



# City of Onalaska Meeting Notice

**COMMITTEE/BOARD:** Common Council  
**DATE OF MEETING:** February 11, 2020 (Tuesday)  
**PLACE OF MEETING:** City Hall – 415 Main Street (Common Council Chambers)  
**TIME OF MEETING:** 7:00 P.M.

## PURPOSE OF MEETING

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Rules of the City of Onalaska Common Council and its Sub Committees – Harassment Free Forum
4. **PUBLIC INPUT: (limited to 3 minutes / individual)**
5. **REPORT FROM THE MAYOR:**
  - A. 9<sup>th</sup> Annual Firehouse 5K Run / Walk on Saturday, April 11, 2020 at 8:00 a.m.
  - B. Library Statistics and upcoming events
  - C. Proclamation Celebrating Women in Onalaska Government Day
  - D. Appointment of Jonathan Klock, 509 Eagle Court, Onalaska to Parks & Recreation Board

### **RECOMMENDATIONS FOR APPROVAL AND/OR POSSIBLE ACTION FROM THE FOLLOWING COMMITTEES/COMMISSIONS BOARDS:**

All items listed under the consent agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member requests removal, in which event the item will be removed from the consent agenda and considered in the order of business in the non-consent agenda.

## 6. **Consent Agenda**

- A. Approval of minutes from the previous meeting(s)

### **FINANCE COMMITTEE**

- B. Authorization to approve the 2020 City of Onalaska financing plan/timeline

### **NOTICES MAILED TO:**

*Mayor Kim Smith	Gerald Faas, St. Patrick’s Church
*Ald. Tom Smith	Troy Gudie, Onalaska Fire Departmet
*Ald. Jim Olson	
*Ald. Dan Stevens	Laddie Galloway, Acme Commercial Properties, LLC
*Ald. Diane Wulf	Kevin Fry, Elmwood Partners
*Ald. Steven Nott	
*Vacant	
City Attorney      City Administrator	
Dept Heads      La Crosse Tribune	
Coulee Courier	
WKTY WLXR WLAX WKBT WXOW	Onalaska Public Library      Onalaska Omni Center

\*Committee Members

Date Mailed & Posted: 2-6-2020

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City

- C. City of Onalaska Financials:
  - 1. Approve General Fund - 2019
  - 2. Authorization to approve transfer of funds within each department to comply with Government Accounting Standards Board (GASB)/Generally Accepted Accounting Principles (GAAP) standards GASB/GAAP standards – 2019
  - 3. Authorization to setup an Accounts Payable for \$1,948 for 2019 Elections General Operating Supplies to purchase voting booths
- D. Designated Fund Balance (DSFB) General Fund and / or Special Revenue Funds 2019:
  - 1. Authorization to Adjust Existing DSFB - 2019
- E. Accept 2019 Omni Center Financials
- F. Joint Municipal Court:
  - 1. Approve Financials for 2019
  - 2. Approve Joint Municipal Court Allocation - 2019
  - 3. Approve the 2014-2019 outstanding citations for the City of Onalaska
  - 4. Approval to purge the 2013 outstanding balance for the City of Onalaska
- G. Approve Gundersen Health Systems Parking Ramp 4th Quarter and annual financials for 2019

**PERSONNEL COMMITTEE**

- H. Approval of out-of-state travel for Assistant Chief Miller to attend the 20/20 Central Square conference in Las Vegas, NV from March 17 to March 20, 2020 at a cost of \$399.00 plus salary. (Central Square is the software vendor for the majority of the Law Enforcement software in use by the Police Department and we will be seeing some major software updates in the next two years that will affect all departments county-wide.)
- I. Authorization to replace Administrative Assistant / Paralegal position
- J. Authorization to change job description for Administrative Assistant / Paralegal position

**JUDICIARY COMMITTEE**

- K. Approval of **Ordinance 1659-2020** to amend Title 14 of the Code of Ordinances of the City of Onalaska relating to signs

**ADMINISTRATIVE COMMITTEE**

- L. Approval of Operator’s Licenses as listed on report dated February 5, 2020
- M. Approval of Temporary Class “B” / “Class B” Retailer’s License for St. Patrick’s Church for Friday evenings only from February 28 – April 3, 2020 for Friday Fish Fry at 1031 Main Street, Onalaska
- N. Approval of Special Event Permit for Firehouse 5K on April 11, 2020 starting at approximately 6am at the Fire Department parking lot

**BOARD OF PUBLIC WORKS**

- O. Approval of City of Onalaska Water Utility joining the Municipal Environmental Group Water Division
- P. Approval of Public Works Department equipment purchases:
  - 1. ¾ ton and ½ ton pickup truck from Ewald Automotive Group in the amount of \$62,978
  - 2. 60 inch front mount mower from Value Implement in the amount of \$15,950
  - 3. Ground cover mats from DICA Outrigger Pads in the amount of \$8,053
  - 4. Camera installation for Public Works Facility by 1<sup>st</sup> Business Solutions, Inc. in the amount of \$10,051.73
- Q. Approval of change Order #1 for 6<sup>th</sup> and Quincy Pump Station Rehabilitation Project by Olympic Builders in the amount of \$4,447.26
- R. Approval of professional engineering services for final design of Green Coulee Reservoir Project by Short Elliot Hendrickson in the amount of \$97,000

**PLAN COMMISSION**

- S. Approval of a proposed Site Plan Amendment for 1785 East Main Street, Onalaska, WI 54650 (Tax Parcel #: 18-725-1)
- T. Accept recommendation to adopt the Unified Development Code & Zoning Map

## **UTILITIES COMMITTEE**

- U. Approval of Shared Ride Financials
- V. Accept 2018 Audit results from the Wisconsin Department of Transportation regarding the Onalaska-Holmen-West Salem Shared Ride Program
- W. Authorization to sell Shared Ride vehicles under the Wisconsin Surplus Auction

## **PARKS & RECREATION BOARD**

- X. Approve the purchase of a Smithco Super Star ballfield groomer from Horst Distributing at a cost not to exceed \$8,000
- Y. Approve Water Management Assistance Program with Carrico Aquatics at a cost not to exceed \$13,100 for 2020 & \$14,380 in 2021
- Z. Approve vacuum cleaner purchase from Dalco at a cost not to exceed \$836.58
- AA. Approve Library front door closure replacement to Glass Service Center at a cost not to exceed \$6,892.82
- BB. Approve the purchase of pipe and bases from Georgia Expo at a cost not to exceed \$3,061.59
- CC. Approve the purchase of power panel for Omni Center Arena #1 from Viking Electric at a cost not to exceed \$18,620
- DD. Approve the install of the Omni Center power panel to Wehrs Electric at a cost not to exceed \$9,306
- EE. Approve the purchase of a card printer from Amazon at a cost not to exceed \$1,081
- FF. Approve the purchase of indoor turf for the west wing of the Omni Center from Summit Commercial Fitness at a cost not to exceed \$20,051.40
- GG. Approve the installation of the indoor turf for the west wing of the Omni Center from M3 Flooring at a cost not to exceed \$8,640
- HH. Approve the purchase of a walk behind floor scrubber from DWD Enterprises at a cost not to exceed \$8,700

## **Non-Consent Agenda**

### 7. **RECAP ITEMS PULLED FROM THE CONSENT AGENDA**

### 8. **FINANCE COMMITTEE**

- A. Vouchers
- B. City of Onalaska 2020 Capital Projects -General Obligation Corporate Purpose Bonds and State Trust Fund Loan:
  - 1. **Resolution 3-2020** – Initial Resolution Authorizing \$50,000 General Obligation Bonds for Sanitary Sewer Projects
  - 2. **Resolution 4-2020** – Initial Resolution Authorizing \$25,000 General Obligation Bonds for Storm Sewer Projects
  - 3. **Resolution 5-2020** – Initial Resolution Authorizing \$320,000 General Obligation Bonds for Parks and Public Grounds Projects
  - 4. **Resolution 6-2020** – Initial Resolution Authorizing \$2,985,000 General Obligation Bonds for Street Improvement Projects
  - 5. **Resolution 7-2020** – Initial Resolution Authorizing \$1,220,000 General Obligation Bonds for Fire Department Equipment
  - 6. **Resolution 8-2020** – Initial Resolution Authorizing \$80,000 General Obligation Bonds for Water System Projects
  - 7. **Resolution 9-2020** - Resolution Directing Publication of Notice to Electors Relating to Bond Issues
  - 8. **Resolution 10-2020** -Resolution Providing the Sale of \$4,680,000 General Obligation Corporate Purpose Bonds
  - 9. **Resolution 16-2020** -Resolution Requesting State Trust Fund 5-year Loan of \$542,000 to purchase 3 police cars, police portable radios, city hall roof and HVAC, municipal code recodification, and wage study
- C. **Resolution 13-2020** - To transfer funds to/from various departments 2019 General Fund Budget

- D. **Resolution 14-2020** – Authorization to transfer from General Fund to Special Project Fund Drug Abuse Resistance Education (D.A.R.E.) account in the amount of \$3,500
- E. **Resolution 15-2020** – Authorization to transfer from the 2019 General Fund Budget to the Special Projects Fund – Equipment Replacement Fund \$275,000

9. **PERSONNEL COMMITTEE**

- A. Review and consideration of compensation study proposals by:
  - 1. Baker Tilly Virchow Krause, LLP
  - 2. Carlson Dettmann Consulting
  - 3. Public Administration Associates

