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
1. Fix a regular date, time and place for its meeting;
  2. All meeting notices shall be filed with the office of the City Clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
  3. Post, at the City Hall, an agenda of the matters to be taken up at such meeting.
  4. Record by means of tape recording all proceedings conducted in meeting.
- B. Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Section 19.81 to 19.89, Wis. Stats.

#### **2.04.32 Residency Required for Service on Boards or Commissions**

- A.** No person not a resident of and not residing in the City of Onalaska shall be appointed in a voting capacity to any City board or commission. Any board or commission member who moves from the City shall immediately be removed from such board of commission. This residency requirement shall not apply to any City of Onalaska employees who hold a seat on any City board or commission as a result of their employment with the City.

## Chapter 05 Ethical Standards

### Division 1 Administration

#### 2.05.11 Declaration of Policy

It is declared that high ethical standards among City officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the City in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such City officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of City officers and employees and their official actions.

#### 2.05.12 Statutory Standards of Conduct

- A. The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:
1. Section 946.10. Bribery of Public Officers and Employees.
  2. Section 946.11. Special Privileges from Public Utilities.
  3. Section 946.12. Misconduct in Public Office.
  4. Section 946.13. Private Interest in Public Contract Prohibited.

#### 2.05.13 Definitions

- A. **Anything of value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the city, fees, and expenses which are permitted and reported under [Sec. § 19.56 Wis. Stats. of the Wisconsin Statutes](#), political contributions which are reported under [Chapter 11, Wis. Stats., of the Wisconsin Statutes](#), or hospitality extended for a purpose unrelated to state business by a person other than an organization.
- B. **Associated.** When used with reference to an organization, includes any organization in which a person or a member of ~~his or her~~<sup>their</sup> immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ~~ten percent~~ (10%) of the outstanding equity.
- C. **Gift.** The payment or receipt of anything of value without valuable consideration.
- D. **Organization.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust.
- E. **Public Officer.** Those persons serving in statutory elected or appointed offices provided for in [Chapter 62, Wis. Stats. of the Wisconsin Statutes](#), and all members appointed to boards, committees and commissions established or appointed by the Mayor, Chairperson and/or Common Council, whether paid or unpaid.
- F. **Public Employee.** Any person excluded from the definition of a public officer who is employed by the City.

#### 2.05.14 Severability

~~A. If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such defect shall not affect the other provisions or applications of this Chapter which can be given effect without the defective provision or application.~~

### Division 2 General Provisions

#### 2.05.21 Specific Conflicts of Interest

- ~~A. Use of Public Property.~~ No public officer or employee shall use or permit the use of City vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such officer or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- ~~A.~~
- ~~B. Conflicts of Interest.~~ Except as provided herein, no public officer or public employee shall engage in any business transaction with the City, or have a financial or other personal interest, direct or indirect, which is

incompatible with the proper discharge of their official duties or will tend to impair their independence or judgment or action in the performance of their official duties.

**B.**  
**C.** **Disclosure of Interest.** Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the City, or as part of their official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Common Council (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.

**C.**  
**D.** **Representing Private Interests ~~Before~~ before the Common Council or City Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the City, shall represent, for compensation, private interests before the Common Council or any City board, commission or committee without disclosure of the private business relationship and explicit consent of the Common Council.

**D.**  
**E.** **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Common Council, disclose confidential information concerning the property, government or affairs of the City, nor shall they use such information to advance the financial or other private interest of themselves or others.

**E.**  
**F.** **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to their knowledge, has a direct financial interest in any transaction or official business with the City, which may tend to impair their independence of judgment or action in the performance of their official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to Twenty-Five Dollars (\$25.00) in value, and that is not intended to influence the official or employee.

**F.** **Disclosure of Interest in Legislation.** To the extent that a member of the Common Council or any public officer or employee of the City of Onalaska, whether paid or unpaid, participates in the discussion of or gives official opinion to the Council on any legislation before the Council, they shall publicly disclose the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

## 2.05.22 Nepotism

### A. Public Officers.

1. A public officer may not use their public office to obtain employment of the officer's spouse or a dependent relative ([Sec. § 19.5\(2\)](#); [§ 19.59 \(1\)\(a\)](#), [Wis. Stats.](#)). However, if the officer is not involved in the hiring, promotion or conditions of employment, a qualified spouse or dependent may be hired or promoted.
2. The State Board of Ethics recommends that officers do not advocate for or hire or promote, or exercise jurisdiction, supervision or direction over someone the officer is related to as a parent, grandparent, child, grandchild, sibling, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, or spouse.

### B. Public Employees.

1. The City of Onalaska permits members of the same family to work for the City. The City will not, however, consider or accept employment applications from individuals whose employment would result in a supervisor/subordinate relationship or a possible conflict of interest.
2. Relatives are defined as: parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step-relative, or any person with whom the employee has a close personal relationship, such as a domestic partner, romantic partner, or co-habitant.
3. If a conflict develops during the course of employment, Human Resources will evaluate the situation on a case by case basis. If needed, supervision may be shifted to another supervisor to eliminate the conflict and/or one [\(1\)](#) employee may have to transfer to another department or resign.

## 2.05.23 Confidentiality of Public Officers or Employees

A. Confidential information is, at the time of a proposed disclosure, information where the City's interests in its confidentiality or in the City's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes but is not limited to information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to

the exemptions of a governmental body to meet in open session under [Wisconsin Statute Section 19.85](#), [Wis. Stats.](#) unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this [Section](#) information shall include knowledge imparted orally, recordings, and written documents or records marked confidential.

- B. No officer or employee may intentionally use or intentionally disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of their official position or activities, nor shall such officer or employee use such information to advance the financial or other private interests of such officer or employee or others.

#### 2.05.24 Advisory Opinions

- A. Any individual, either personally or on behalf of an organization or governmental body, may request of the [office of the eCity aAttorney](#), an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the [eCity aAttorney](#) an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The [eCity aAttorney](#) shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefore shall be in writing. It is prima facie evidence of intent to comply with this [ordinance Section](#) when a person refers a matter to the [eCity aAttorney](#) and abides by the advisory opinion, if the material facts are as stated in the opinion request. Except as provided ~~below in par (b)~~, the [eCity aAttorney](#) may not make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.
- B. The [City aAttorney](#) replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or ~~purpose-proposes~~ to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the [office of the eCity aAttorney](#) in connection with the request for an advisory opinion.

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### Division 3 Enforcement

#### 2.05.31 Sanctions

- A. A determination that a public official or public employee's actions constitute improper conduct under the provisions of this [chapter Section](#) may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, sanctioning, censuring or other appropriate disciplinary action as permitted by law subject to any collective bargaining agreements or meet and confer resolution. As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a non-reimbursable forfeiture of no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

#### 2.05.32 Enforcement and Collective Bargaining Agreements

- ~~A~~ Any person having concerns or complaints related to these Ethical Standards can bring their concern or complaint to the [office Head](#) of the Human Resources Department. Upon receipt of a concern or complaint, the ~~Head of the~~ Human Resources ~~Director~~department, ~~the City Administrator and/or~~ the Mayor and the applicable Department Head or in the case of a concern or complaint with respect to a committee or committee member, the applicable Committee Chairman, shall meet to investigate and make a determination with respect to the concern or complaint and if necessary determine the appropriate level of disciplinary action. In the event that an employee, covered under a collective bargaining agreement, is allegedly involved in a violation of these Ethical Standards, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethical Standards Chapter.

~~B~~

## **Chapter 06      Review of Administrative Determinations**

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### **Division 1    Authority**

#### **2.06.11    Adoption by Reference**

A. The provisions of Wis. Stats. §§ 68.01—68.03, 68.05—68.14, commonly known as the "Municipal Administrative Procedure" laws, which govern the review of administrative determinations by a municipality, or its governing body, boards, commissions, officers or employees, are hereby adopted by reference and made applicable to the review of administrative determinations by the city, or its governing body, boards, commissions, officers or employees, except as such are in conflict or inconsistent with the provisions of this chapter and as are inapplicable by their nature.

C.

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**AN ORDINANCE TO AMEND TITLE 3 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO FINANCE**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 3 Finance is hereby deleted in its entirety and replaced as follows:

## Title 3 Finance

### Chapter 01 Finance

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#### Division 1 Finance Administration

##### 3.01.11 Fee for Returning Checks with Insufficient Funds; Reimbursement of Collection Costs

- A. **Insufficient Fund Fee.** There shall be a Thirty Dollar (\$30.00) fee for processing checks made payable to the City that are returned because of insufficient funds in the account in question.
- B. **Collection.** Collection costs and attorney's fees shall be added to the principal amounts of unpaid bills owed to the City that are placed with collection agencies.

##### 3.01.12 Duplicate Treasurer's Bond Eliminated.

- A. **Bond Eliminated.** The City of Onalaska elects not to give the bond on the bond for the City Treasurer provided for by Sec. 70.67(1), Wis. Stats.
- B. **City Liable for Default of Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Treasurer to the County Treasurer.

##### 3.01.13 Public Depositories

- A. The Common Council shall designate the public depository or depositories within this state within which City funds shall be deposited, and when the money is deposited in such depository in the name of the City, the Financial Services Director and bondsman shall not be liable for such losses as are defined by state law. The Financial Services Director shall invest said money and the interest arising therefrom shall be paid into the City Treasury. Pursuant to state law, designated public depositories shall be required to pledge U.S. Treasury Notes equal in amount to any uninsured balance on the City's deposit. State Law Reference: Ch. 34 and Sec. 62.12(7), Wis. Stats.

##### 3.01.14 Claims against the City

- A. **Payment of Claims.** In addition to, and in lieu of the other methods provided by statute for the payment of claims against the City, financial claims against the City may be paid from the City Treasury after the Common Council shall have audited and approved each such claim as a proper charge against the Treasury and shall have endorsed their approval thereon, after having determined that the following conditions have been complied with:
  - 1. That funds are available therefor, pursuant to the budget approved by the Council;
  - 2. That the item or service covered by such claim has been duly authorized by the proper the proper official, department head or board or commission;
  - 3. That the item or service covered by such claim has been duly authorized by the property official, department head, or board or commission;
  - 4. That the item or service has been actually supplied or rendered in conformity with such authorization;
  - 5. That the claim is just and valid, pursuant to law. The Financial Services Director may require the submission of such proof and evidence to support the foregoing in their discretion as they deem necessary.

### 3.01.15 Temporary Investment of Funds Not Immediately Needed

- A. The Financial Services Director may invest any City funds not immediately needed pursuant to Secs. 66.04(2) and 219.05, Wis. Stats.

### 3.01.16 Facsimile Signatures

- A. In lieu of the personal signatures of the City Clerk and Mayor, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Common Council, but the use of the facsimile signature shall not relieve such official from any liability to which they are otherwise subject, including the unauthorized use thereof.

### 3.01.17 Accounts Receivable

- A. **Receiving Money.** The Financial Services Director or their deputies shall not receive any money into the Treasury from any source except on account of taxes levied and collected during the fiscal year for which they may then be serving, without giving a receipt therefor in the manner specified by the Common Council.
- B. **Receipts.** Upon the payment of any money (except for taxes as herein provided), the Financial Services Director shall make out a receipt in duplicate for the money so received. The Financial Services Director shall charge the amount thereof to the Treasury and credit the proper account. The payment of the money to any receiving agent of the City or to the City or to the Financial Services Director shall be safeguarded in such manner as the Common Council shall direct.
- C. **Billing Procedures.** Billings by the City may be paid within thirty (30) days after billings without interest. Thereafter, interest may be charged at the rate of one and one-half percent (1½ %) per month or any fraction thereof, until the fifteenth (15th) day of November. Bills not paid on or before the fifteenth (15th) of November shall have added to the total amount due one and one-half percent (1½ %) of said charges shall be entered on the tax role as a special charge and become a lien upon real estate.