10. **JUDICIARY COMMITTEE**

- A. **Ordinance 1660-2020** to amend Chapter 4 of Title 2 of the Code of Ordinances of the City of Onalaska relating to Boards, Commissions and Committees
- B. **Ordinance 1661-2020** To amend Title 13 of the Code of Ordinances of the City of Onalaska relating to Zoning. (<https://tinyurl.com/OnalaskaUDC-FinalDraft> )

11. **ADMINISTRATIVE COMMITTEE**

- A. **Resolution 12-2020** - To approve Special Events Fee Schedule for 2020

12. **BOARD OF PUBLIC WORKS**

- A. **Resolution 11-2020** - City of Onalaska support of State Trunk Highway 16 multi-use connector trail project

13. **PLAN COMMISSION**

- A. Approval of a request to extend the Final Plat submittal requirement for one year, as requested by Kevin Fry, on behalf of Elmwood Partners, 1859 Sand Lake Road, Onalaska, for the 4th Addition to the Country Club Estates Plat (Tax Parcel #'s: 18-3566-100 & 18-4479-0)

14. **PARK & RECREATION BOARD**

- A. Authorization to proceed forward with a Petition under Wisconsin Statute §66.1025 to Order a Sale of Oak Park #5

15. **CLOSED SESSION**

To consider a motion to convene in Closed Session under Section 19.85(1)(e) of the Wisconsin Statutes for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons required a closed session:

- Discussion and negotiation regarding the proposed Sanitary Sewer Agreement with the City of La Crosse
- Negotiations with 2285 Quarry Lane for Reservoir Easement Agreement
- IAFF, International Association of Firefighters, Local 127

To consider a motion to convene in Closed Session under Section 19.85(1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved:

- IAFF, International Association of Firefighters, Local 127: Grievance 2019-3 – RE: Part Time Emergency Medical Technicians (EMT's)
- IAFF, International Association of Firefighters, Local 127: Prohibited Practice Complaint – RE: Part Time Emergency Medical Technicians (EMT's)
- Water leak at 945 Oak Avenue South

If any action is required in Open Session, as the result of the Closed Session, the Council will reconvene in Open Session to take the necessary action and/or continue on with the printed agenda

**Adjournment**

2020 Onalaska Public Library  
Monthly Use

#5-B

	January	February	March	April	May	June	July	August	September	October	November	December	YTD	% of Use
Bangor	44												44	0.29%
Campbell	203												203	1.34%
Holmen	1012												1012	6.68%
Onalaska	8956												8956	59.11%
West Salem	91												91	0.60%
Bangor (Town)	28												28	0.18%
Barre	46												46	0.30%
Burns	9												9	0.06%
Farmington	116												116	0.77%
Greenfield	25												25	0.16%
Hamilton	201												201	1.33%
Holland	197												197	1.30%
Medary	228												228	1.50%
Onalaska (Town)	1982												1982	13.08%
Rockland	6												6	0.04%
Shelby	11												11	0.07%
Washington													0	0.00%
<b>Total Resident</b>	<b>13155</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13155</b>	<b>86.82%</b>							
City of La Crosse	1192												1192	7.87%
WRLS														
Jackson w/o Lib	21												21	0.14%
Monroe w/o Lib	58												58	0.38%
Trempeleau w/o Lib	179												179	1.18%
Vernon w/o Lib	21												21	0.14%
Buffalo w/o	24												24	0.16%
Juneau w/o													0	0.00%
<b>Total w/o</b>	<b>303</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>303</b>	<b>2.00%</b>							
Other WRLS	305												305	2.01%
<b>Total WRLS</b>	<b>608</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>608</b>	<b>4.01%</b>							
Other Wisconsin	119												119	0.79%
Out of State	78												78	0.51%
<b>Total Non-Resident</b>	<b>1997</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1997</b>	<b>13.18%</b>							
<b>Total Circulation</b>	<b>15152</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15152</b>								
2019 Circulation	14814	14773	15744	15111	15311	19936	22318	18390	14845	16370	14561	14082	196255	
<b>Overdrive Digital Use</b>	<b>2709</b>												<b>2709</b>	
Public Computer Use	1002												1002	
Wireless	695												695	
Reference Count	272												272	
Door Count	8161												8161	
Meeting Room Groups	11												11	
Meeting Rm Attendance	118												118	
Revenue	\$ 25.00												\$ 25.00	

## Proclamation for Women in Onalaska Government Day

February 15, 2020

**Whereas**, February 15, 1820 is the birthdate of Susan B. Anthony, an American social reformer and women's rights activist who played a pivotal role in the women's suffrage movement, and is quoted for saying, "There never will be complete equality until women themselves help to make laws and elect lawmakers"; and

**Whereas**, the 19<sup>th</sup> Amendment to the Constitution of the United States of America was ratified in 1920 officially extending the right to vote to women; and

**Whereas**, the City of Onalaska currently has representation of female members on 13 of the 15 Municipal committees; and

**Whereas**, in 2019 the Onalaska City Council for the first time consisted of equally 3 male and 3 female elected alderperson; and

**Whereas**, women have now served as council president and mayor for the City of Onalaska;

**Now, Therefore**, I, Kim Smith, Mayor of the City of Onalaska, do hereby proclaim February 15, 2020 as Women in Onalaska Government Day in the City of Onalaska, and I urge all citizens to celebrate the hard work and accomplishments of all women in our community; and

Further, I encourage women leaders to endeavor to help make laws and become elected lawmakers as inspired by Susan B. Anthony two hundred years ago.

Dated the 11<sup>th</sup> day of February, 2020

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Kim Smith, Mayor  
City of Onalaska

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Caroline Burmaster, City Clerk  
City of Onalaska

December 30<sup>th</sup>, 2019

Jonathan H. Klock  
509 Eagle Ct, Onalaska, WI 54650  
616-260-3370 | [Jonathan.Klock@gmail.com](mailto:Jonathan.Klock@gmail.com)

Common Council Members,

My name is Jonathan Klock and I respectfully submit myself for consideration to fill the Common Council seat for the 3<sup>rd</sup> Aldermanic District. I moved to Wisconsin in 2004 and have lived in Onalaska since 2013. While I am not originally from Wisconsin, I spent much of my youth growing up here. I was born in Syracuse, NY and spent my formative years in southwest Michigan but I have been visiting the Coulee Region since I was a boy. Family friends were drawn to the area in the 1980's and we visited them as often as we could. I have fond memories of my time hiking in the woods in Shelby, riding horses, shooting bow and arrow, chasing cats in the barn, and hiking in our beautiful bluffs. My parents moved here for work in 2003, right around when I was picking colleges. I decided to call La Crosse my home when I matriculated to UW-L in 2004. My fond memories were married to my present and there was nothing I could do but make the area my permanent home. After Law School, I found work at Gundersen Health System, married my wife Megan, and settled into our home on Eagle Court. In that time, my brother and my sister moved their families to Holmen and Onalaska. The Coulee Region proved irresistible to the entirety of my family. The La Crosse area has given me so much; an education, challenging work, rewarding volunteer opportunities, a comfortable home, and a family. When I learned of the opening on the Onalaska Common Council, I knew I couldn't pass up this opportunity to give back to the area that has given me so much.

I believe I can offer value to the Council and help our community thrive. I am a relationship driven problem solver. My training in Political Science and Law give me a strong foundation in how government is designed to work. My experience as an attorney, on non-profit boards, on various committees, and even my time in student government has taught me the value of building relationships and utilizing those relationships to solve problems. In my experience, relationships are key to solutions and the key to building relationships is recognizing the value another person brings. Each person brings a different perspective and stitching those differing perspectives together offers us the clarity needed to craft solutions that work for the entire community. It is not always easy. Often differing perspectives clash and require debate. So often folks are turned away by disagreement, but debate is the confluence of Ideas and is the ground upon which solutions are born. If a solution is not developed collaboratively amongst interested parties, it simply won't stick. It is why I am not a partisan person. I value having my perspective challenged and view it as an opportunity to grow. As a result, I believe I am approachable, thoughtful, reasoned, and fair.

My education and experience inform my leadership strategy of listening to learn and using that knowledge to be fair and empathetic. If given the privilege to serve my community, those will be the principles which guide my representation. I know I would provide excellent representation to the people of my district. I look forward to answering your questions and am grateful for your consideration.

Sincerely,

Jonathan H Klock

# Jonathan H. Klock, JD, CHPC

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509 Eagle Ct, Onalaska, WI 54650  
616-260-3370  
[Jonathan.Klock@gmail.com](mailto:Jonathan.Klock@gmail.com)

## Experience

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### Legal Counsel

September 2012 to Current

#### Gundersen Health System – La Crosse, WI

- Our philosophy has been for the attorneys to have a generalist approach to the many issues facing a health system, so we are all capable of addressing any situation that comes through the door. We handle a broad range of complex laws and regulations affecting Gundersen Health System, including those related to Medicare and Medicaid, fraud and abuse, prohibited self-referrals, anti-kickback, antitrust, conflict of interest, compliance, taxation, non-profit entities, etc. We frequently work closely with all levels of leadership, Compliance, Human Resources, Risk Management, Finance, etc.
- While expected to be a generalist, I have developed niches through committee work and relationships with departments frequently impacted by specific legal issues. My primary areas of responsibility are federal and state patient privacy laws, information security, information systems, environmental sustainability, and infection control. I am a member of the Privacy Committee, Infection Control Committee, Compliance Work Group, Free and Discounted Good Work Group, and a Critical Access Hospital Compliance Operations Committee.
- I have extensive experience with HIPAA compliance, legal research, due diligence related to mergers and acquisitions, and drafting, reviewing, and negotiating contracts.
- The support staff in our office report to the Associate General Counsel however we share responsibility for supervision of their work product.