### 3.01.18 Statement of Special Assessments

- A. Any party may obtain a Statement of Special Assessments from the City Clerk with respect to the following information necessary for transfers of real property including:
  1. The amount of outstanding special assessments;
  2. Deferred assessments;
  3. Changes in assessments;
  4. Amount of taxes;
  5. Outstanding water and sewer bills;
  6. Current water and sewer bills;
  7. Contemplated improvements;
  8. Floodplain status; and
  9. Violations of the building and health codes.
- B. The Statement of Special Assessments shall be provided in a form prepared by the City Clerk upon payment of the fee as set forth in the City of Onalaska Fee Schedule. A minimum of forty-eight (48) hours is required for preparation of a Statement of Real Property Status.

### 3.01.19 Annual Audits

- A. A firm of certified public accountants shall be employed each year by the City, subject to the confirmation of the Common Council to conduct a detailed audit of the City's financial transactions and its books, and to assist the Financial Services Director in the management of the City's financial affairs, including the City's public utilities. These auditors shall be employed on a calendar-year basis.

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## Division 2 City Budget

### 3.01.21 Fiscal Year

- A. The calendar year shall be the fiscal year.

### 3.01.22 City Budget

- A. **Departmental Estimates.** On or before October 1 of each year, each officer, department, board and committee shall file with the Financial Services Director an itemized statement of disbursements during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department, board or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the

current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the City and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.

- B. **Consideration of Estimates.** The Financial Services Director and Administrator shall consider such departmental estimates in consultation with the Department Head and recommend to the Common Council's Finance and Personnel Committee a budget amount for such department or activity. The Finance and Personnel Committee and Common Council shall assist the Financial Services Director and Administrator in developing a proposed budget for submission to the Common Council.
- C. **Proposed Budget.** On or before November 1, the Finance and Personnel Committee shall prepare and submit to the Common Council a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar year. The budget shall include the following information:
  - 1. The expense of conducting each department and activity of the City for the ensuing fiscal year and last preceding fiscal year, with reasons provided for increase and decrease recommended as compared with appropriations for the current year.
  - 2. An itemization of all anticipated income from the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
  - 3. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
  - 4. Such other information as may be required by the Common Council and by state law.
- D. **Copies of Budget.** The Financial Services Director shall provide a reasonable number of copies of the budget summary thus prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the Office of the Financial Services Director during regular office hours.
- E. **Budget Hearing.**
  - 1. The Financial Services Director shall submit to the Council at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Council, it shall be deemed to have been regularly introduced therein.
  - 2. A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for holding the public hearing thereof shall be published in the official newspaper of the City at least fifteen (15) days prior to the time of such public hearing.
  - 3. Not less than fifteen (15) days after the publication of the proposed budget and the notice of hearing thereof, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
  - 4. A majority vote of the Common Council is required to adopt the proposed budget and appropriation ordinance.
- F. **Budget Resolutions.** The Common Council, by resolution, shall appropriate out of the receipts of the City of Onalaska for the budget year, including monies received from the general property tax, the amounts set forth in the budget as adopted by Common Council in November of each year, which shall be incorporated herein by reference.
- G. **Tax Levies.** The Common Council, by resolution, shall establish the amounts levied on taxable property within the City of Onalaska each year, which shall be incorporated herein by reference. The City Clerk is hereby authorized and directed to spread the aforesaid levies on the current tax roll of the City.

### 3.01.23 Budget Changes

- A. Upon recommendation of the Finance and Personnel Committee, the Common Council by resolution may at any time, by a two-thirds (2/3) vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within ten (10) days thereafter in the official newspaper of the City.

### 3.01.24 City Funds to Be Spent in Accordance with Appropriation

- A. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 3.01.23 of this Division. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

### 3.01.25 Compensation of City Officials and Employees

- A. The salaries, wages, and other compensation of City officials and employees of the City of Onalaska are established by resolution of the Common Council and incorporated herein by reference.

## Chapter 02 Special Assessments

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### Division 1 General Provisions

#### 3.02.11 Common Council Authority to Levy Special Assessments

- A. The City of Onalaska by resolution of its Common Council may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement. In addition to other methods approved by law, special assessments for any public work or improvement or any special charge for current services may be levied in accordance with the provisions of this Chapter.
- B. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Common Council.
- C. The favored procedure in the City for proceeding with making specially assessable public improvements as generally set forth in this Chapter is not intended in any way to disregard or to bar proceeding under other methods provided by law for making of public improvements and for the levying of assessments therefor. Nor is this Chapter intended to be an exhaustive, detailed recodification of the state law under said statutory section. Detailed requirements still require reference to said statutory section and the subsections thereunder. The purpose hereof is to generally define and establish local procedures.
- D. **State Law Reference:** Secs. 66.0703 and 66.0717, Wis. Stats.

#### 3.02.12 Costs that May be Paid by Special Assessment

- A. The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the City and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Common Council.

#### 3.02.13 Exemptions; Deductions

- A. If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed and shall be made part of the total project cost.
- B. **Corner Lot Credit.** A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one (1) of the streets upon which it abuts shall be entitled to such deduction or exemption as the Common Council determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstances the assessment will not be less than the long way of such lot. The Common Council may allow a similar deduction or exemption from special assessments levied for any other public improvement.

#### 3.02.14 Special Assessment for Public Improvements Process

- A. **Preliminary Resolution.** Public improvements carried out pursuant to Sec. 66.0703, Wis. Stats., and this Chapter shall be initiated by a preliminary resolution presented to the Board of Public Works and then Council by the Director of Public Works, which resolution shall declare the Council's intention to exercise its assessment powers for such municipal purpose(s), describe the same, the limits of the proposed assessment district, the number of installments in which special assessment may be paid or that the number of installments will be determined at hearing thereon, and direct the Director of Public Works to make a report thereon. After adoption of such preliminary resolution by the Common Council, copies thereof shall be forwarded by the City Clerk to the Director of Public Works. The City Clerk shall forthwith, after adoption of such preliminary resolution, obtain a list of the names and addresses of all interested persons, if with reasonable diligence their names and addresses may be obtained, and forward the same

to the Director of Public Works. Upon receipt of copy of such preliminary resolution, the Director of Public Works shall prepare the report thereon.

- B. **Report.** The report required under Section 3.02.14.A above shall consist of:
1. Preliminary or final plans and specifications;
  2. An estimate of the entire cost of the proposed work or improvement;
  3. An estimate, as to each parcel of property affected, to include:
    - a. The assessment benefits to be levied;
    - b. The damages to be awarded for the property taken or damages;
    - c. The net amount of such benefits over damages or the net amount of such damages over benefits
  4. A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case, the estimates required under Section 3.02.14.B.3 above shall be replaced by a schedule of the proposed assessments.
  5. A copy of the report when completed shall be filed with the City Clerk for public inspection.
- C. When the Common Council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or rendering of the service, the report required by Sec. 66.0703(5), Wis. Stats., and A. and B. above shall still contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
- D. **Notice Requirements.** On the completion and filing of the report and final resolution with the City Clerk required in Section 3.02.14.B.5 above, the Director of Public Works shall prepare a Notice of Hearing, which notice shall comply with Sec. 66.0703(7)(a), Wis. Stats., and state the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district and the place and time at which the report may be inspected. In publishing the Notice of Hearing, the City Clerk shall set the place and time at which all interested persons, their agents or attorneys may appear before the Common Council or Board of Public Works and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be signed by the City Clerk who shall cause the same to be published at least once in the official newspaper and shall mail a copy of such notice at least ten (10) days before the hearing to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or mailing of said notice.
- E. **Waiver of Notice, Assessments Under.** The Council may, without any notice of hearing, levy and assess the whole or any part of the cost of any municipal work or whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specifically benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. In such cases, the procedure shall be the same as herein before provided excepting for the noticing and holding of public hearing thereon.
- F. **Council Actions after Hearing.**
1. Work or improvement previously authorized, approved or completed prior to the filing of the report or hearing:
    - a. If the work or improvement has not been previously authorized or approved, the Common Council shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
    - b. If the work or improvement has been approved by the Common Council or work commenced or completed prior to the filing of the report or prior to the hearing, then the Common Council shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.
  2. After the hearing the Council may:
    - a. Approve, disapprove, modify or re-refer the report to the Director of Public Works with such directions as it deems necessary to change the plans and specifications as to accomplish a fair and equitable assessment.
    - b. Continue the public hearing, preliminarily approve plans and specifications and, if the project requires advertising for bids, authorize and direct the advertisement therefor with a date certain for consideration and taking action thereon, inclusive of action on said report and action on final resolution.
  3. If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Common Council shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- G. **Final Resolution.** The City Clerk shall publish the final resolution. After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Sec. 66.0703(12), Wis. Stats., or any other applicable provision of law.

- H. **Issuance of Special Assessment.** As soon as the assessable cost of such work or improvement is finalized, the Finance Department shall issue the special assessments for each property affected and specifying the manner in which payment is to be made and shall send copy of the respective assessment affecting each property to each owner's post office address that is known or can be obtained with reasonable diligence.
- I. **Council's Power to Amend, Cancel or Confirm Special Assessment.** If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Common Council determines to reconsider an assessment, it is empowered, after giving notice as required above to amend, cancel or confirm any prior assessment; and notice of this amending, canceling or confirming be given by the City Clerk as provided above.
- J. **Waiver.** The Common Council may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.

### 3.02.15 Special Circumstances

- A. **Combined Assessments.** If more than a single improvement is undertaken, the Common Council may combine the assessments as a single assessment on each property affected except that the property owner may object to any one or more of said improvements.
- B. **Cost of Improvement Less than Assessment.** If the cost of the work or improvement is less than the assessment levied, the Common Council without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the City shall refund the property owner such overpayment.

### 3.02.16 Appeals; Appealed Assessments Payable When Due

- A. Any person against whose property a special assessment is levied under this Chapter may appeal therefrom in the manner prescribed by Sec. 66.0703(12) of the Wisconsin Statutes, as amended, within forty (40) days of the date of the final determination of the Common Council.
- B. Pursuant to Sec. 66.60(t), Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable, and upon default in payment any such appeal shall be dismissed.

### 3.02.17 Payment of Special Assessments; Special Assessments a Lien on Property

- A. **Payment of Special Assessments.**
  - 1. **Without Interest.** Upon receipt of copy of special assessment, any person may pay the same in full, without interest, if paid to the City Treasurer within the grace period therein allowed and as allowed in the final resolution.
  - 2. **Installments.** As set forth in the final resolution, the Common Council may allow any special assessment, when they exceed One Hundred Dollars (\$100.00), to be paid in equal installments, equivalent to the length of time of any bond issuance that is issued for said improvements (the "Financing"), together with interest at the rate determined by the Common Council, uniform with other City special assessments, at a rate equal to one percent (1%) over the interest rate for the Financing together with engineering and administrative fees equal to seven and one-half percent (7.5%) of the project cost shall be added to the Special Assessment cost..
  - 3. **After Grace Period.** If any special assessment, or any part thereof, remains unpaid following the running of the grace period specified for payment without interest, at time of preparation of the first tax roll thereafter, the same together with interest computed thereon at the interest rate established in the final resolution and in said certificates computed thereon from the date of levy (i.e. date of final resolution) or the finalizing of assessable costs whichever is later, shall be entered in such tax roll in such manner as directed in said final resolution and certificate; thereafter, if the same be payable in installments, subsequent installments together with interest at said rate computed on declining balance shall be entered in subsequent tax rolls until fully paid. This provision is in no way intended to prohibit the prepayment of the balance owing at any time on principal together with interest to the date of payment only.
- B. **Assessment as Lien.** Pursuant to Subsection (13) of Sec. 66.0703, Wisconsin Statutes, any special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the City. The Common Council shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Common Council shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

- C. **Special Assessments Non Transferrable.** Special assessments shall not be transferred to a new owner and shall be immediately due and payable to the City when the parcel of real estate is sold, assigned, or conveyed.

### 3.02.18 Special Charges Permissible

- A. In addition to all other methods provided by law, special charges for current services may be imposed by resolution by the Common Council by allocating all or part of the cost of the property served. Such resolution setting forth the property location, the current service rendered by the City and the special charge therefor or cost thereof. Such resolution for special charges may include snow and ice removal, weed elimination, street scaling, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer and water service and tree care or removal. The provision for notice of such charges shall be optional with the Common Council except that in the case of street, sidewalk (except sidewalk repairs as part of the yearly Sidewalk Program Repairs), curb or gutter repair, a Class 1 notice published in the official City newspaper at least twenty (20) days before the hearing or proceeding and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Common Council as to whether the service in question shall be performed.
- B. Special charges for current services shall not be payable installments. If not paid within the period fixed by the Common Council in said resolution, such delinquent special charges, pursuant to Section 3.02.07.C, shall become a lien on said property as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, as provided by Sec. 66.0627, Wis. Stats., and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. Notice of special charges for current services need not be given except as required by Sec. 66.0627, Wis.Stats., as amended.
- C. Section 3.02.04.A of this Chapter shall not be applicable to the proceedings under this Section.

### 3.02.19 Miscellaneous Provisions

- A. If any assessment or charge levied under this Chapter is invalid because such Statutes are found to be unconstitutional, the Common Council may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- B. Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this Chapter that the City may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

## Chapter 03 Disposal of Lost, Abandoned and Surplus Property

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### Division 1 Authority

#### 3.03.11 Disposal of Surplus City Property

- A. **Definitions.**
1. "Surplus City Property" is that property which is owned by the City of Onalaska and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:
    - a. The item or its function has been totally replaced by other City property and no probable future function exists for it; or
    - b. The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
    - c. The item is no longer able to reliably or economically perform the work required of it.
  2. Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City property shall not include property which is obtained by the City as a result of abandonment or loss by the property's original owner. Surplus City property shall not include items of property which are traded in for newer items. Surplus City property shall not include library materials used by the public library for lending purposes.
- B. **Determination of Surplus City Property.**
1. Whenever an item of City property is determined to be surplus City property on the basis that the City no longer performs the service for which the item was purchased, the Financial Services Director and applicable Department Head shall determine whether or not the item is surplus City property.
- C. **Disposition of Surplus City Property.**

1. Whenever it is determined that an item of property is surplus City property, it shall be disposed of in accordance with the City's Finance Policy Manual or as required by law.

### 3.03.12 Lost and Abandoned Property

#### A. City Custody of Lost or Abandoned Property.

1. Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police by citizens shall be disposed of according to this Section.
2. Lost and abandoned property will be examined by the Chief of Police for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
3. No City employee shall keep for their own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
4. The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
5. No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain with the Financial Services Director.

#### B. Disposal Procedures.

1. **Classes of Property.** All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
  - a. **Vehicles.** Vehicles shall be disposed of as set forth in the applicable provisions, of this Code of Ordinances.
  - b. **Intoxicating Liquor and Fermented Malt Beverages.** Intoxicating liquor and fermented malt beverages shall be destroyed.
  - c. **Firearms, Ammunition and Explosives.** Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms bureau of the U.S. Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriff's Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.
  - d. **Other Property with a Fair Market Value of One Hundred Dollars (\$100.00) or Less.** An item of property with a fair market value of One Hundred Dollars (\$100.00) or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than One Hundred Dollars (\$100.00) shall be destroyed.
  - e. **Other Property with a Fair Market Value of Over One Hundred Dollars (\$100.00).** An item of property with a fair market value of more than One Hundred Dollars (\$100.00) shall be sold at public auction or by sealed bid.
  - f. **Illegal Property.** Property which cannot be legally possessed shall be destroyed.
2. **Disposal by Auction or Sealed Bid.**
  - a. Whenever any property under this Section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice shall be published in the official City newspaper. The property auctioned or sold by sealed bid shall be sold in as-is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The Department Head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the City and the amount of the bid be forfeited to the City.
  - b. Any City official selling property under this Section shall maintain for two (2) years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
3. **Lost Property.** Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section until thirty (30) days after mailing to the person finding the property a notice that they may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the

property or its value shall be given the finder. This provision shall not apply to any City employee finding property in the regular course of their employment.

4. **Payment to City Treasury.** All sums received from the sale of property under this Section shall be paid to the City Treasury.

### 3.03.13 Unclaimed Funds

- A. **Unclaimed Funds.** On or before January 10 of every odd-numbered year, the City of Onalaska Finance Director or its designee, shall file with the treasurer of La Crosse County a written report under oath giving the names and the last-known addresses of all persons for whom the City of Onalaska Treasurer holds money or security, and which has not been claimed for at least one (1) year, and showing the amount of the money or the nature of the security in detail. A duplicate report shall also be mailed to the Wisconsin Department of Financial Institutions. Upon receiving the reports the La Crosse County Treasurer shall cause to be published a Class 3 notice, under Ch. 985, Wis. Stats., on or before February 1 of the same year, which contains the names and last-known addresses of the owners of the unclaimed money or security that has a value of at least Ten Dollars (\$10.00), and shall state that unless the owners call for and prove their ownership of the money or security, within six (6) months from the time of the completed publication, the City of Onalaska Treasurer shall give possession or control of the money or security to the La Crosse County Treasurer. At the end of the six (6) months from the time of the completed publication, the La Crosse County Treasurer shall also take possession or control of all money or security of persons for whom the City of Onalaska Treasurer holds money or security, and which has not been claimed for at least one (1) year, if the money or security has a value of less than Ten Dollars (\$10.00).
- B. **Unclaimed Funds in County Possession.** Any money or security which the La Crosse County Treasurer has taken control over under Section (A.) above and has had in its possession or control for more than one (1) year shall, to the extent possible, be deposited into the La Crosse County general revenue fund. Pursuant to Sec. 59.66(2)(a)1(am), Wis. Stats., money or security deposited pursuant to this section may remain in the County's general revenue fund or may be used by La Crosse County until the money or security is paid or delivered to its owner or becomes property of the county. If within ten (10) years from the time any such money or security is delivery to La Crosse County, the owner of the money or security proves to the satisfaction of the La Crosse County Treasurer the owner's right to the possession of the money or security, it shall be paid or delivered to the owner. If no such proof is made, then at the end of the ten (10) year period the money or property shall become the property of the county. Nothing in these sections shall be construed to deprive the owner of any such property of the owner's right to proceed by court action for the recovery of such money or security from the treasurer.
- C. **Penalty.** Any person violating any provision of this section, shall upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned for not less than thirty (30) days nor more than six (6) months.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ONALASKA

By: \_\_\_\_\_  
Kim Smith, Mayor

By: \_\_\_\_\_  
Caroline Burmaster, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1671 – 2020**

Please route in this order

Eric Rindfleisch, Administrator

  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

   
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

## Title 3 Finance

### Chapter 01 Finance

#### Division 1 Finance Administration

##### 3.01.11 Fee for Returning Checks with Insufficient Funds; Reimbursement of Collection Costs

- A. **Insufficient Fund Fee.** There shall be a Thirty Dollar (\$30.00) fee for processing checks made payable to the City that are returned because of insufficient funds in the account in question.
- B. **Collection.** Collection costs and attorney's fees shall be added to the principal amounts of unpaid bills owed to the City that are placed with collection agencies.

##### 3.01.12 Duplicate Treasurer's Bond Eliminated.

- A. **Bond Eliminated.** The City of Onalaska elects not to give the bond on the bond for the City Treasurer provided for by Sec. 70.67(1), Wis. Stats.
- B. **City Liable for Default of Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Treasurer to the County Treasurer.

##### 3.01.13 Public Depositories

- A. The Common Council shall designate the public depository or depositories within this state within which City funds shall be deposited, and when the money is deposited in such depository in the name of the City, the Financial Services Director and bondsman shall not be liable for such losses as are defined by state law. The Financial Services Director shall invest said money and the interest arising therefrom shall be paid into the City Treasury. Pursuant to state law, designated public depositories shall be required to pledge U.S. Treasury Notes equal in amount to any uninsured balance on the City's deposit. State Law Reference: Chapter 34 and Section 62.12(7), Wis. Stats.

##### 3.01.14 Claims against the City

- A. **Payment of Claims.** In addition to, and in lieu of the other methods provided by statute for the payment of claims against the City, financial claims against the City may be paid from the City Treasury after the Common Council shall have audited and approved each such claim as a proper charge against the Treasury and shall have endorsed his approval thereon, after having determined that the following conditions have been complied with:
  1. That funds are available therefor, pursuant to the budget approved by the Council;
  2. That the item or service covered by such claim has been duly authorized by the proper the proper official, department head or board or commission;
  3. That the item or service covered by such claim has been duly authorized by the property official, department head, or board or commission;
  4. That the item or service has been actually supplied or rendered in conformity with such authorization;
  5. That the claim is just and valid, pursuant to law. The Financial Services Director may require the submission of such proof and evidence to support the foregoing in their discretion as they deem necessary.
- ~~B. **Payment of Regular Wages or Salaries.** Regular wages or salaries of City officers and employees shall be paid by payroll, verified by the proper City official, department head, board or commission and filed with the City Clerk in time for payment on the regular pay day.~~

##### 3.01.15 Temporary Investment of Funds Not Immediately Needed

- A. The Financial Services Director may invest any City funds not immediately needed pursuant to Secs. 66.04(2) and 219.05, Wis. Stats.

##### 3.01.16 Facsimile Signatures

- A. In lieu of the personal signatures of the City Clerk and Mayor, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Common Council, but the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof.

### 3.01.17 Accounts Receivable

- A. **Receiving Money.** The Financial Services Director or his deputies shall not receive any money into the Treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefor in the manner specified by the Common Council.
- B. **Receipts.** Upon the payment of any money (except for taxes as herein provided), the Financial Services Director shall make out a receipt in duplicate for the money so received. The Financial Services Director shall charge the amount thereof to the Treasury and credit the proper account. The payment of the money to any receiving agent of the City or to the City or to the Financial Services Director shall be safeguarded in such manner as the Common Council shall direct.
- C. **Billing Procedures.** Billings by the City may be paid within thirty (30) days after billings without interest. Thereafter, interest may be charged at the rate of one and one-half percent (1½ %) per month or any fraction thereof, until the fifteenth (15th) day of November. Bills not paid on or before the fifteenth (15th) of November shall have added to the total amount due one and one-half percent (1½ %) of said charges shall be entered on the tax role as a special charge and become a lien upon real estate.

### 3.01.18 Statement of ~~Real Property Status~~Special Assessments

- A. Any party may obtain a Statement of ~~Real Property Status~~Special Assessments from the City Clerk with respect to the following information necessary for transfers of real property including:
  - 1. The amount of outstanding special assessments;
  - 2. Deferred assessments;
  - 3. Changes in assessments;
  - 4. Amount of taxes;
  - 5. Outstanding water and sewer bills;
  - 6. Current water and sewer bills;
  - 7. Contemplated improvements;
  - 8. Floodplain status; and
  - 9. Violations of the building and health codes.
- B. The Statement of ~~Special Assessments~~Real Property Status shall be provided in a form prepared by the City Clerk upon payment of the fee as set forth in the City of Onalaska Fee Schedule. A minimum of forty-eight (48) hours is required for preparation of a Statement of Real Property Status.

### 3.01.19 Annual Audits

- A. A firm of certified public accountants shall be employed each year by the City, subject to the confirmation of the Common Council to conduct a detailed audit of the City's financial transactions and its books, and to assist the Financial Services Director in the management of the City's financial affairs, including the City's public utilities. These auditors shall be employed on a calendar-year basis. ~~The books audited may, in addition to the City financial records of the office of the Financial Services Director, include the Financial Services Director's books, the City's public utilities, Police Department records, and any other books of any boards, commission, officers or employees of the City handling City moneys.~~

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## Division 2 City Budget

### 3.01.21 Fiscal Year

- A. The calendar year shall be the fiscal year.