### Guest Lecturer

December 2015 to Current

#### University of Wisconsin – La Crosse

- I provide lectures on topics such as Federal and Wisconsin patient privacy laws and risk management to the Physical Therapy, Occupational Therapy, and Physician Assistant graduate degree programs

### Legal Intern

June 2011 to August 2012

#### Gundersen Lutheran Health System – La Crosse, WI

- My duties included legal research projects, contract review, and providing supervised legal advice to other departments. I was given the opportunity to observe and participate in risk management meetings as well as assist with issues that popped up requiring immediate attention and advice from the legal department.

### Graduate Assistant – Disability Services Department

July 2010 to May 2012

#### University of South Dakota – Vermillion, SD

### Summer Intern

June 2010 to August 2010

#### Taylor Law Group, LLC – Onalaska, WI

- This was a traditional first year law student internship for a solo practitioner office specializing in employment law, health care law, and medical malpractice defense. My role was primarily research projects, delivering documents to court, assisting with client interviews and depositions, assisting expert witnesses, and performing various office management functions. I was fortunate to arrive at a time when a complex medical malpractice case was going to trial and I was able to observe and assist in a two-week jury trial.

### File Clerk

July 2006 to May 2011

#### Gundersen Lutheran Health System – La Crosse, WI

- Primary responsibility was electronically filing of completed forms in human resources. I managed my work load effectively and was often loaned out to other departments such as Payroll and Benefits, Credentialing, and Quality. My projects often involved sensitive and confidential information.
- I identified wasteful practices in our forms process and helped lead a cost and time saving "green" document

reduction program. We expanded the use of digital record keeping, electronic forms, and improved training to reduce unnecessary use of forms. This project has saved the organization hundreds of thousands of dollars.

- I helped lead a team tasked with the conversion of all employment records to digital files. I was responsible for training team members, auditing digital records for scanning accuracy, proper destruction of the hard documents, and ensuring all records remained confidential during the transition.

#### **Legal Intern**

June 2006 to August 2006

**Gundersen Lutheran Health System** – La Crosse, WI

- My duties primarily involved research and supervised contract review. I shadowed the General Counsel with his work in various departments to learn about the operations of the health system.

#### **Education**

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**University of South Dakota School of Law**

2009-2012

Vermillion, SD, USA

**University of Wisconsin - La Crosse**

2004-2008

La Crosse, WI, USA

Bachelors – Political Science

Department Honors, Dean's list, Student Senator, InterFraternity Council, Greek Council, Sigma Alpha Epsilon (Chapter Founder, President, Vice President)

#### **Community Involvement**

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##### **Volunteer Work**

- State Bar of Wisconsin Leadership Development Committee -- Great Rivers United Way Fund Distribution Steering Committee -- Wafer – Salvation Army – Mobility Worldwide

##### **Sigma Alpha Epsilon Fraternity**

- Province Board Member
- Chapter Advisory Board Member

#### **Affiliations**

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State Bar of Wisconsin -- American Bar Association – American Health Lawyers Association – Health Care Compliance Association -- Eagle Scout

**AN ORDINANCE TO AMEND TITLE 14 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO SIGNS**

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

SECTION I. Title 14 Sign Code is hereby deleted in its entirety and replaced as follows:

## Title 14 Sign Code

### Chapter 01      Introductory Provisions

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#### Division 1    Establishment of Sign Code

##### 14.01.11    Statement of Purpose

- A. The purpose of the Sign Ordinance is to create the legal framework of a comprehensive and balanced system of signage. The intent of this Sign Ordinance is to accomplish the following:
1. Encourage the effective use of signs as means of communication in the City while preserving the rights of free speech under the First Amendment to the United States Constitution;
  2. Facilitate economic development by allowing signs that identify businesses on site, while promoting an attractive streetscape;
  3. Reduce confusion and traffic hazards that result from excessive and prolific use of sign displays.
  4. Permit signage that is designed, constructed, installed, and maintained in an aesthetically pleasing manner;
  5. Encourage a positive business atmosphere;
  6. Promote the health, safety, and general welfare of the citizens of Onalaska by ensuring that signs do not create a hazard by:
    - a. Collapsing, catching fire or otherwise deteriorating or decaying;
    - b. Confusing or distracting motorists; or
    - c. Impairing drivers' ability by obstructing the awareness or visibility of pedestrians, obstacles or other vehicles or to read traffic control devices.
  7. Control the number, size, height, location, lighting and design characteristics of signs to avoid visual clutter which leads to decline in the community's appearance and property values and reduces the effectiveness of the signs;
  8. Effectively regulate issues pertaining to the location, size, height, and lighting of signs in an effort to assure compatibility with adjoining land uses, architecture, and landscaping and compatibility with the City's Comprehensive Plan;
  9. Provide for consistent and fair application and enforcement of regulations pertaining to signs; and
  10. Address the latest and emerging technologies in the sign industries in a way that allows persons and businesses to convey and communicate.

##### 14.01.12    Applicability

- A. **Generally.** The provisions contained in this Sign Ordinance shall be binding alike upon every owner, every lessee and every person in charge or responsible for or who causes construction, repair, relocation or alteration of any outdoor sign or other advertising structures in the City of Onalaska. Signs may be erected, placed, established, painted, created or maintained only in conformance with the provisions of this Sign Ordinance.
- B. **No Restriction on Content.** This Sign Ordinance regulates only the sign structure or copy design, and not the sign's content. Despite any other provision of this Sign Ordinance, no sign is subject to any limitation based on the content of its message.
- C. **Exemptions.**

1. **Addressing.** Because address signs further compelling governmental interest of assisting emergency service personnel, law enforcement, fire protection and other public safety officials in identifying locations needing emergency assistance, numbers and letters for addressing are exempted from this Sign Ordinance, provided that such street addresses shall be posted as required under City Ordinances.
2. **Subordination.** City of Onalaska is subordinate to the laws of the Federal Government and State of Wisconsin, except under home rule powers, this Sign Ordinance does not prohibit signs, require sign or regulate sign locations or sign characteristics to the extent that they are required to be permitted by State or Federal Law or allow signs that are prohibited by State of Federal law.
3. **Government Signs.** In order to promote the compelling interest of the City, State and Federal governments in managing traffic; protecting against public hazards and nuisances; and announcing the location of government facilities, infrastructure, rights-of-way and other public areas, government signs are exempt from this Sign Ordinance.

#### 14.01.13 Substitution

- A. Subject to the property owner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the structure or mounting device is legal without consideration of message content. Such substitution or message may be made without additional approval or permitting. This provision prevails over any provision to the contrary in this Sign Ordinance. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. The term "commercial speech" means any sign, wording, logo or other representation advertising a business, profession, commodity, goods, services, or entertainment for business purposes. The term "noncommercial speech" means any message that is not commercial speech, including without limitation, messages concerning political, religious, ideological, public service and information topics.

#### 14.01.14 Severability and Conflict

- A. The provisions of this ordinance are severable. If any provision, section, subsection, sentence, clause, phrase or portion of this Sign Ordinance is found to be unlawful or unenforceable, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

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## Division 2 Definitions

### 14.01.21 Definitions

- A. The following definitions are used in this Sign Ordinance:
  1. **Awning.** A cloth, plastic, or other non-structural covering that is permanently attached to a building or can be raised or retracted to a position against the building when not in use.
  2. **Billboard.** A permanent sign in a fixed location advertising products not made, sold, used or served on the premises where the sign is located or which provides a non-commercial or informational message.
  3. **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
  4. **Canopy.** A structure other an awning made of cloth, metal or other material with frames affixed to a building and carried by a frame that may extend into a setback or over the public sidewalk.
  5. **Changeable copy.** Copy those changes at intervals [of more than once every six (6) seconds].
  6. **Commercial.** Proposing or otherwise encouraging one or more commercial transactions.
  7. **Community Event.** An advertised event held open to the public.
  8. **Day.** A day shall be designated as a period of time in terms of calendar days.

9. **Digital Billboard.** Any billboard sign utilizing LCD, LED or similar electronic technology, capable of changing the static message or copy on the sign electronically.
10. **Dynamic element.** Any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign face or its components, whether the apparent movement or change is in the sign, the sign structure itself, or any component of the sign. This definition includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This definition also includes any graphic that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
11. **Electronic Message Center Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale.
12. **External illumination.** Illumination of a sign that is affected by an artificial source of light not contained within the sign.
13. **Façade.** The side of a building below the eaves.
14. **Flag.** Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols and is attached to a pole and which is intended to be permanently affixed to the ground or attached to a building.
15. **Ground/Freestanding Sign.** A sign supported by one (1) or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes "pole" graphics and "monument" graphics.
16. **Government Sign.** A sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.
17. **Height.** The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign. (The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height).
18. **Illumination.** A source of any artificial or reflective light, either directly from a source of light incorporated in or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.
19. **Indirect Illumination.** A source of external illumination, located away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk, or adjacent property.
20. **Integral Sign.** A sign that is embedded, extruded or carved into the material of a building wall façade.
21. **Internal Illumination.** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.
22. **Marquee.** A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.
23. **Monument Graphic.** A ground/freestanding sign permanently affixed to the ground at its base, supported entirely by a base structure made of a decorative feature of brick, wood, metal or other material which is intended to serve as an entry feature or focal point.
24. **Multi-Tenant Complex.** A grouping of two (2) or more business establishments that either share common parking on the parcel where they are located or that occupy a single structure or separate structures that are physically or functionally related or attached. Multi-tenant signs are encouraged to market shopping center destinations rather than individual businesses. Sign regulations are based upon the applicable zoning district in which they are located.
25. **Nit.** A photometric unit of measurement referring to luminescence. One (1) nit is equal to one (1) cd/m<sup>2</sup> (candela per square meter).
26. **Non-conforming Sign.** Any sign that was lawfully established or installed prior the adoption of amendment of this Sign Ordinance and was in compliance with all of the provisions of this Sign Ordinance then in effect, but which does not presently comply with this Sign Ordinance.
27. **Occupant.** A use/business establishment located in a multi-tenant building or complex.