### 3.01.22 City Budget

- A. **Departmental Estimates.** On or before October 1 of each year, each officer, department, board and committee shall file with the Financial Services Director an itemized statement of disbursements during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department, board or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the City and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.
- B. **Consideration of Estimates.** The Financial Services Director and Administrator shall consider such departmental estimates in consultation with the department head and recommend to the Common Council's Finance and Personnel Committee a budget amount for such department or activity. The ~~Finance and Personnel Committee and Common Council~~ ~~Financial Services Director and Administrator~~

shall assist the Financial Services Director and Administrator Finance and Personnel Committee in developing a proposed budget for submission to the Common Council.

- C. **Proposed Budget.** On or before November 1, the Finance and Personnel Committee shall prepare and submit to the Common Council a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar year. The budget shall include the following information:
1. The expense of conducting each department and activity of the City for the ensuing fiscal year and last preceding fiscal year, with reasons provided for increase and decrease recommended as compared with appropriations for the current year.
  2. An itemization of all anticipated income from the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
  3. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
  4. Such other information as may be required by the Common Council and by state law.
- D. **Copies of Budget.** The Financial Services Director shall provide a reasonable number of copies of the budget summary thus prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the Office of the Financial Services Director during regular office hours.
- E. **Budget Hearing.**
1. The Financial Services Director shall submit to the Council at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Council, it shall be deemed to have been regularly introduced therein.
  2. A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for holding the public hearing thereof shall be published in the official newspaper of the City at least fifteen (15) days prior to the time of such public hearing.
  3. Not less than fifteen (15) days after the publication of the proposed budget and the notice of hearing thereof, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
  4. A majority vote of the Common Council is required to adopt the proposed budget and appropriation ordinance.
- F. **Budget Resolutions.** The Common Council, by resolution, shall appropriate out of the receipts of the City of Onalaska for the budget year, including monies received from the general property tax, the amounts set forth in the budget as adopted by Common Council in November of each year, which shall be incorporated herein by reference.
- G. **Tax Levies.** The Common Council, by resolution, shall establish the amounts levied on taxable property within the City of Onalaska each year, which shall be incorporated herein by reference. The City Clerk is hereby authorized and directed to spread the aforesaid levies on the current tax roll of the City.

### 3.01.23 Budget Changes

- A. Upon ~~written~~ recommendation of the Finance and Personnel Committee, the Common Council by resolution may at any time, by a ~~two-thirds~~ (2/3) vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within ten (10) days thereafter in the official newspaper of the City.

### 3.01.24 City Funds to Be Spent in Accordance with Appropriation

- A. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by 3.01.23 of this Division. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

### 3.01.25 Compensation of City Officials and Employees

- A. The salaries, wages, and other compensation of City officials and employees of the City of Onalaska are established by resolution of the Common Council and incorporated herein by reference.

## Chapter 02 Special Assessments

### Division 1 General Provisions

#### 3.02.11 Common Council Authority to Levy Special Assessments

- A. The City of Onalaska by resolution of its Common Council may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement. In addition to other methods approved by law, special assessments for any public work or improvement or any special charge for current services may be levied in accordance with the provisions of this Chapter.
- B. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Common Council.
- C. The favored procedure in the City for proceeding with making specially assessable public improvements as generally set forth in this Chapter is not intended in any way to disregard or to bar proceeding under other methods provided by law for making of public improvements and for the levying of assessments therefor. Nor is this Chapter intended to be an exhaustive, detailed recodification of the state law under said statutory section. Detailed requirements still require reference to said statutory section and the subsections thereunder. The purpose hereof is to generally define and establish local procedures.
- D. **State Law Reference:** Sections 66.0703 and 66.0717, Wis. Stats.

#### 3.02.12 Costs that May be Paid by Special Assessment

- A. The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the City and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Common Council.

#### 3.02.13 Exemptions; Deductions

- A. If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed and shall be made part of the total project cost.
- B. **Corner Lot Credit.** A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the Common Council determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstances the assessment will not be less than the long way of such lot. The Common Council may allow a similar deduction or exemption from special assessments levied for any other public improvement.

#### 3.02.14 Special Assessment for Public Improvements Process

- A. **Preliminary Resolution.** Public improvements carried out pursuant to Section 66.0703, Wis. Stats., and this Chapter shall be initiated by a preliminary resolution presented to the Board of Public Works and then Council by the Director of Public Works, which resolution shall declare the Council's intention to exercise its assessment powers for such municipal purpose(s), describe the same, the limits of the proposed assessment district, the number of installments in which special assessment may be paid or that the number of installments will be determined at hearing thereon, and direct the Director of Public Works to make a report thereon. After adoption of such preliminary resolution by the Common Council, copies thereof shall be forwarded by the City Clerk to the Director of Public Works. The City Clerk shall forthwith, after adoption of such preliminary resolution, obtain a list of the names and addresses of all interested persons, if with reasonable diligence their names and addresses may be obtained, and forward the same to the Director of Public Works. Upon receipt of copy of such preliminary resolution, the Director of Public Works shall prepare the report thereon.
- B. **Report.** The report required under 3.02.14.A above shall consist of:
  - 1. Preliminary or final plans and specifications;
  - 2. An estimate of the entire cost of the proposed work or improvement;

3. An estimate, as to each parcel of property affected, to include:
    - a. The assessment benefits to be levied;
    - b. The damages to be awarded for the property taken or damages;
    - c. The net amount of such benefits over damages or the net amount of such damages over benefits
  4. A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case, the estimates required under 3.02.14.B.3 above shall be replaced by a schedule of the proposed assessments.
  5. A copy of the report when completed shall be filed with the City Clerk for public inspection.
- C. When the Common Council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or rendering of the service, the report required by Sec. 66.0703(5), Wis. Stats., and A. and B. above shall still contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
- D. **Notice Requirements.** On the completion and filing of the report and final resolution with the City Clerk required in Section 3.02.14.B.5 above, the Director of Public Works shall prepare a Notice of Hearing, which notice shall comply with Sec. 66.0703(7)(a), Wis. Stats., and state the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district and the place and time at which the report may be inspected. In publishing the Notice of Hearing, the City Clerk shall set the place and time at which all interested persons, their agents or attorneys may appear before the Common Council or Board of Public Works and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be signed by the City Clerk who shall cause the same to be published at least once in the official newspaper and shall mail a copy of such notice at least ten (10) days before the hearing to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or mailing of said notice.
- E. **Waiver of Notice, Assessments Under.** The Council may, without any notice of hearing, levy and assess the whole or any part of the cost of any municipal work or whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specifically benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. In such cases, the procedure shall be the same as herein before provided excepting for the noticing and holding of public hearing thereon.
- F. **Council Actions after Hearing.**
1. Work or improvement previously authorized, approved or completed prior to the filing of the report or hearing:
    - a. If the work or improvement has not been previously authorized or approved, the Common Council shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
    - b. If the work or improvement has been approved by the Common Council or work commenced or completed prior to the filing of the report or prior to the hearing, then the Common Council shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.
  2. After the hearing the Council may:
    - a. Approve, disapprove, modify or re-refer the report to the Director of Public Works with such directions as it deems necessary to change the plans and specifications as to accomplish a fair and equitable assessment.
    - b. Continue the public hearing, preliminarily approve plans and specifications and, if the project requires advertising for bids, authorize and direct the advertisement therefor with a date certain for consideration and taking action thereon, inclusive of action on said report and action on final resolution.
  3. If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Common Council shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- G. **Final Resolution.** The City Clerk shall publish the final resolution. After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Section 66.0703(12), Wis. Stats., or any other applicable provision of law.
- H. **Issuance of Special Assessment.** As soon as the assessable cost of such work or improvement is finalized, the Finance Department shall issue the special assessments for each property affected and specifying the manner in which payment is to be made and shall send copy of the respective assessment affecting each property to each owner's post office address that is known or can be obtained with reasonable diligence.

- I. **Council's Power to Amend, Cancel or Confirm Special Assessment.** If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Common Council determines to reconsider an assessment, it is empowered, after giving notice as required above to amend, cancel or confirm any prior assessment; and notice of this amending, canceling or confirming be given by the City Clerk as provided above.
- J. **Waiver.** The Common Council may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.

### 3.02.15 Special Circumstances

- A. **Combined Assessments.** If more than a single improvement is undertaken, the Common Council may combine the assessments as a single assessment on each property affected except that the property owner may object to any one or more of said improvements.
- B. **Cost of Improvement Less than Assessment.** If the cost of the work or improvement is less than the assessment levied, the Common Council without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the City shall refund the property owner such overpayment.

### 3.02.16 Appeals; Appealed Assessments Payable When Due

- A. Any person against whose property a special assessment is levied under this Chapter may appeal therefrom in the manner prescribed by Section 66.0703(12) of the Wisconsin Statutes, as amended, within forty (40) days of the date of the final determination of the Common Council.
- B. Pursuant to Section 66.60(t), Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable, and upon default in payment any such appeal shall be dismissed.

### 3.02.17 Payment of Special Assessments; Special Assessments a Lien on Property

- A. **Payment of Special Assessments.**
  - 1. **Without Interest.** Upon receipt of copy of special assessment, any person may pay the same in full, without interest, if paid to the City Treasurer within the grace period therein allowed and as allowed in the final resolution.
  - 2. **Installments.** As set forth in the final resolution, the Common Council may allow any special assessment, when they exceed One Hundred Dollars (\$100.00), to be paid in equal installments, equivalent to the length of time of any bond issuance that is issued for said improvements (the "Financing"), together with interest at the rate determined by the Common Council, uniform with other City special assessments, at a rate equal to one percent (1%) over the interest rate for the Financing together with engineering and administrative fees equal to seven and one-half percent (7.5%) of the project cost shall be added to the Special Assessment cost.
  - 3. **After Grace Period.** If any special assessment, or any part thereof, remains unpaid following the running of the grace period specified for payment without interest, at time of preparation of the first tax roll thereafter, the same together with interest computed thereon at the interest rate established in the final resolution and in said certificates computed thereon from the date of levy (i.e. date of final resolution) or the finalizing of assessable costs whichever is later, shall be entered in such tax roll in such manner as directed in said final resolution and certificate; thereafter, if the same be payable in installments, subsequent installments together with interest at said rate computed on declining balance shall be entered in subsequent tax rolls until fully paid. This provision is in no way intended to prohibit the prepayment of the balance owing at any time on principal together with interest to the date of payment only.
- B. **Assessment as Lien.** Pursuant to Subsection (13) of Section 66.0703, Wisconsin Statutes, any special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the City. The Common Council shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Common Council shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.
- C. **Special Assessments Non Transferrable.** Special assessments ~~for curb and gutter, sanitary sewer and water mains~~ shall not be transferred to a new owner and shall be immediately due and payable to the City when the parcel of real estate is sold, assigned, or conveyed.

### 3.02.18 Special Charges Permissible

- A. In addition to all other methods provided by law, special charges for current services may be imposed by resolution by the Common Council by allocating all or part of the cost of the property served. Such resolution setting forth the property location, the current service rendered by the City and the special charge therefor or cost thereof. Such resolution for special charges may include snow and ice removal, weed elimination, street scaling, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer and water service and tree care or removal. The provision for notice of such charges shall be optional with the Common Council except that in the case of street, sidewalk (except sidewalk repairs as part of the yearly Sidewalk Program Repairs), curb or gutter repair, a Class 1 notice published in the official City newspaper at least twenty (20) days before the hearing or proceeding and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Common Council as to whether the service in question shall be performed.
- B. Special charges for current services shall not be payable installments. If not paid within the period fixed by the Common Council in said resolution, such delinquent special charges, pursuant to Section 3.02.07.C, shall become a lien on said property as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, as provided by Section 66.0627 of the Wisconsin Statutes, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. Notice of special charges for current services need not be given except as required by Section 66.0627 of the Wisconsin Statutes, as amended.
- C. 3.02.04.A of this Chapter shall not be applicable to the proceedings under this Section.

### 3.02.19 Miscellaneous Provisions

- A. If any assessment or charge levied under this Chapter is invalid because such Statutes are found to be unconstitutional, the Common Council may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- B. Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this Chapter that the City may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

## Chapter 03 Disposal of Lost, Abandoned and Surplus Property

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### Division 1 Authority

#### 3.03.11 Disposal of Surplus City Property

- A. **Definitions.**
  - 1. "Surplus City Property" is that property which is owned by the City of Onalaska and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:
    - a. The item or its function has been totally replaced by other City property and no probable future function exists for it; or
    - b. The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
    - c. The item is no longer able to reliably or economically perform the work required of it.
  - 2. Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City property shall not include property which is obtained by the City as a result of abandonment or loss by the property's original owner. Surplus City property shall not include items of property which are traded in for newer items. Surplus City property shall not include library materials used by the public library for lending purposes.
- B. **Determination of Surplus City Property.**
  - 1. Whenever an item of City property is determined to be surplus City property on the basis that the City no longer performs the service for which the item was purchased, the Financial Services Director and applicable Department Head ~~Common Council~~ shall determine whether or not the item is surplus City property.
  - ~~3. Whenever the fair market value of the item is more than Five Hundred Dollars (\$500.00), the Common Council shall determine whether or not the item is surplus City property.~~

**D.C. Disposition of Surplus City Property.**

1. Whenever ~~it is determined the Common Council determines~~ that an item of property is surplus City property, it shall ~~be disposed of in accordance with the City's Finance Policy Manual or as required by law~~ of such property as it determines.
  2. ~~Whenever the fair market value of an item is more than Five Hundred Dollars (\$500.00) and the Common Council has determined, pursuant to the previous Subsection, that the item is surplus City property, the department head responsible for the items shall dispose of the property by:~~
    - ~~Donation to a nonprofit organization within the City or to a governmental agency; or~~
    - a. ~~Public auction; or~~
    - a. ~~Sale by sealed bid; or~~
    - a. ~~Negotiated sale.~~
  2. ~~In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Common Council. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the City and the amount of the bid shall be forfeited to the City. In the event no bids are received, the item shall be disposed of as directed by the Common Council.~~
  2. ~~No public auction or awarding of bids shall occur under this Chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official City newspaper.~~
  2. ~~Whenever the fair market value of an item is Five Hundred Dollars (\$500.00) or less and the Common Council has determined, pursuant to the previous Section, that it is surplus City property, the item shall be either disposed of as set forth in Subsection (c)(2) above or destroyed.~~
- D. Determination of Fair Market Values.** ~~Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.~~
- D. Authority to Dispose of Property.**
1. ~~Except for library materials used by the public library for lending purposes, only the Common Council may dispose of City property which is not surplus City property.~~
  1. ~~Whenever this Section provides for an auction or other disposition of any property, the Common Council shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for City labor and the use of City property, do not exceed the payment received by the City from the auction or sale of the property.~~

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**3.03.12 Lost and Abandoned Property**

- A. City Custody of Lost or Abandoned Property.**
1. Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police by citizens shall be disposed of according to this Section.
  2. Lost and abandoned property will be examined by the Chief of Police for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
  3. No City employee shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
  4. The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
  5. No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain with the Financial Services Director, City Clerk.
- B. Disposal Procedures.**
1. **Classes of Property.** All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
    - a. **Vehicles.** Vehicles shall be disposed of as set forth in the applicable provisions ~~of Title 10, Chapter 4~~, of this Code of Ordinances.
    - b. **Intoxicating Liquor and Fermented Malt Beverages.** Intoxicating liquor and fermented malt beverages shall be destroyed.
    - c. **Firearms, Ammunition and Explosives.** Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement

services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms bureau of the U.S. Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriff's Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.

- d. Other Property with a Fair Market Value of One Hundred Dollars (\$100.00) or Less. An item of property with a fair market value of One Hundred Dollars (\$100.00) or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than One Hundred Dollars (\$100.00) shall be destroyed.
  - e. Other Property with a Fair Market Value of Over One Hundred Dollars (\$100.00). An item of property with a fair market value of more than One Hundred Dollars (\$100.00) shall be sold at public auction or by sealed bid.
  - f. Illegal Property. Property which cannot be legally possessed shall be destroyed.
2. **Disposal by Auction or Sealed Bid.**
- a. Whenever any property under this Section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice shall be published in the official City newspaper. The property auctioned or sold by sealed bid shall be sold in as-is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the City and the amount of the bid be forfeited to the City.
  - b. Any City official selling property under this Section shall maintain for two (2) years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
3. **Lost Property.** Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section until thirty (30) days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any City employee finding property in the regular course of his employment.
4. **Payment to City Treasury.** All sums received from the sale of property under this Section shall be paid to the City Treasury.

### 3.03.13 Unclaimed Funds

- A. **Unclaimed Funds.** On or before January 10 of every odd-numbered year, the City of Onalaska Finance Director or its designee, shall file with the treasurer of La Crosse County a written report under oath giving the names and the last-known addresses of all persons for whom the City of Onalaska Treasurer holds money or security, and which has not been claimed for at least one year, and showing the amount of the money or the nature of the security in detail. A duplicate report shall also be mailed to the Wisconsin Department of Financial Institutions. Upon receiving the reports the La Crosse County Treasurer shall cause to be published a class 3 notice, under Ch. 985 of the Wisconsin Statutes, on or before February 1 of the same year, which contains the names and last-known addresses of the owners of the unclaimed money or security that has a value of at least Ten Dollars (\$10), and shall state that unless the owners call for and prove their ownership of the money or security, within six (6) months from the time of the completed publication, the City of Onalaska Treasurer shall give possession or control of the money or security to the La Crosse County Treasurer. At the end of the 6 months from the time of the completed publication, the La Crosse County Treasurer shall also take possession or control of all money or security of persons for whom the City of Onalaska Treasurer holds money or security, and which has not been claimed for at least one (1) year, if the money or security has a value of less than Ten Dollars (\$10).
- B. **Unclaimed Funds in County Possession.** Any money or security which the La Crosse County Treasurer has taken control over under Section (a) above and has had in its possession or control for more than one year shall, to the extent possible, be deposited into the La Crosse County general revenue fund. Pursuant to Wisconsin Statute §59.66(2)(a)1(am) money or security deposited pursuant to this section may remain in the County's general revenue fund or may be used by La Crosse County until the money or security is paid or delivered to its owner or becomes property of the county. If within ten (10) years from the time any such money or security is delivery to La Crosse County, the owner of the money or security proves to the satisfaction of the La Crosse County Treasurer the owner's right to the

possession of the money or security, it shall be paid or delivered to the owner. If no such proof is made, then at the end of the Ten (10) year period the money or property shall become the property of the county. Nothing in these sections shall be construed to deprive the owner of any such property of the owner's right to proceed by court action for the recovery of such money or security from the treasurer.

- C. **Penalty.** Any person violating any provision of this section, shall upon conviction, be fined not less than fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200) or imprisoned for not less than thirty (30) days nor more than six (6) months.

**AN ORDINANCE TO AMEND TITLE 4 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO ADMINISTRATIVE REVIEW  
DETERMINATIONS**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 4 Administrative Review Determinations is hereby deleted in its entirety and replaced by Title 4 Public Records as follows:

## Title 4 Public Records

### Chapter 01 Public Records

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#### Division 1 Authority

##### 4.01.11 Definitions

- A. **Authority.** Any of the following City entities having custody of a City record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted sub-unit of the foregoing, any court of law, or any other person or entity so designated by Sec. 19.32(1) Wis. Stats.
- B. **Custodian.** That officer, department head, or employee of the City designated under Section 4.01.13 or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this Section to respond to requests for access to such records.
- C. **Record.** Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

##### 4.01.12 Declaration of Policy

- A. A representative government is dependent on upon an informed electorate and therefore it is the policy of the City of Onalaska that all persons are entitled to the greatest possible information regarding the affairs of their government and the official acts of those officers and employees who represent them. Further, providing persons with such information is an essential function of government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, this ordinance shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest and only in exceptional cases may access be denied. Therefore, the City of Onalaska adopts and incorporates, as though fully set forth herein, the provisions of Wisconsin Public Records laws, Secs. 19.31 through 19.39 Wis. Stats. The provisions of this Chapter are intended to supplement, not to replace or supplant, the Wisconsin Public Records laws.

##### 4.01.13 Records Custodian(s)

- A. **Custodians.** The City Clerk is the legal custodian of the records of the Common Council as a body politic and for all Common Council boards, committees and commissions. Each alderperson shall be the custodian of their individual official records, such as their correspondence, memorandums and e-mail. Any alderperson may designate, in writing, the City Clerk to act as the official custodian of the alderperson's individual official records. For every Department, the Department Head is the custodian of

records for their Department or Agency. Every custodian of records shall designate in writing one (1) or more employees to act in their absences as an alternate custodian of such records.

- B. **Duties of Custodians.** Custodians are vested with the full legal power to render decisions and carry out the duties of the City under this Ordinance. Each custodian shall establish procedures for handling records and shall see that all of their employees entrusted with records are informed of these procedures. Prior to providing access to or a copy of any records, the custodian shall review the records to determine that the records are responsive to the requests, whether any redactions are required or whether access should be denied as to any record. If a custodian has any question about granting or denying a request to inspect or copy any record, they shall consult with the City Attorney.
- C. **Public Records Training.** Each custodian and alternate custodian shall receive training regarding public records laws as soon as practicable upon receiving these duties. Custodians and alternate custodians are personally responsible for keeping current with any developments or advancements in records keeping and the Wisconsin Public Records Laws.

#### 4.01.14 Public Access to Records

- A. **Form of Request.** The Wisconsin Public Records Law dictates that certain actions must be taken with regards to oral requests for records and that certain more formal actions are taken in response to written requests for records. However, the state law does not expressly state how to respond to the following methods of communication. Therefore, requests made by the following means shall be responded to as follows:
  - 1. **E-mail.** A request made by e-mail may be responded to via e-mail or in writing and shall have all of the formalities as though the request was made in writing.
  - 2. **Voice-mail.** A request made by voice-mail shall be responded to as though it were made orally.
  - 3. **Instant Messaging/Text Messaging.** A request made in either such manner shall be treated as an oral request.
- B. **Treatment of Certain Data as Records.** The Wisconsin Public Records Law provides little or no guidance as to whether the raw and perishable data of the following technologies qualify as records that must be maintained. Therefore the Onalaska Common Council determines the following status of these technologies
  - 1. **E-mail.** The data in an e-mail message may constitute a public record and is subject to maintenance as a public record. The data in an e-mail is subject to the same analysis under the public records statutes as an equivalent paper or hard copy record. The Information Technology Department is responsible for ensuring that all e-mails are properly preserved for such analysis.
  - 2. **Voice-mail.** A voice-mail message is not a public record and voice-mail messages do not have to be maintained as public records. These messages are the functional equivalent of phone conversations. Phone conversations clearly are not public records. Additionally, these messages also share many of the attributes of "personal notes" which are not public records either. Finally, these messages cannot be indexed or maintained in any manner that would allow for their easy classification, searching or retrieval.
  - 3. **Instant Messaging (IM)/Text Messaging (TM).** Except as set forth in this paragraph and in Subparagraph 4.01.14.B.9. and 10. hereof, the data involved in IM/TM communications is not subject to maintenance as a public record. IM/TM has all of the attributes of instantaneous exchange of ideas, as does a regular telephone conversation. Furthermore, the data exchange has the same technological issues as to capturing and storage of data that is present with regards to voice-mail with an additional concern - the raw data is often only briefly stored or not stored at all by the third party vendors or hosts that provide these services. Thus, this technology is even closer to a true telephone conversation than are voice-mails. Therefore, City employees and officials shall refrain from using such services for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed, unless the employee or official preserves a copy of such communications by either copying them to their email account, downloading the communications to their City computer, making a computer file of the communications or by printing and retaining a copy of such communications.
  - 4. **Voice Over the Internet Protocol (VOIP).** The City does not monitor nor record the data associated with the conversations that occur over VOIP. Such conversations are the very same real time voice communications as standard telephone conversations that are not public records. The only difference between these communications is the medium employed in transmitting the voice communications from one (1) participant in the conversation to all others involved in the conversation.
  - 5. **Audio, Video, Data Transmissions & Communications.** Although audio, video, data and radio transmissions and communications may be processed through City computers, the City does not routinely copy the data nor maintain records of such communications. Whenever the City copies, records or maintains copies or recordings of such communications or transmissions, those copies may constitute public records that are subject to records requests and which must be maintained

according to the appropriate records retention schedule. The La Crosse County 9-1-1 Dispatch center is the custodian for police and fire radio communications.