28. **Parcel.** A lot, tract, plot or portion of a subdivision or other parcel of land in single ownership and not divided by a public right-of-way, so long as such area of land complies with the City of Onalaska Code of Ordinances. The terms lot or tract may also refer to a parcel.
29. **Peak.** The highest point on a roof or the highest point on another architectural element that blocks the rear view of a sign.
30. **Pole Sign.** A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or base structure.
31. **Portable Sign.** A structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
32. **Projecting Sign.** A sign attached to and projecting from the wall of a building.
33. **Right-of-Way (ROW).** A sidewalk, curb, street, alley, bike path or lane, or other similar public improvement located in a public right-of-way normally used for the travel of pedestrians, motor vehicles, bicycles or like vehicles.
34. **Roof Sign.** A sign that is displayed above the eaves and under the peak of a building.
35. **Shopping Center.** A commercial development under unified control consisting of two (2) or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.
36. **Signable Area for Projecting Signs, Awnings, Roof Signs, and Wall Signs.** One area enclosed by a box or outline or within a single continuous perimeter enclosing the extreme limits of characters, letters, illustrations, ornamentations, or other figures.
37. **Size.** The total area of the face that is used to display a sign not including its support poles or structures.
38. **Sign.** Any structure that has a visual display of a name, identification, description or illustration, visible from a public right-of-way, which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign.
39. **Structure.** Anything built that requires a permanent or temporary location. This term includes a building
40. **Temporary Sign.** A sign intended to be displayed for a transitory or temporary period that are portable or not permanently embedded in the ground or not permanently affixed to a building or sign structure and are constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials.
41. **Traffic Control Device.** A sign, signal, marking or other device placed on or adjacent to a public right-of-way or private street, parking lot or highway to regulate, warn or guide traffic.
42. **Wall Sign.** A sign painted on or attached to a wall of a structure and in the same plane as the wall and presented in an orientation that is parallel to the roadway projecting.
43. **Window Sign.** A sign applied, painted, or affixed to the exterior window of a building.

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## Division 3 Administration

### 14.01.31 Administration and Sign Permits – Application, Enforcement and Revocation

- A. **Administration.** The Zoning Administrator or Designated Authorized Agent shall be responsible for administering and enforcing the provisions of this Sign Ordinance. The Zoning Administrator or Designated Authorized Agent shall examine all sign permit applications, issue permits and denials, authorize the continued use of signs that conform with the requirements of this Ordinance, record and file all applications for permits with any accompanying plans and documents, and inspect signs in the City of Onalaska. A sign shall also meet all other structural requirements of other applicable codes and Ordinances of the City of Onalaska.
- B. **Permits Required.** It shall be unlawful for any person to locate, erect, move, reconstruct, extend, enlarge, convert or structurally alter a sign, canopy, awning, or billboard without a sign permit and without

being in conformity with the provisions of this Sign Ordinance or cause the same to be done in the City of Onalaska without first obtaining a sign permit for each such sign from the Planning Department, except those specified in Section 14.01.32 or as otherwise noted. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. Any sign permit granted hereunder may not be assigned or transferred to any other sign or sign structure. Each individual sign shall require an individual sign permit.

- C. **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Planning Department which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from parcel lines; and the person, firm or corporation erecting or altering the sign.
- D. **Granting and Issuance.** The Zoning Administrator or Designated Authorized Agent shall review the application to ensure it is complete per the requirements of Section 14.01.31.A above. The Zoning Administrator or Designated Authorized Agent shall have a maximum of thirty (30) days to approve or deny a sign permit or recommend the applicant apply for a Special Exception Permit.
  - 1. **Basis for Granting a Sign Permit.** In deciding whether to grant a sign permit, the Zoning Administrator or Designated Authorized Agent shall determine whether the proposed sign(s) is in compliance with the provisions of this Sign Ordinance. In such review, the Zoning Administrator or Designated Authorized Agent may also consider the following factors:
    - a. Whether the sign is designed, constructed, installed or maintained in such a manner that it does not endanger public safety or traffic safety.
    - b. Whether the sign is in compliance with all provisions of the City of Onalaska Code of Ordinances, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.
- E. **Enforcement and Revocation of a Sign Permit.**
  - 1. A sign permit may be revoked if the applicant has failed to comply with the provisions of this Sign Ordinance or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator or Designated Authorized Agent for Zoning Ordinance violations.
  - 2. In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within one hundred and eighty (180) days or six (6) months, from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. In such cases a new permit shall be obtained to complete the work and a new permit fee shall be required.
  - 3. Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within forty-five (45) days of such revocation. Revocation shall not result in reimbursement of permit fees paid.
- F. **Fee.** The fee for each sign permit shall be set forth on the City's Fee Schedule.
- G. **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Planning/Inspection Department before the sign permit is granted.
- H. **Sign Permit Appeal.** Any person, firm or corporation aggrieved by any sign permit denial or decision by the Planning Department relative to the provisions of these sign regulations may appeal and seek review of such decision to the Plan Commission.
- I. **Alterations.** For signs erected before the adoption of this Sign Ordinance, said signs shall be rebuilt or relocated to conform to this Sign Ordinance if the cost of reconstruction or relocation is fifty percent (50%) or more of its replacement value.
- J. **Violations of Sign Ordinance.** Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Sign Ordinance prior to the granting of a sign permit shall pay a penalty of Fifty Dollars (\$50.00) for the first offense, with the penalty for each subsequent offense increasing by Fifty Dollars (\$50.00). Any person, firm or corporation who violates any provision of this Sign Ordinance shall be subject to the penalties prescribed in the Sign Ordinance and each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

#### **K. Removal of Signs in Violation of this Sign Ordinance.**

1. If the Zoning Administrator or Designated Authorized Agent determines that any sign exists in violation of this Sign Ordinance are hereby declared public nuisances within the meaning of this Code of Ordinances, the Zoning Administrator or Designated Authorized Agent shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation shall be corrected within sixty (60) days of receipt of said notice on penalty of automatic revocation of any sign permit and that removal of the sign by the City may occur at the expense of the owner of the property in the manner set forth in the Wisconsin Statutes.
2. If notification is sent and the violation is not corrected within sixty (60) days, the Zoning Administrator or Designated Authorized Agent shall revoke the associated sign permit that is in violation of this Sign Ordinance. It shall be the duty of the Zoning Administrator or Designated Authorized Agent to cause removal of such signs.
3. The expense of removing such sign and all sign support structures shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within thirty (30) days of being billed therefore, or has not made arrangements for payment satisfactory to the Finance Director, then such expense shall become a lien on the property and shall be placed upon the tax roll in addition to a one hundred (\$100.00) dollar administrative fee charged for processing payments/invoicing.
4. Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator or Designated Authorized Agent.

#### **14.01.32 Signs Not Requiring a Permit**

- A. The following is a list of signs that do not require an issued sign permit. If a sign similar in nature to those listed below is proposed, the Zoning Administrator or Designated Authorized Agent shall determine if the proposed sign requires a permit.
1. Banners on Utility Poles (including privately-owned Utility Poles and City Banners on City-owned Utility Poles) under ten (10) square feet per side.
  2. On-site Directional Signs on private property that includes a directional arrow or symbol that directs people to a specific destination within a development or site. Institutional signs erected to display facility/campus locations, building identification, transportation routes, or similar signs that are not visible or intended to be visible from public street rights-of-way or non-adjacent parcels. Directional signs shall not exceed fifteen (15) square feet per sign face with a maximum height of six (6) feet and a maximum of two (2) sign faces per sign.
  3. On-site Directional Signs as mandated by a government entity.
  4. Building Management Identification Sign which indicates the name and/or address of the property owner, tenant, and/or manager of a property not to exceed thirty-two (32) square feet.
  5. On-Site Warning Sign that indicates a warning from the property owner related to conditions on-site and/or that cites a City, State, or Federal law, order rule or regulation. Such signs shall contain no commercial message. Examples include signs listing parking hours, "No Trespassing," "No Loitering," "Customer Parking Only," "Handicap Parking," or signs indicating danger or aids to service or safety.
  6. Traffic Control Signs/Devices erected for control of traffic and other regulatory purposes, direction signs, railroad crossing signs.
  7. Memorial signs, plaques, tablets, names of buildings, dates of erection, etc. that are cut into a masonry surface or inlaid so as to be a part of the building or when constructed of bronze or other non-combustible material not more than twenty-four (24) square feet of area shall be allowed without a sign permit.
  8. Public notices posted by Authorized Designated Agents of the City or other official Governmental Agencies.
  9. Signs on trucks, buses, trailers or other vehicles while operating in the course of normal business, which is not primarily the display of signs.
  10. Signs may be installed no earlier than sixty (60) days prior to an election and shall be removed within ten (10) days following said election. Signs shall be placed on private property and with the consent of the property owner. Each sign shall not exceed four (4) square feet on residential properties or

thirty-two (32) square feet on non-residential properties. No more than five (5) such signs may be allowed at a single time on a single property to allow for pedestrian and vehicular safety.