6. **Photo/Audio/Video Recordings.** Unless otherwise provided herein, are public records subject to requests and must be maintained according to the retention schedules published herein.
  - a. **Rewritable Recording Systems.** Those systems where the recordings are routinely overwritten by newer recordings, such as in continuous loop videotape or digital video written to a camera's hard drive or memory, such data does not constitute a record unless it is further downloaded, printed or separately preserved to memorialize some event or proceeding. Until such time as these recordings are downloaded, printed or separately preserved, these recordings do not have to be preserved and, as the recording equipment programs/protocols may dictate, can be overwritten, erased or otherwise destroyed. However, if such data is downloaded, printed, or separately preserved it shall be treated as a record and shall be retained in accordance with the retention schedules.
  - b. **Recordings Made for the Purpose of Preparing Minutes of Meetings.** In accordance with Sec. 19.21(7), Wis. Stats., any tape recording of a meeting, as defined in Sec. 19.82(2), Wis. Stats., by any City body as defined by Sec. 19.82(1), Wis. Stats., to include each City board, commission and committee, may be destroyed, overwritten, or recorded over no sooner than ninety (90) days after the minutes have been approved and published if the purpose of the recording was to take minutes of the meeting.
7. **Electronic Document Files.** Where records, as that term is defined in Sec. 19.32(2), Wis. Stats., exist in an electronic format only, such electronic records shall be maintained according to the appropriate retention schedule. Where both hard copy (i.e., paper) and electronic copies of a record exist they shall each be subject to public records requests. However, when the custodian has designated, pursuant to Subparagraph 9. electronic records as the official records, only the electronic copy shall be retained and made available for inspection under the public records laws. Where the custodian has not made such a designation, only the hard copy shall be subject to inspection as a public record and the electronic copies shall be treated and disposed of as draft documents that do not need to be maintained beyond creation of the final hard copy
8. **Electronic logs/Temporary Data Files.** These logs and temporary data files provide detailed information about the design and functionality of the City's computer network. These logs are routinely overwritten on a daily basis due to the high volume of traffic that is being logged. Unrestricted access to these logs and files would constitute a breach of system security and leave the system vulnerable to exploitation and hacking. In order to ensure network security, these logs are available to Information Technology Department authorized staff only. These determinations apply to the following types of logs and data files:
  - a. **Syslogs for Network Electronic Devices.** All logs created by network devices such as firewalls, routers, switches, etc., which are used for monitoring and trending computer network traffic patterns and/or detecting unauthorized network traffic.
  - b. **Network Server Security, Application and Event Logs.** These logs are used to monitor activity on City network servers including successful/unsuccessful login attempts, file system access, hardware performance, etc. These logs provide detailed information about City network account ID's, file system structure, and hardware profiles.
  - c. **Network Security Appliance Logs.** All logs created by network security devices such as the anti-virus appliance, anti-SPAM appliance, content filtering appliance, etc., which are used to monitor specific types of unauthorized or malicious traffic on the City network. These logs identify specific network traffic patterns and/or protocols that are allowed or disallowed on the City network.
  - d. **Application Logs.** These logs are used to monitor activity on various database applications, but do not contain specific audits of database transactions. These logs can contain version information, program variables, and programming logic.
9. **Emerging Technologies and Records Retention.** As new information technologies emerge the Information Technologies Department shall evaluate these technologies and their benefit to City operations. The City shall consider whether any of these technologies provide the capacity to archive public records created by these technologies. Whenever it is economically and practically feasible to archive records created by such technologies that archiving shall be incorporated into any deployment of said technologies. Whenever the technologies do not provide for such archiving capabilities the Information Technology Department shall consider whether the benefits of employing such technologies outweigh the risks that some public records may not be retained by deployment of such technologies. Where such benefits outweigh these risks City employees shall refrain from using such technologies for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed. In the event that such technologies are used for such communications purposes the employee shall preserve a copy

of such communications by either copying them to their email account, downloading the communications to their City computer, making a computer file of the communications or by printing and retaining a copy of such communications. The Information Technology Department shall also ensure that, as soon as practical and economically feasible, archiving systems are obtained for any information technology that is deployed without an archiving system.

**C. Access to Records; Fees.**

**1. Format for Delivery of Records:**

- a. **Same Format as Record Exists & Redacted Records.** Except as otherwise provided by law, any requester may receive or inspect a record in the very same format in which the City maintains the record. However, whenever it is necessary to redact or excise portions of a record in order to comply with the Wisconsin Public Records Laws, the redactions shall be made with the assistance of the Information Technology Department. Whenever electronic redaction or excisions cannot be done in a secure manner that preserves such redactions and prevents the viewing of the redacted information then such redactions should be made by hand, not electronically, and the requestor shall only receive a hard copy, not an electronic copy, of the redacted record. A requestor may not be charged for the time necessary to review a record and to redact or excise non-releasable materials.
- b. **E-mailing Records.** When practicable and unless another form has been specifically requested, records shall be e-mailed to the requestor. There shall not be any reproduction charge for e-mailing records, however, such records may still be subject to payment of a location fee as established in Sec. 19.35(3)(c), Wis. Stats.

**2. Reproduction Fees.** The City of Onalaska shall adopt, at a minimum annually, a schedule of fees for the reproduction of records that shall be used by every department. Such schedule shall include the following provisions and considerations:

- a. Fees imposed upon a records requestor may not exceed the actual, necessary and direct costs of reproducing and/or transcribing of the record, unless a fee is otherwise specifically established or authorized by state or federal law.
- b. If the record exists in such a format that it cannot be easily reproduced, such as a mock-up of a building, then the custodian may photograph the record and may charge the requestor for the actual, necessary and direct costs of such photographing and photographic processing.
- c. No charge for copying records of one hundred (100) pages or less.
- d. Full cost of reproduction for materials such as films, tapes, computer printouts, etc. not otherwise identified in the schedule developed under this subsection. In such cases, the Department Head who is the records custodian, in consultation with the City Attorney, must determine the costs for reproduction of such records. The determination of these costs shall be made by utilizing a practice or factors that are as uniform as practicable across City Departments.
- e. **Location Fee.** If the cost of locating a requested record is Fifty Dollars (\$50.00) or more, the requester shall pay the full cost, as determined by the Department Head. Such cost shall not exceed the actual, necessary and direct cost of locating such record. Whenever it is determined that such location costs will exceed Fifty Dollars (\$50.00) the requestor shall be required to post a deposit with the custodian that is equal to the reasonable good faith estimate of such costs.
- f. **Mailing Fee.** Custodians shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or record that is mailed or shipped to the requester.
- g. **Fee Waivers.** A custodian may provide copies of a record without charge or at a reduced charge where the Department Head determines in writing that waiver or reduction of the fee is in the public interest.
- h. **Prepayment of Fees.** Custodians may require prepayment by a requester of any fee or fees imposed under this Chapter if the total amount exceeds Ten Dollars (\$10.00) and a custodian shall require prepayment by a requester of any fee or fees imposed under this subdivision if the total amount exceeds Fifty Dollars (\$50.00). If prepayment is required, the custodian shall not process the request until such prepayment has been posted with the custodian.

**3. Special Rules Regarding Reproduction of E-mail Records.**

- a. **Reproducing Emails Dated Earlier than January 1, 2003.** Emails dated earlier than January 1, 2003 were not stored on the mail server but may be in a local archive. The restoration and location of these e-mails is difficult and labor intensive. Such requests for these records often take more than fifteen (15) business days to comply with due to labor and technical issues. Custodians who receive requests for these records should inform the requester of these issues. Such requests should be immediately forwarded to the Information Technology Department who may prepare an estimate of the actual, necessary and direct cost of locating such records and whom shall provide technical assistance to the custodian.
- b. **Reproducing E-mails Dated After January 1, 2003.** Emails dated after January 1, 2003 are likely to have been preserved in a searchable format, many factors effect this and it is largely

dependent on the systems in place during the date range of the emails and the user. When requests are made. Such requests for these records often take ten (10) or more business days to comply with due to the labor and technical issues.

4. **Time for Compliance and Procedures.**

- a. **Time.** The fulfillment of public records requests is a high priority for the City. Therefore, each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of their determination to deny the request in whole or in part and the reasons therefore. If a request may take more than ten (10) business days to process, then the custodian must respond to the requestor within those ten (10) days with an estimate of when such processing shall be completed and an explanation of the reasons supporting that estimate.
- b. **City Attorney Consultation Required.** Before any custodian may deny access to any records or portion thereof, the custodian must consult with the City Attorney. Such consultation shall occur as soon as practicable after the custodian has assembled and reviewed the requested record. In any response to a requestor, the custodian shall include a statement that he or she consulted the City Attorney regarding the denial of access to any records. Any denial of access made by a custodian without such consultation and statement is not considered a response from the City of Onalaska.

5. **No Destruction of Records While a Request is Pending or While a Denial of a Request is Being Appealed.** No custodian may destroy any record at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date that the request is denied. If any legal action is pending regarding or related to the record, the record may not be destroyed without the express authorization of the City Attorney. No record that is the object of or which has been produced pursuant to a discovery order or a subpoena may be destroyed without the express consent of the City Attorney.

6. **Retention Schedules.** The City of Onalaska, in accordance with Secs. 19.21(4)(b) and 16.61(3)(e), Wis. Stats., adopts the following record retention schedules:

- a. **Retention Schedule.** The City of Onalaska adopts the State of Wisconsin Municipal Records Retention Schedule. A copy of the complete schedule is attached to this Title as Appendix A.
- b. **Records that are Evidence.** No record may be destroyed that has been identified as, or that may have value as, evidence in any civil or criminal legal proceeding, labor arbitration or disciplinary action. No record may be destroyed at any time within sixty (60) days of the denial of a request to review the record or any part thereof.
- c. **Compliance with Federal or Other Record Retention Requirements.** Notwithstanding the City of Onalaska Records Retention Schedule set forth in Subparagraph a. above, custodians may not destroy any record where any contract, grant, funding conditions, state or federal statute require that such records be maintained for a longer period of time.
- d. **Offer of Records to State Historical Society Before Destruction.** The City is required to offer all obsolete records to the State Historical Society in accordance with Appendix A prior to destruction of those records. The Information Technology Director or any Department Head, may apply to the State Historical Society for a waiver of this requirement as to certain categories of records under such person's authority that they reasonably believe have little or no significant historical value.

- D. **Electronic Formatting or Other Reproduction of Records.** Any City officer or Department Head may, with the approval of the City Attorney's office in consultation with the Information Technology Department, may retain and preserve public records in their possession by means of microfilm, or another reproduction method, optical imaging or electronic formatting. Such records shall meet the standards for photographic reproduction set forth in Secs. 16.61(7)(a) and (b) Wis. Stats., and Chs. PR 1 and Wis. Admin. Code 12. Such records shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Subsections (1) through (3) of this ordinance. This ordinance does not require that past copies of a record be converted to the new format(s). However, when the decision is made to convert old records to the new format, the original hardcopy of any document or record which has been converted to the new format may be destroyed once the Records Disposition Authorization for that records classification has been approved by the Wisconsin State Public Records Board and only when such destruction is permissible under Subsection (7) of this ordinance. A requester shall be charged a fee to defray the cost of copying records. The fee shall be set forth on the City of Onalaska Fee Schedule. The actual cost of duplication shall be charged for oversized documents.