#### 14.01.33 Prohibited Signs

- A. **Prohibited Sign Area.** No signage shall be permitted on the west side of Second Avenue North (State Highway 35) from John Street to Sunset Vista Road.
- B. **Signs with Flashing, Blinking, or Traveling Lights.** No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to an adjoining residential property shall be permitted in any district.
- C. **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control devices and as otherwise specified in this Sign Ordinance.
- D. **Signs at Intersections.** Signs at intersections shall comply with traffic visibility standards in the Unified Development Code.
- E. **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- F. **Blanketing.** Blanketing of signs shall not be allowed.
- G. **Signs on City Property/Rights-of-Way.** No person shall: paste, tape, staple, or otherwise affix/fasten any paper or similar material to, nor paint, stencil or otherwise write or color any object, vegetation or pavement located within any street right-of-way or on City property; including, but not limited to trees, lamp posts, utility poles, fire hydrants, or similar features, nor shall any of such object, vegetation or pavement be defaced in any manner.
- H. **Human Signs.** Human signs that (a) are located in or within 10 feet of the public right of way; (b) carry or operate flashing or illuminated objects, or (c) operate after daytime.
- I. **Vehicular Signs.** Signs placed on semi-trailers, pull-behind trailers, vehicles, shipping containers or portable storage units, unless: (a) the trailers, containers or portable storage units are functional, used for their primary storage propose, and if subject to registration, have current registration and tags; (b) the signs are subordinate to the use for temporary storage, pick-up, or delivery, and (c) the semi-trailer is parked in a designated loading area or on a construction site at which is being used for deliveries or storage.
- J. **Any sign not expressly permitted.** Any sign not expressly permitted by this Sign Ordinance and constructed pursuant to the standards set forth in this Sign Ordinance shall be prohibited.

#### 14.01.34 General Provisions, Design and Maintenance Standards

- A. **Compatibility.** To the maximum extent practical, signs shall be compatible and complimentary to their surroundings in terms of size, shape, color, texture and lighting. Buildings and sites shall be designed so that the signs are an integral part of the building and/or site. Signs shall not visually detract from other conforming signs.
- B. **Protection of First Amendment rights.** Any sign under this Sign Ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location
- C. **Sign Measurements:** Sign area and sign height measurements shall be calculated as follows:
  - 1. **Signable Area for Projecting Signs, Awnings, Roof Signs, and Wall Signs.** The sign copy and graphic area shall be calculated by means of the smallest four-sided figure (such as a rectangle) that encompasses the extreme limits of characters, writing, representation, emblem, ornamentation, illustrations or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign and copy graphic area from the structure.
  - 2. **Sign Structure Area.** Where a maximum allowable sign structure is specified in this Sign Ordinance, the sign structure area shall include the sign copy and graphic area.
  - 3. **Sign Structure Height.** The height of a ground/freestanding sign shall be measured from the average grade of the adjacent street to the top of the sign structure.
- D. **Buildings with a secondary public entrance at the rear or side of the building.** In addition to the

allowable signage with a use in a particular district, commercial, public and institutional uses that have a secondary entrance for the public that does not front a public right-of-way, may have, at the secondary entrance, one (1) sign not to exceed thirty-two (32) square feet.

**E. Placement of Ground/Freestanding Signs.** The placement of such signs shall comply with the following standards:

1. Minimum required distance from parcel lines. All ground/freestanding signs shall be placed a minimum of five (5) feet from all parcel boundaries.
2. Outside the required vision triangle. No sign shall obstruct the required vision triangle as specified in the Unified Development Code.
3. Outside drainage and utility easements. No sign shall be placed in a drainage, utility or other easement without first obtaining all applicable authorizations and a copy of said authorizations provided to the City.
4. The distance between ground/freestanding signs shall be a minimum of two hundred (200) feet throughout the street frontage in order to prevent congestion and maintain traffic visibility. Ground/freestanding signs may be placed at less than two hundred (200) feet where the street frontage of the parcel and adjacent parcels is less than two hundred (200) feet and does not permit the minimum spacing. Where this condition exists, the maximum spacing available must be maintained and such ground/freestanding signs shall be monument style only and not exceed fifteen (15) feet in height and sixty (60) square feet per side in area. Notwithstanding any other provision of this Sign Ordinance, in no case may a ground/freestanding sign be placed at less than one hundred (100) feet from another ground/freestanding sign on the same street frontage.
  - a. Distance between ground/freestanding signs and approved On-Site Directional Signs to be a minimum of twenty (20) feet.

**F. Allowable Number of Signs.** No more than two (2) signs of any type are allowed on a single parcel, unless the parcel has multiple street frontages which shall allow two (2) sign types for each street frontage, excluding canopies and/or awnings and additional signage may be allowed as otherwise noted in specific zoning district regulations or through an approved Design Overlay District (Planned Unit Development, Downtown Planned Unit Development, Planned Commercial Industrial District, or Medical Campus District).

1. Any signs exempt from sign permits are not considered in determining the allowable number of signs, and shall be in addition to the allowable number of signs under this Sign Ordinance.

**G. Design and Construction Standards.** All signs shall comply with the following construction standards:

1. All signs shall be constructed in a safe structural manner in accordance with the National Building Code and National Electrical Code with fireproof and fire-resistant materials and the Wisconsin State Codes, if more restrictive. All signs shall be fastened, supported and maintained so as to withstand a wind load pressure of thirty (30) p.s.f. per American Society of Engineering.
2. All signs shall be constructed of durable, weather-resistant materials.
3. Electrical service to signs shall comply with applicable electrical codes. No sign shall have exposed electrical wires and electrical service to signs shall be concealed wherever possible to preserve aesthetic values. Contractors to apply for Electrical Permits when installing new electric services to signs or modifying services (new technology, etc.) to signs.
4. The use of unshielded lighting, including exposed light bulbs hung or strung on poles, wires or other support intended to illuminate a sign or other advertising device is prohibited. All sign lighting shall be so designed, located, shielded, or hooded to prevent the casting of glare or direct illumination upon adjacent roadways, surrounding properties or into the sky.
5. All signs in newly annexed areas shall comply with this Sign Ordinance within five (5) years of annexation.

**H. Installation and Maintenance.** All signs shall be installed and maintained as follows:

1. Safety. All signs shall be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task.
2. Indemnification for sign installation and maintenance. All persons engaged in the business of installing or maintaining signs that involves in whole or in part, the erection, alteration, relocation, or maintenance of a sign or other sign work in, over, or immediately adjacent to a public right-of-way or public property that is used or encroached upon by the sign contractor, shall hold the City of

Onalaska harmless and indemnify the City of Onalaska, its officers, agents and employees from any and all claims for bodily injury or property damage resulting from the erection, alteration, relocation, or maintenance of a sign or any sign work.

3. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Inspection Department.
  4. All signs, including supports and attachments, shall be properly maintained in good repair in accordance with all applicable building codes, be kept clean, and protected from the elements to prevent decay and rust by the periodic application of weather-coating material. The immediate surrounding premises of signs shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
- I. **Illumination of Signs.** The following illumination requirements apply to all signs for which illumination is allowed including, but not limited to, freestanding signs and other similar signs.
1. **Compliance with the Electrical Code.**
  2. **Hazards.** Artificial light used in conjunction with the lighting of any sign shall not be directed or reflected onto any structure or constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
  3. **Shield the Light Source.** The light source, whether internal or external, shall be shielded from view or directed so that the light intensity or brightness is directed away from the public right of way or boundary of any residential zoning district or residentially-used property. Ground mounted external flood lighting shall be shielded and properly placed and directed to avoid direct visibility of the directed light to passing motorists.
  4. **Light Trespass.** No sign or associated luminaire shall create light spillover of more than 0.1 foot-candles at any property line within or bounding a residential use or district.
  5. **Use of a Projected Light Source.** Illumination by a projected light shall be an indirect spotlight or gooseneck down light. External lighting fixtures shall not cast light or glare in any direction other than on the elements of the sign. Such lighting shall be placed so as to provide even illumination to the signage and to avoid hot spots or dark areas on the signage.
  6. **Prohibited Illumination.** A sign shall not:
    - a. Be illuminated by flashing, intermittent or moving lights;
    - b. Contain or display animated, moving video or scrolling advertising;
    - c. Display messages for a period of less than eight seconds and use transitions or frame effects with an interval of more than two seconds;
    - d. Include audio, pyrotechnic, or bluecasting (Bluetooth advertising) components;
    - e. Consist of a static image projected upon a stationary object; or
    - f. Be a mobile sign located on or attached to a truck or trailer.
  7. **Luminosity.**
    - a. Daytime. During the daytime, based on normal daytime illumination, a maximum limit of 5,000 nits is permitted to keep luminous signage balanced with the surrounding landscape.
    - b. During nighttime hours, a maximum luminosity is limited to 350 nits.
    - c. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 400 nits for this method of calibration and testing is suitable.
    - d. Incremental luminance limits between the nighttime limit and the full sunlight shall require automatic luminance controls for overcast or foggy days and for dawn and dusk hours by means of automatically controlling sign luminance based on the ambient lighting conditions, to restrict luminance between the sunny-day and night maximum luminosity range.
    - e. Surface luminosity measurements should be made directly with a calibrated luminosity meter, following the instruments manufacturer's instructions. Readings should be taken from the area where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity outpost is most focused).
  8. **Safety.** Electronic Message Centers and Digital Billboards shall:
    - a. Include systems and monitoring to either turn the display off or show "full black" on the display and

- contain a default mechanism that freezes the sign in one (1) position at the maximum illumination in the event of malfunction; and
- b. Be designed so if a catastrophic power surge occurs, the sign will go dark or it will have maximum brightness limitations in place; and
- c. Automatically adjust the intensity of its display according to natural ambient light conditions.

#### 14.01.35 Landscape Features

- A. Landscape features such as plant materials, berms, boulders, fencing, masonry columns and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged.

#### 14.01.36 Special Exceptions

- A. Special exceptions to these sign regulations may be granted by the Plan Commission, with appeals of a Plan Commission determination made to the Common Council.

#### 14.01.37 Nonconforming Signs

- A. **Signs Eligible for Characterization as Legal Nonconforming.** Any permanent existing sign located within the City of Onalaska of the date of adoption of this Sign Ordinance hereafter which does not conform with the provisions of this Sign Ordinance, is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
  - 1. The sign was covered by a proper sign permit prior to the date of adoption of this Sign Ordinance; and
  - 2. If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this Sign Ordinance.
    - a. **Continuation of Legal Nonconforming Signs.**
      - i. Nonconforming signs shall be maintained and repaired in a manner so as to comply with safety standards within this Sign Ordinance.
      - ii. Nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Sign Ordinance. See Section 14.01.37.A.2.b below, for what would constitute an alteration of a sign.
    - b. **Alteration of Nonconforming Signs.**
      - i. For the purpose of this Sign Ordinance, alteration of a sign is considered to be any change to the sign's frame, supporting structure, lighting, material, height, location, or any other alterations as determined by the Zoning Administrator or Designated Authorized Agent.
      - ii. Altering a sign does not include maintaining the existing appearance of the sign face; replacing the sign face or the supporting structure with identical materials, colors, and messages, or changing the sign face.
    - c. **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
      - i. If said sign is damaged by fire, flood, explosion, earthquake, war, riot or act of God; or structurally altered as noted in Section 14.01.37.A.2.b.i. above, except for activities noted in Section 14.01.37.A.2.b.ii. above. The sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the sign shall be brought into compliance with the requirements of this Sign Ordinance. If the sign is not reconstructed within three (3) months, the sign shall be removed.
      - ii. The sign is relocated so as to be a minimum of five (5) feet from a parcel line (off the right-of-way) and is outside the required vision triangle as specified in the Unified Development Code.
      - iii. The sign fails to conform to the City requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
      - iv. On the date of occurrence of any of the above activities, the sign(s) shall be immediately brought into compliance with this Sign Ordinance with a new sign permit secured therefore or shall be removed.

#### 14.01.38 Abandoned Signs and Their Structures Where a Business is No Longer in Operation

- A. Vacation of a building, portion of a building, structure or site shall have the following effect:
1. At ninety (90) days, nonconforming signs shall lose their legal nonconforming status.
  2. At ninety (90) days, the owner of the property shall take action regarding any signage/signage structures, associated with the vacancy and either removal all such signage and structures associated with the vacancy or replace the face of such signage with a blank sign face (no sign permit required).
  3. Sign structures that have been left without modifying the sign face for a continuous period of ninety (90) days, shall be deemed abandoned and shall be removed by the owner of the sign structure in accordance with the standards set forth in Section 14.01.31.Q. Removal of Signs.

## Chapter 02 General Standards

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### Division 1 Standards for Specific Types of Signs

#### 14.02.11 Awning and Canopy Signs

- A. **Awning and Canopy Signs.** All awning and canopy signs require individual sign permits and shall comply with the following requirements and conform to the regulations of the zoning district in which they are to be located. Awning/canopy signs are defined as an awning/canopy which displays text, logo, or similar feature. There is no limit to the number of awning/canopy signs on a property. If any sign is suspended or projects above a right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City of Onalaska harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City of Onalaska may reasonably from time to time determine, provided that the amount of such liability insurance shall be as noted below in 14.02.11.A.5.
1. **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Inspection Department for compliance with the Building Code of the City. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 14.01.34. All canopies shall be attached to a building and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
  2. **Height.** All awnings and canopies shall be constructed and erected so that the lowest portion thereof shall be a minimum of eight (8) feet above the level of the public sidewalk or public thoroughfare.
  3. **Setback from Curb Line.** No awning shall extend beyond a point four (4) feet into the right-of-way and no canopy shall extend beyond four (4) feet from the face of a wall or building.
  4. **Text and Copy Size Limitations:**
    - a. Awnings. Text, copy and characters shall not exceed eight (8) inches in average height on the front and side edges.
    - b. Canopies. Text, copy and characters shall not exceed twenty-four (24) inches in average height on the front and side edges.
  5. **Insurance and Release Requirements.** Every applicant for a sign permit for an awning and/or canopy which will overhang a public street or sidewalk shall, before the sign permit is granted, file with the Planning/Inspection Department an indemnification and hold harmless agreement for the sign and a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for any one (1) accident and Ten Thousand Dollars (\$10,000.00) for property damage which shall indemnify and save harmless the City of Onalaska from any and all damages, judgments, costs or expense which the said City may incur or suffer by reason of the granting of said sign permit.

#### 14.02.12 Electronic Message Center Signs

- A. All electronically or mechanically energized/digital signs shall comply with the following standards:
1. **Message Timing.** Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.

2. **Dimmer Control.** Electronic Message Center Signs shall have an automatic dimmer control such as a photocell or other ambient light sensing mechanism that automatically adjusts the sign's brightness in direct correlation with the natural ambient light conditions.
3. **Light Sensor Required.** All Electronic Message Center Signs that are directly illuminated shall include a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions or that can be adjusted to comply with the foot-candle requirements set out below without human assistance.
4. **Brightness.** Electronic Message Center Signs shall not exceed a brightness level of five thousand (5,000) nits (candela per square meter) during daylight hours and five hundred (500) nits between sunset and sunrise and at no time exceed 0.3 footcandles above natural ambient light conditions. Such measurements shall be taken using a footcandle (Lux) meter at a preset distance depending on the sign area, measured as follows in the table below. Signs found to exceed the brightness levels shall be adjusted to meet the below standards after notification by the City of Onalaska.

Area of Sign (SF)	Measurement Distance (FT)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

5. **Certification Required.** Prior to the issuance of a sign permit for an Electronic Message Center Sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed five thousand (5,000) nits and that the intensity level is protected from end-user manipulation by password-protected software or other method that will effectively deter end-user manipulation and that the Electronic Message Center Sign includes a sensor or similar device in compliance with Sections 14.02.12 A.2-3 above.
6. **Additional Location and Size Requirements shall be as follows:**
  - a. Electronic Message Center Signs are not permitted within one hundred (100) feet of a residential district parcel line. Such signs are allowed within one hundred (100) feet of a residential district parcel line, only if the residential district parcel is separated from the sign/property in question by a public right-of-way.
  - b. All Electronic Message Center signs within three hundred (300) feet of a residential district parcel line shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet for both sides. Such Electronic Message Center Signs may only be operational between 7:00A.M. and 10:00P.M. to preserve the integrity of the surrounding neighborhood.
  - c. Electronic Message Center Sign faces shall not exceed one hundred (100) square feet per side and a total of two hundred (200) square feet total on both sides when located beyond three hundred (300) feet from a residential district parcel line.

#### 14.02.13 Ground/Freestanding Signs

- A. For the purpose of this Sign Ordinance, a monument sign, multiple pole sign, or single pole sign shall be considered a ground/freestanding sign. Unless specified elsewhere in this Sign Ordinance, all ground/freestanding signs shall comply with the following standards:
1. **Allowable sign area and sign height.** The allowable sign area and sign height shall be as specified in the applicable zoning district.
  2. **Monument sign base.** In the case of a ground/freestanding monument sign, the width of the base of the sign shall be at least sixty percent (60%) the width of the sign.
  3. **Materials.** Ground/freestanding signs shall be constructed of durable and quality materials that are compatible with surrounding development. In the case of a monument sign, the base and exposed foundation shall be covered with a finished material such as brick, stone, metal or wood.

#### 14.02.14 Signs Adjacent To Drive-Thrus

- A. Signs adjacent to drive-thrus where allowed pursuant to this Sign Ordinance shall be subject to the following conditions:
1. **Allowable sign area and sign height.** The sign shall have a maximum sign copy of fifty (50) square feet.
  2. **Orientation.** The sign shall be single-sided and oriented in such a manner so that the signs are directly visible to the patrons using a drive-thru facility only.