#### 4.01.15 Limitations on Right to Access

- A. As provided in Sec. 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
  2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
  3. Computer programs and files, although the material used as input for a computer program/file or the material produced as a product of the computer program is subject to inspection; and
  4. Pursuant to Sec. 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.
- B. As provided by Sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Section.

#### 4.01.16 Preservation Through Microfilm or Other Imaging Technology

- A. Any custodian, may, subject to the approval of the City Clerk, keep and preserve public records in their possession by means of microfilm or other photographic or image reproduction methods. Such records shall meet the standards for reproduction set forth in Sec. 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department and shall be open to public inspection and copying pursuant to the provisions of state law and this Chapter.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ONALASKA

By: \_\_\_\_\_  
Kim Smith, Mayor

By: \_\_\_\_\_  
Caroline Burmaster, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1672 – 2020**

**Please route in this order**

Cari Burmaster, City Clerk

Cari Burmaster  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

# Title 4 Public Records

## Chapter 01 Public Records

### Division 1 Authority

#### 4.01.11 Definitions

- A. **Authority.** ~~Authority means a~~Any of the following City entities having custody of a City record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted sub-unit of the foregoing, ~~any court of law, or any other person or entity so designated by Sec. 19.32(1) Wis. Stats.~~
- B. **Custodian.** ~~Custodian means t~~That officer, department head, ~~division head,~~ or employee of the City designated under Section 4.01.13 or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this Section to respond to requests for access to such records.
- C. **Record.** ~~Record means a~~Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.
- D. ~~Direct Cost means the actual cost of personnel plus all expenses for paper, copier time, depreciation and supplies.~~
- E. ~~Actual Cost means the total cost of personnel including wages, fringe benefits and all other benefits and overhead related to the time spent in search of records.~~

#### 4.01.12 ~~Duty to Maintain Records~~Declaration of Policy

- A. ~~A representative government-Except as provided under Section 3-3-7, each officer and employee of the City shall safely keep and preserve is dependent on upon an informed electorate and therefore it is the policy of the City of Onalaska that all persons are entitled to the greatest possible information regarding the affairs of their government and the official acts of those officers and employees who represent them. Further, providing persons with such information is an essential function of government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, this ordinance shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest and only in exceptional cases may access be denied. Therefore, the City of Onalaska adopts and incorporates, as though fully set forth herein, the provisions of Wisconsin Public Records laws, Secs. 19.31 through 19.39 Wis. Stats. The provisions of this cChapter are intended to supplement, not to replace or supplant, the Wisconsin Public Records laws, all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.~~
- A. ~~Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.~~

#### 4.01.13 Legal Records Custodian(s)

- A. **Custodians.** The City Clerk is the legal custodian of the records of the Common Council as a body politic and for all Common Council boards, committees and commissions. Each alderperson shall be the custodian of their individual official records, such as their correspondence, memorandums and e-mail. Any alderperson may designate, in writing, the City Clerk to act as the official custodian of the alderperson's individual official records. For every Department, the Department Head is the custodian of records for their Department or Agency. Every custodian of records shall designate in writing one (1) or more employees to act in their absences as an alternate custodian of such records. Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate the City Clerk to act as the legal custodian.
- B. **Duties of Custodians.** Custodians are vested with the full legal power to render decisions and carry out the duties of the City under this Ordinance. Each custodian shall establish procedures for handling records and shall see that all of their employees entrusted with records are informed of these procedures. Prior to providing access to or a copy of any records, the custodian shall review the records to determine that the records are responsive to the requests, whether any redactions are required or whether access should be denied as to any record. If a custodian has any question about granting or denying a request to inspect or copy any record, they shall consult with the City Attorney.
- B. **Public Records Training.** Each custodian and alternate custodian shall receive training regarding public records laws as soon as practicable upon receiving these duties. Custodians and alternate custodians are personally responsible for keeping current with any developments or advancements in records keeping and the Wisconsin Public Records Laws. Unless provided in Subsection (c), the City Clerk or the Clerk's designee shall act as legal custodian for the Common Council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Common Council. The following offices or authorities shall have as a legal custodian of records the individual so named:

C. \_\_\_\_\_

D. \_\_\_\_\_

E. \_\_\_\_\_

<b>F. Authority</b>	<b>Designated Legal Custodian</b>
City Assessor's Office	City Assessor
General City Records (including Council Records)	City Clerk
Fire Department	Fire Chief
Financial Records	Financial Services Director
Police Department	Chief of Police
City Attorney's Office	City Attorney
Parks and Recreation	Parks and Recreation Director
Public Works	Director of Public Works
Building Inspections; Zoning	Land Use Development Director
Utilities	Utilities Commissioner/City Clerk

Q.C. \_\_\_\_\_

- R. For every authority not specified in Subsections (a) and (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- S. Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the City Clerk.
- T. The City Clerk shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

#### 4.01.14 Public Access to Records

- A. **Form of Request.** The Wisconsin Public Records Law dictates that certain actions must be taken with regards to oral requests for records and that certain more formal actions are taken in response to written requests for records. However, the state law does not expressly state how to respond to the following methods of communication. Therefore, requests made by the following means shall be responded to as follows:
1. **E-mail.** A request made by e-mail may be responded to via e-mail or in writing and shall have all of the formalities as though the request was made in writing.
  2. **Voice-mail.** A request made by voice-mail shall be responded to as though it were made orally.
  - 4-3. **Instant Messaging/Text Messaging.** A request made in either such manner shall be treated as an oral request. Except as provided in Section 3-3-6 any person has a right to inspect a record and to make or receive a copy of any record of provided in Sec. 19.35(1), Wis. Stats.

**B. Records will be available for inspection and copying during all regular office hours****Treatment of Certain Data as Records:**. The Wisconsin Public Records Law provides little or no guidance as to whether the raw and perishable data of the following technologies qualify as records that must be maintained. Therefore the Onalaska Common Council determines the following status of these technologies

1. **E-mail.** The data in an e-mail message may constitute a public record and is subject to maintenance as a public record. The data in an e-mail is subject to the same analysis under the public records statutes as an equivalent paper or hard copy record. The Information Technology Department is responsible for ensuring that all e-mails are properly preserved for such analysis.
2. **Voice-mail.** A voice-mail message is not a public record and voice-mail messages do not have to be maintained as public records. These messages are the functional equivalent of phone conversations. Phone conversations clearly are not public records. Additionally, these messages also share many of the attributes of "personal notes" which are not public records either. Finally, these messages cannot be indexed or maintained in any manner that would allow for their easy classification, searching or retrieval.
3. **Instant Messaging (IM)/Text Messaging (TM).** Except as set forth in this paragraph and in ~~s~~Subparagraph 4.01.14.B.9. and 10. hereof, the data involved in IM/TM communications is not subject to maintenance as a public record. IM/TM has all of the attributes of instantaneous exchange of ideas, as does a regular telephone conversation. Furthermore, the data exchange has the same technological issues as to capturing and storage of data that is present with regards to voice-mail with an additional concern - the raw data is often only briefly stored or not stored at all by the third party vendors or hosts that provide these services. Thus, this technology is even closer to a true telephone conversation than are voice-mails. Therefore, City employees and officials shall refrain from using such services for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed, unless the employee or official preserves a copy of such communications by either copying them to their email account, downloading the communications to their ~~e~~City computer, making a computer file of the communications or by printing and retaining a copy of such communications.
4. **Voice Over the Internet Protocol (VOIP).** The City does not monitor nor record the data associated with the conversations that occur over VOIP. Such conversations are the very same real time voice communications as standard telephone conversations that are not public records. The only difference between these communications is the medium employed in transmitting the voice communications from one (1) participant in the conversation to all others involved in the conversation.
5. **Audio, Video, Data Transmissions & Communications.** Although audio, video, data and radio transmissions and communications may be processed through ~~e~~City computers, the City does not routinely copy the data nor maintain records of such communications. Whenever the City copies, records or maintains copies or recordings of such communications or transmissions, those copies may constitute public records that are subject to records requests and which must be maintained according to the appropriate records retention schedule. The La Crosse County 9-1-1 Dispatch center is the custodian for police and fire radio communications.
6. **Photo/Audio/Video Recordings.** Unless otherwise provided herein, are public records subject to requests and must be maintained according to the retention schedules published herein.
  - a. **Rewritable Recording Systems.** Those systems where the recordings are routinely overwritten by newer recordings, such as in continuous loop videotape or digital video written to a camera's hard drive or memory, such data does not constitute a record unless it is further downloaded, printed or separately preserved to memorialize some event or proceeding. Until such time as these recordings are downloaded, printed or separately preserved, these recordings do not have to be preserved and, as the recording equipment programs/protocols may dictate, can be overwritten, erased or otherwise destroyed. However, if such data is downloaded, printed, or separately preserved it shall be treated as a record and shall be retained in accordance with the retention schedules.
  - b. **Recordings Made for the Purpose of Preparing Minutes of Meetings.** In accordance with ~~Sec. Wis. Stat. § 19.21(7), Wis. Stats.,~~ any tape recording of a meeting, as defined in ~~Sec. Wis. Stat. § 19.82(2), Wis. Stats.,~~ by any ~~e~~City body as defined by ~~Sec. Wis. Stat. § 19.82(1), Wis. Stats.,~~ to include each City board, commission and committee, may be destroyed, overwritten, or recorded over no sooner than ninety (90) days after the minutes have been approved and published if the purpose of the recording was to take minutes of the meeting.
7. **Electronic Document Files.** Where records, as that term is defined in ~~Sec. Wis. Stat. § 19.32(2), Wis. Stats.,~~ exist in an electronic format only, such electronic records shall be maintained according to the appropriate retention schedule. Where both hard copy (i.e., paper) and electronic copies of a record exist they shall each be subject to public records requests. However, when the custodian has designated, pursuant to ~~Subparagraph sub. 9.~~ electronic records as the official records, only the

electronic copy shall be retained and made available for inspection under the public records laws. Where the custodian has not made such a designation, only the hard copy shall be subject to inspection as a public record and the electronic copies shall be treated and disposed of as draft documents that do not need to be maintained beyond creation of the final hard copy

8. **Electronic logs/Temporary Data Files.** These logs and temporary data files provide detailed information about the design and functionality of the eCity's computer network. These logs are routinely overwritten on a daily basis due to the high volume of traffic that is being logged. Unrestricted access to these logs and files would constitute a breach of system security and leave the system vulnerable to exploitation and hacking. In order to ensure network security, these logs are available to Information Technology Department authorized staff only. These determinations apply to the following types of logs and data files:
  - a. **Syslogs for Network Electronic Devices.** All logs created by network devices such as firewalls, routers, switches, etc., which are used for monitoring and trending computer network traffic patterns and/or detecting unauthorized network traffic.
  - b. **Network Server Security, Application and Event Logs.** These logs are used to monitor activity on eCity network servers including successful/unsuccessful login attempts, file system access, hardware performance, etc. These logs provide detailed information about eCity network account ID's, file system structure, and hardware profiles.
  - c. **Network Security Appliance Logs.** All logs created by network security devices such as the anti-virus appliance, anti-SPAM appliance, content filtering appliance, etc., which are used to monitor specific types of unauthorized or malicious traffic on the eCity network. These logs identify specific network traffic patterns and/or protocols that are allowed or disallowed on the eCity network.
  - d. **Application Logs.** These logs are used to monitor activity on various database applications, but do not contain specific audits of database transactions. These logs can contain version information, program variables, and programming logic.