#### 14.02.15 Billboards

- A. All Billboard signs shall be permitted subject to the following standards:
1. **Location Requirements:** all Billboard signs must be:
    - a. A minimum of one hundred (100) feet from a residential district parcel line for Billboards. A minimum of seven hundred fifty (750) feet from a residential district parcel line for Digital Billboards.
    - b. A minimum of one hundred (100) feet from an intersection.
    - c. A minimum of three hundred fifty (350) feet from a church and/or school parcel line.
    - d. A minimum of one thousand (1,000) feet from another Billboard. Digital Billboards must be at least five thousand two hundred eighty (5,280) feet from another Digital Billboard.
    - e. A minimum of five (5) feet from right-of-way and parcel lines.
    - f. Further than three hundred fifty (350) feet of the east and west rights-of-way of STH 157 and/or US 53 from Federal Interstate 90 to CTH OT.
      - i. A Digital Billboard may be allowed not less than two hundred fifty (250) feet and not more than three hundred fifty (350) feet of the east and west rights-of-way of US 53 from Federal Interstate 90 to CTH OT provided that all other setback requirements listed in Section 14.02.15.A.1.a-f. above are met.
    - g. Further than three hundred fifty (350) feet of the east and west rights-of-way of Sand Lake Road (STH S) from Main Street to CTH OT.
  2. **Allowable sign area and sign height.** The maximum size of a Billboard sign shall be three hundred (300) square feet per side of a sign structure. The height of the Billboard shall not exceed thirty (30) feet above the ground at the site of the sign and in no event shall the maximum height exceed forty-five (45) feet above the adjacent road centerline. Sign shall be constructed in a ground/freestanding design without back bracing or guy wires.
  3. **Digital Billboards.**
    - a. Digital Billboards may be allowed to up to three hundred seventy eight (378) square feet per side and a total of seven hundred fifty six (756) square feet total on both sides.
    - b. **Technology.** Any technology that complies with the performance standards including maximum brightness as set forth in this Sign Ordinance is permitted.
    - c. **Public Service Announcement.** Digital Billboards shall display up to ten (10) holds/flip messages annually, each hold/flip to occur once per minute for one (1) week prior to an event requested by the City of Onalaska free of charge.
    - d. Digital billboards images and messages must be static and each display/message must be

maintained for a minimum of seven and one-half (7.5) seconds. The transition from one static display/message on a digital billboard to another display/message must be instantaneous and without special effects or video.

- e. Brightness. Signs found to be too bright shall be adjusted to meet the standards set forth in Section 14.01.34.I. and Section 14.02.12 above upon notification by the City of Onalaska.
  - f. Each image and message shall be complete and self-contained.
  - g. Height. The height of the Digital Billboard shall not exceed thirty (30) feet above the ground at the site of the sign and in no event shall the maximum height exceed forty-five (45) feet above the adjacent road centerline.
  - h. A Digital Billboard, existing or for which a permit has been issued for prior to the adoption of this ordinance, must still meet the above requirements for brightness as set forth herein.
4. **Conversion of Existing Static Billboards into Digital Billboards fronting Federal Aid Primary (FAP) Highways.** A legally nonconforming, illuminated Billboard may be converted to a Billboard with digital display if the following conditions are met and shall adhere to the requirements of this Section.
- a. **Removal.** As part of the sign permit application, the applicant shall agree in writing to remove permanently other existing Billboards in the City: for each Digital Billboard erected, one (1) illuminated or non-illuminated face shall be removed. The removal shall take place within sixty (60) days of permit approval. The converted Billboard shall not count towards the removal requirement. If the removed Billboard are ones for which a state permit is required, the applicant and owners shall surrender such permits to the state. The Billboard with a digital display may not be put into operation until proof is provided that such state permits have been surrendered. An existing Billboard located within two thousand (2,000) feet of a residential district lot line shall not be eligible for conversion.
5. **Compliance.** Billboards and Digital Billboards shall meet all federal, state and local requirements prior to issuance of a sign permit.

#### 14.02.16 Projecting Signs

- A. Unless specified otherwise in this Sign Ordinance, all projecting signs shall comply with the following standards. If any sign is suspended or projects above a right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City of Onalaska harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City of Onalaska may reasonably from time to time determine, provided that the amount of such liability insurance shall be as noted in Section 14.02.11.5 above.
- 1. **Allowable sign area and sign height.** Projecting signs fastened to, suspended from or supported by structures shall not exceed twenty-four (24) square feet in an area for any one (1) premises and not exceed a height of twenty (20) feet above the mean centerline street grade. Projecting signs must be of a scale consistent with and appropriate for the building to which they are affixed.
  - 2. **Allowable extension from building.** Projecting signs shall not extend closer than six (6) feet to the edge of the public right-of-way or extend closer than ten (10) feet to a side parcel line. Properties located along Main Street between State Highway 35 and 4<sup>th</sup> Avenue and located along State Highway 35 from Quincy Street to Oak Forest Drive shall be allowed to install a sign where the lowest portion thereof is a minimum of ten (10) feet above the level of the public sidewalk or public pedestrian thoroughfare or extend beyond four (4) feet over the public sidewalk or public pedestrian thoroughfare.
  - 3. **Clearance above grade.** All projecting signs shall maintain a minimum of ten (10) foot vertical distance between the bottom of the sign and the grade immediately below the sign.

#### 14.02.17 Wall Signs

- A. **Allowable Sign Area.** The allowable sign area is specified in the applicable zoning districts.
- B. **Sign Placement.** Where feasible, wall signs shall be placed in the traditional sign band above the entrance to the building and shall not exceed the height of the wall for which it is displayed, depending upon the height of the wall as specified in the applicable zoning. In no case shall a sign be placed higher than the cornice.
- C. **Attachment to Building/Structure.** Wall signs placed against the exterior of buildings shall not extend

more than sixteen (16) inches out from a building wall's surface.

#### 14.02.18 Roof Signs

- A. Roof signs shall comply with the following standards:
1. Allowable Sign Height. In no case shall a roof sign exceed fifteen (15) feet in height above the parapet line or higher than thirty (30) feet above the mean grade of the centerline of the street from which access to the premises is obtained.
  2. Roof sign structures shall be constructed entirely of steel or aluminum and all faces shall be constructed of fire-resistant materials and shall withstand a wind pressure of thirty (30) p.s.f. per American Society of Engineering.

#### 14.02.19 Temporary Signs

- A. The following temporary signs shall be allowed with a temporary sign permit issued by the City of Onalaska's Planning Department as required below, provided they are not located over, on or in a public road right-of-way or in, on or over public water. Temporary signs may not be illuminated and for purposes of the following sections, the length of time is measured within a calendar year. The City of Onalaska Planning Department or their designee may remove any temporary sign which does not meet the requirements of this Sign Ordinance without notice. For purposes of this Sign Ordinance, the lessor of a property is considered the property owner, as to the property the lessor holds a right to use exclusive of others. If there are multiple lessors of a property, then each lessor shall have the same rights and duties as the property owner as to the property the lessor leases, and has the sole right to occupy and the size of the property shall be deemed to be the property that the lessor has the sole right to occupy under the lease.
1. **Non-Residential Districts.** Temporary Signs Allowed Generally. The below temporary signs do not require a Temporary Sign Permit unless as noted.
    - a. One (1) temporary sign per street frontage, up to thirty-two (32) square feet in size, may be located on a parcel when that property is being offered for sale.
    - b. One (1) temporary sign up to thirty-two (32) square feet may be located on the property for a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property.
    - c. One (1) temporary sign up to thirty-two (32) square feet may be located on the owner's property when the property owner is opening the property to the public; provided, however, that this type of sign may not be used for more than fourteen (14) days in a calendar year.
    - d. Up to three (3) temporary signs may be located on a property in which an active construction site of a new building or substantial remodel for which a building permit exists provided such temporary signs are attached to construction trailers or are free standing. Parcels are allowed up to an aggregate of one hundred (100) square feet of such temporary signage. For parcels abutting I-90, the sign face may be up to seventy-two (72) square feet provided that approval is granted by the Wisconsin Department of Transportation. In addition to the three (3) temporary signs, banners may be installed on the construction site fence to the same length and height as the fence surrounding a construction site. Signs or banners may not be installed until after issuance of a Site Plan Permit or Building Permit. The signs shall be confined to the construction/development site and shall be removed within thirty (30) days of completion or prior to issuance of a Final Occupancy, whichever is sooner.
    - e. One (1) temporary sign up to thirty-two (32) square feet may be located on the owner's property when that property is being offered for rent at the time of a known vacancy.
    - f. Up to three (3) temporary signs may be located on a property for a seven (7) day period immediately after construction work has been completed by a licensed contractor. Signs may be up to thirty-two (32) square feet in area (per side).
    - g. One (1) temporary sign, per street frontage, up to thirty-two (32) square feet in size may be located on a property up to 14 days in advance of a registered Community Event. Such signs shall be removed within 24 hours of the community event. If included on an electronic message center sign, the electronic message center sign shall be at least one hundred (100) feet from any residential district line and may only be illuminated from 6:00 A.M. until 10:00 P.M.