4.9. **Emerging Technologies and Records Retention.** As new information technologies emerge the Information Technologies Department shall evaluate these technologies and their benefit to City operations. The City shall consider whether any of these technologies provide the capacity to archive public records created by these technologies. Whenever it is economically and practically feasible to archive records created by such technologies that archiving shall be incorporated into any deployment of said technologies. Whenever the technologies do not provide for such archiving capabilities the Information Technology Department shall consider whether the benefits of employing such technologies outweigh the risks that some public records may not be retained by deployment of such technologies. Where such benefits outweigh these risks City employees shall refrain from using such technologies for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed. In the event that such technologies are used for such communications purposes the employee shall preserve a copy of such communications by either copying them to their email account, downloading the communications to their eCity computer, making a computer file of the communications or by printing and retaining a copy of such communications. The Information Technology Department shall also ensure that, as soon as practical and economically feasible, archiving systems are obtained for any information technology that is deployed without an archiving system.-

### **C. Access to Records; Fees.**

#### **1. Format for Delivery of Records:**

- a. **Same Format as Record Exists & Redacted Records.** Except as otherwise provided by law, any requester may receive or inspect a record in the very same format in which the City maintains the record. However, whenever it is necessary to redact or excise portions of a record in order to comply with the Wisconsin Public Records Laws, the redactions shall be made with the assistance of the Information Technology Department. Whenever electronic redaction or excisions cannot be done in a secure manner that preserves such redactions and prevents the viewing of the redacted information then such redactions should be made by hand, not electronically, and the requestor shall only receive a hard copy, not an electronic copy, of the redacted record. A requestor may not be charged for the time necessary to review a record and to redact or excise non-releasable materials.
- b. **E-mailing Records.** When practicable and unless another form has been specifically requested, records shall be e-mailed to the requestor. There shall not be any reproduction charge for e-mailing records, however, such records may still be subject to payment of a location fee as established in Sec. Wis. Stat. § 19.35(3)(c), Wis. Stats.

2. **Reproduction Fees.** The City of Onalaska shall adopt, at a minimum annually, a schedule of fees for the reproduction of records that shall be used by every department. Such schedule shall include the following provisions and considerations:

- a. Fees imposed upon a records requestor may not exceed the actual, necessary and direct costs of reproducing and/or transcribing of the record, unless a fee is otherwise specifically established or authorized by state or federal law.
  - b. If the record exists in such a format that it cannot be easily reproduced, such as a mock-up of a building, then the custodian may photograph the record and may charge the requestor for the actual, necessary and direct costs of such photographing and photographic processing.
  - c. No charge for copying records of **one hundred (100)** pages or less.
  - d. Full cost of reproduction for materials such as films, tapes, computer printouts, etc. not otherwise identified in the schedule developed under this subsection. In such cases, the Department Head who is the records custodian, in consultation with the City Attorney, must determine the costs for reproduction of such records. The determination of these costs shall be made by utilizing a practice or factors that are as uniform as practicable across City **d**Departments.
  - e. **Location Fee.** If the cost of locating a requested record is **f**Fifty **d**Dollars (\$50.00) or more, the requestor shall pay the full cost, as determined by the **d**Department **h**HHead. Such cost shall not exceed the actual, necessary and direct cost of locating such record. Whenever it is determined that such location costs will exceed **f**Fifty **d**Dollars (\$50.00) the requestor shall be required to post a deposit with the custodian that is equal to the reasonable good faith estimate of such costs.
  - f. **Mailing Fee.** Custodians shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or record that is mailed or shipped to the requester.
  - g. **Fee Waivers.** A custodian may provide copies of a record without charge or at a reduced charge where the **d**Department **h**HHead determines in writing that waiver or reduction of the fee is in the public interest.
  - a-h. **Prepayment of Fees.** Custodians may require prepayment by a requester of any fee or fees imposed under this Chapter if the total amount exceeds **t**Ten **d**Dollars (\$10.00) and a custodian shall require prepayment by a requester of any fee or fees imposed under this subdivision if the total amount exceeds **f**Fifty **D**dollars (\$50.00). If prepayment is required, the custodian shall not process the request until such prepayment has been posted with the custodian. If regular-office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours' advance notice of intent to inspect or copy.
3. **Special Rules Regarding Reproduction of E-mail Records.**
    - a. **Reproducing Emails Dated Earlier than January 1, 2003.** Emails dated earlier than January 1, 2003 were not stored on the mail server but may be in a local archive. The restoration and location of these e-mails id difficult and labor intensive. Such requests for these records often take more than fifteen (15) business days to comply with due to labor and technical issues. Custodians who receive requests for these records should inform the requester of these issues. Such requests should be immediately forwarded to the Information Technology Department who may prepare an estimate of the actual, necessary and direct cost of locating such records and whom shall provide technical assistance to the custodian.
    - b. **Reproducing E-mails Dated After January 1, 2003.** Emails dated after January 1, 2003 are likely to have been preserved in a searchable format, many factors effect this and it is largely dependent on the systems in place during the date range of the emails and the user. When requests are made . Such requests for these records often take ten (10) or more business days to comply with due to the labor and technical issues.
  4. **Time for Compliance and Procedures.** A requester shall be permitted to use facilities comparable to those available to City employees to inspect, copy or abstract a record.
    - a. **Time.** The fulfillment of public records requests is a high priority for the City. Therefore, each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of their determination to deny the request in whole or in part and the reasons therefore. If a request may take more than ten (10) business days to process, then the custodian must respond to the requestor within those ten (10) days with an estimate of when such processing shall be completed and an explanation of the reasons supporting that estimate.
    - b. **City Attorney Consultation Required.** Before any custodian may deny access to any records or portion thereof, the custodian must consult with the City Attorney. Such consultation shall occur as soon as practicable after the custodian has assembled and reviewed the requested record. In any response to a requestor, the custodian shall include a statement that he or she consulted the City Attorney regarding the denial of access to any records. Any denial of access made by a

custodian without such consultation and statement is not considered a response from the City of Onalaska.

**5. No Destruction of Records While a Request is Pending or While a Denial of a Request is Being Appealed.** No custodian may destroy any record at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date that the request is denied. If any legal action is pending regarding or related to the record, the record may not be destroyed without the express authorization of the City Attorney. No record that is the object of or which has been produced pursuant to a discovery order or a subpoena may be destroyed without the express consent of the City Attorney.

**6. Retention Schedules.** The City of Onalaska, in accordance with Secs. 19.21(4)(b) and 16.61(3)(e), Wis. Stats., adopts the following record retention schedules:

- a. **Retention Schedule.** The City of Onalaska adopts the State of Wisconsin Municipal Records Retention Schedule. A copy of the complete schedule is attached to this Title -as Appendix A.
- b. **Records that are Evidence.** No record may be destroyed that has been identified as, or that may have value as, evidence in any civil or criminal legal proceeding, labor arbitration or disciplinary action. No record may be destroyed at any time within sixty (60) days of the denial of a request to review the record or any part thereof.
- c. **Compliance with Federal or Other Record Retention Requirements.** Notwithstanding the City of Onalaska Records Retention Schedule set forth in ~~Subparagraph sub-~~ a. above, custodians may not destroy any record where any contract, grant, funding conditions, state or federal statute require that such records be maintained for a longer period of time.
- d. **Offer of Records to State Historical Society Before Destruction.** The City is required to offer all obsolete records to the State Historical Society in accordance with Appendix A prior to destruction of those records. The Information Technology Director or any Department Head, may apply to the State Historical Society for a waiver of this requirement as to certain categories of records under such person's authority that they reasonably believe have little or no significant historical value.

~~—~~ **Electronic Formatting or Other Reproduction of Records.** Any City officer or ~~e~~Department ~~h~~Head may, with the approval of the City Attorney's office in consultation with the Information Technology Department, may retain and preserve public records in their possession by means of microfilm, or another reproduction method, optical imaging or electronic formatting. Such records shall meet the standards for photographic reproduction set forth in Secs. 16.61(7)(a) and (b) Wis. Stats., and Chs. PR 1 and Wis. Admin. Code ~~§ Adm.~~ 12. Such records shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Subsections (1) through (3) of this ordinance. This ordinance does not require that past copies of a record be converted to the new format(s). However, when the decision is made to convert old records to the new format, the original hardcopy of any document or record which has been converted to the new format may be destroyed once the Records Disposition Authorization for that records classification has been approved by the Wisconsin State Public Records Board and only when such destruction is permissible under Subsection (7) of this ordinance.

- ~~C.~~ The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- ~~D.~~ A requester shall be charged a fee of twenty-five cents (25¢) per page to defray the cost of copying records. The fee shall be set forth on the City of Onalaska Fee Schedule. The actual cost of duplication shall be charged for oversized documents, ~~and maps.~~
- ~~E.~~ If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
- ~~F.~~ The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts, audio and video tapes, shall be charged.
- ~~G.~~ If mailing or shipping is necessary, the actual cost thereof shall also be charged.
- ~~H.~~ There shall be no charge for locating a record unless the actual cost therefor exceeds Fifty Dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester.
- ~~I.~~ The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds Five Dollars (\$5.00).
- ~~J.~~ Elected and appointed officials of the City shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
- ~~K-D.~~ The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

~~L.—Pursuant to Sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This Subsection does not apply to members of the Common Council.~~

#### **4.01.15 — Access Procedures**

- ~~—A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Sec. 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 3-3-4(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.~~
- ~~—Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the City Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.~~
- ~~—A request for a record may be denied as provided in Section 3-3-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Sec. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.~~

#### **4.01.156 Limitations on Right to Access**

- A. As provided in Sec. 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.
  1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
  2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
  3. Computer programs and files, although the material used as input for a computer program/file or the material produced as a product of the computer program is subject to inspection; and
  4. Pursuant to Sec. 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.
- B. As provided by Sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Section.
- ~~B.—In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the City Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
  - 0.—Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them [example: Sec. 70.35(3), Wis. Stats.].~~

1. Pursuant to Sec. 19.85(1)(a), Wis. Stats., records of current deliberations after a quasijudicial hearing.
  1. Pursuant to Sec. 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any City officer or employee, or the investigation of charges against a City officer or employee, unless such officer or employee consents to such disclosure.
  1. Pursuant to Sec. 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
  1. Pursuant to Sec. 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of City property, investing of City funds, or other City business whenever competitive or bargaining reasons require nondisclosure.
  1. Pursuant to Sec. 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
  1. Pursuant to Sec. 19.85(1)(g), Wis. Stats., communications between legal counsel for the City and any officer, agent or employee of the City, when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Wis. Stats.
  1. Pursuant to Sec. 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
- B. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If, in the judgment of the custodian and the City Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

#### **4.01.17 — Destruction of Records**

- City officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such shorter period:
0. Bank statements, deposit books, slips and stubs.
  0. Bonds and coupons after maturity.
  0. Canceled checks, duplicates and check stubs.
  0. License and permit applications, stubs and duplicates.
  0. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
  0. Receipt forms.
  0. Special assessment records.
  0. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two (2) years after payment or receipt of the sum involved or the effective date of said record;
0. Contracts and papers relating thereto.
  0. Excavation permits.

- 1. ~~Inspection records.~~
- ~~City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period;~~
  - 0. ~~Contracts and papers relating thereto.~~
  - 0. ~~Correspondence and communications.~~
  - 0. ~~Financial reports other than annual financial reports.~~
  - 0. ~~Justice dockets.~~
  - 0. ~~Oaths of office.~~
  - 0. ~~Reports of boards, commissions, committees and officials duplicated in the Common Council proceedings.~~
  - 0. ~~Election notices and proofs of publication.~~
  - 0. ~~Canceled voter registration cards.~~
  - 0. ~~Official bonds.~~
  - 0. ~~Police records other than investigative records.~~
  - 0. ~~Resolutions and petitions, providing the text of the same, appears in the official City minutes.~~
- ~~Notwithstanding the above provisions appearing in this Section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in Sec. 7.23, Wis. Stats.~~
- ~~Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record as provided by Sec. 19.21(4)(a), Wis. Stats.~~
- ~~Any tape recordings of a governmental meeting of the City may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.~~

#### **4.01.168 Preservation Through Microfilm or Other Imaging Technology**

- A. Any ~~City officer or the director of any department or division of City Government~~custodian, may, subject to the approval of the City Clerk, keep and preserve public records in ~~his or her~~their possession by means of microfilm or other photographic or image reproduction method~~s~~. Such records shall meet the standards for reproduction set forth in Sec. 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department ~~or division~~ and shall be open to public inspection and copying pursuant to the provisions of state law and ~~Sections 3-3-4 through 3-3-6 of~~ this Chapter.