- h. Two (2) temporary signs, up to thirty-two (32) square feet in area (per side) may be located on a parcel if a temporary outdoor displays, sales area, or tent event is taking place on the property throughout the duration of said event. A Temporary Sign Permit is required prior to installation approved by the Planning Department.
  - i. A property owner may place one (1) temporary sign with a sign face no larger than thirty-two (32) square feet on the property at any time for up to ninety (90) days in a year. A Temporary Sign Permit for the calendar year is required prior to installation approved by the Planning Department.
  - j. Sidewalk sign. Each parcel is allowed (1) sidewalk sign per street frontage, up to twelve (12) square feet in size. A sidewalk sign shall have a professional designed appearance and be constructed of durable, weather-resistant materials (cardboard, paper, fabric, and other similar materials are prohibited). Sidewalk signs shall be constructed in a workmanlike manner that is consistent with all applicable codes. A sidewalk sign shall have no moving parts, except for wheels to move the sign to and from a display location and shall not be electric or illuminated. Sidewalk signs may be located at the subject parcel, unless a structure has been constructed in a manner where no street yard setback exists. In these instances, a sidewalk sign may be placed immediately adjacent to the subject parcel in a manner that does not present a pedestrian safety issue or vehicle hazard. Under no circumstances shall a sidewalk sign obstruct vehicular parking stalls, bus stops, benches, fire hydrants, or other features located legally in the public right-of-way. A sidewalk sign shall be located closer to the building face, rather than the curb. A sidewalk sign shall not be located in the required vision triangle as specified in the Unified Development Code.
2. **Residential Districts.** Temporary Signs Allowed Generally. The below temporary signs do not require a Temporary Sign Permit unless as noted.
- a. One (1) temporary sign up to three (3) square feet in size is allowed at all times on a property.
  - b. One (1) temporary sign per street frontage, up to four (4) square feet in size, may be located on a parcel when that property is being offered for sale.
  - c. One (1) temporary sign may be located on the property for a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property, up to four (4) square feet in size.
  - d. One (1) temporary sign may be located on the owner's property when the property owner is opening the property to the public; provided, however, that this type of sign may not be used for more than four (4) days in a year, up to four (4) square feet in size.
  - e. One (1) temporary sign may be located on the owner's property when that property is being offered for rent, up to four (4) square feet in size.
  - f. Up to three (3) temporary signs may be located on a property in which an active construction site of a new residence or substantial remodel for which a building permit exists provided such temporary signs are attached to fencing, construction trailers or are free standing. The maximum size of any one (1) sign shall be nine (9) square feet for a single parcel. Where a new residence or substantial remodel for which a building permit exists and for which the construction site is fenced, banners may be installed on the construction site fence to the same length and height as the construction fence.
  - g. Up to three (3) temporary signs may be located on a property for the seven (7) day period immediately after construction work has been completed by a licensed contractor. Individual signs may be up to three (3) square feet in area (per side).
  - h. One (1) temporary sign, per street frontage, up to four (4) square feet in size, may be located on a property up to fourteen (14) days in advance of a registered Community Event. Such signs shall be removed within twenty-four (24) hours of the community event.
  - i. One (1) temporary sign, per street frontage, up to four (4) square feet in area (per side) may be located on a parcel for the seventy-two (72) hours prior to a time when the owner of the parcels holds the property open to the public for a garage or alley sale and for up to twenty-four (24) hours afterwards.
  - j. A property owner may place one (1) sign with a sign face no larger than two (2) square feet on the property at any time for up to ninety (90) days in a calendar year.

- k. Up to three (3) temporary signs may be located on a new subdivision in which an active construction site of new residences exists provided such temporary signs are attached to fencing, construction trailers or are free standing. Installation of the signs may not occur until after the approval of a Final Plat. The maximum size of any one (1) sign shall be thirty-two (32) square feet for a single parcel. A Temporary Sign Permit is required prior to installation approved by the Planning Department.
- l. Sidewalk signs are allowed for permitted and permitted with standards uses in Residential Districts, up to twelve (12) square feet in size. Each parcel is allowed one (1) sidewalk sign per street frontage. A sidewalk sign shall have a professional designed appearance and be constructed of durable, weather-resistant materials (cardboard, paper, fabric, and other similar materials are prohibited). Sidewalk signs shall be constructed in a workmanlike manner that is consistent with all applicable codes. A sidewalk sign shall have no moving parts, except for wheels to move the sign to and from a display location and shall not be electric or illuminated. Sidewalk signs shall be located at the subject parcel. Under no circumstances shall a sidewalk sign obstruct vehicular parking stalls, bus stops, benches, fire hydrants, or other features located legally in the public right-of-way. A sidewalk sign shall be located closer to the building face, rather than the curb. A sidewalk sign shall not be located in the required vision triangle as specified in the Unified Development Code.

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## Division 2 Standards by District

### 14.02.21 Allowable Signs in R-1 (Low Density Residential), R-2 (Low-Medium Density Residential) R-3 (Medium Density Residential), R-4 (High Density Residential), R-MMH (Residential Manufactured and Mobile Home) Zoning Districts

- A. **Intent.** The R-1, R-2, R-3, R-4, and R-MMH Zoning Districts accommodate primarily residential uses and a limited amount of other compatible non-residential uses. The signage in these districts is intended to relate to the predominately residential character of the districts.
- B. **Allowable signs.** The following are the only types of signs allowed:
  - 1. **Ground/Freestanding sign.** Ground/freestanding signs shall comply with the standards specified in Section 14.02.13.
  - 2. In addition, the following standards shall apply:
    - a. One (1) ground/freestanding sign shall be allowed per primary entrance of subdivisions containing at least: (a) six (6) single-family residential parcels or (b) at least twelve (12) two-family dwelling units in the subdivision;
    - b. One (1) ground/freestanding sign shall be allowed per primary entrance of a multi-family development that has three (3) or more dwelling units.
    - c. The maximum height of the ground/freestanding sign structure shall not exceed eight (8) feet.
    - d. The maximum total area of the ground/freestanding sign structure shall not exceed seventy-five (75) square feet.
    - e. Signs for properties with permitted and permitted with standards uses in these districts may have one (1) ground/freestanding sign per public road frontage a maximum of four (4) square feet per side.
    - f. Permitted home occupations are allowed one (1) sign up to four (4) square feet.
    - g. Signs shall not be internally illuminated.
  - 3. **Wall sign.** Wall signs shall comply with the standards specified in Section 14.02.17 In addition, the following standards shall apply:
    - a. Multi-family uses. One (1) wall sign per building wall fronting a public street shall be allowed for a multi-family use that is a permitted or permitted with standards use in the district, with a maximum sign square footage of thirty-two (32) square feet and shall not be illuminated.
    - b. Signs with properties with permitted and permitted with standards uses in the district, may have one (1) wall sign per premise, not exceeding four (4) square feet in area. Sign shall be a permanent sign and not illuminated.
  - 4. **Government Signs.**

5. **Traffic Control Devices.**
6. **Flags.** Provided that such flags shall not exceed twenty-five (25) square feet per face. The maximum flagpole height shall be twenty-five (25) feet and no more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

#### 14.02.22 Allowable Signs in B-1 (Neighborhood Business), B-2 (Community Business), B-3 (Regional Business), I-1 (Light Industrial) and I-2 (Heavy Industrial) Zoning Districts

- A. **Intent.** The B-1, B-2, B-3, I-1 and I-2 Zoning Districts accommodate primarily commercial and industrial uses. The signage in these districts is intended for vehicular traffic moving at speeds ranging from twenty-five (25) to forty-five (45) miles per hour.
- B. **Allowable signs.** The following are the only types of signs allowed:
  1. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 14.02.13. In addition, the following standards shall apply:
    - a. Ground/freestanding signs may have a maximum of two hundred (200) square feet per side for any one (1) premise.
    - b. Ground/freestanding sign structure shall not exceed a height of thirty (30) feet above the centerline of the grade of the street from which access to the premises is obtained.
    - c. An Electronic Message Center Sign may be permitted pursuant to the standards in Section 14.02.11.
    - d. Ground/freestanding signs shall be setback a minimum of five (5) feet from parcel boundaries and shall follow traffic visibility standards found in the Unified Development Code.
    - e. Parcels that front a Federal Aid Primary (FAP) Highway are allowed a maximum of three hundred (300) square feet per side and the sign structure shall not exceed a height of forty-five (45) feet above the centerline of the grade of the street from which access to the premises is obtained.
  2. **Wall Sign.** Walls signs shall comply with the standards specified in Section 14.02.17. In addition, the following standards shall apply:
    - a. Wall signs are allowed up to a maximum of five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller), per wall for any one (1) premise and such sign(s) shall not exceed the height of the wall for which it is displayed.
    - b. Multi-tenant facilities and/or businesses may have one (1) wall sign per distinct and unrelated service.
  3. **Billboards.** Billboard and Digital Billboard signs shall comply with the standards specified in Section 14.02.15 as applicable. Billboards and Digital Billboards are allowed only in B-1, B-2, B-3, I-1 and I-2 Districts.
  4. **Roof Sign.** Roof signs shall comply with the standards specified in Section 14.02.18
  5. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 14.02.16.
  6. **Sign Adjacent to Drive Thrus.** Signs adjacent to drive-thrus shall comply with the standards specified in Section 14.02.14.
  7. **Awning/Canopy Sign.** Awning/Canopy Signs shall comply with the standards specified in Section 14.02.11.
  8. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
  9. **Government Sign.**
  10. **Traffic Control Devices.**
  11. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
  12. **Flags.** Provided that such flags shall not exceed one hundred (100) square feet per face. The maximum flagpole height shall be forty-five (45) feet for flags that are sixty (60) square feet or smaller and the maximum flagpole height shall be fifty (50) feet for flags larger than sixty (60) square feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be

one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

#### 14.02.23 Allowable Signs in MU-N (Mixed Use Neighborhood) and MU-C (Mixed Use Community) Zoning Districts

- A. **Intent.** The MU-N and MU-C Zoning Districts accommodate a mixture of residential and commercial uses. The signage in this district is intended for vehicular traffic moving at speeds ranging up to twenty-five (25) miles per hour.
- B. **Allowable signs.** The following are the only types of signs allowed:
1. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 14.02.13. In addition, the following standards shall apply:
    - a. Ground/freestanding signs may have a maximum of sixty (60) square feet per side.
    - b. Ground/freestanding sign structure shall not exceed a height of fifteen (15) feet above the centerline of the grade of the street from which access to the premises is obtained.
    - c. Ground/freestanding sign structure shall be setback a minimum of ten (10) feet from parcel boundaries and shall follow traffic visibility standards found in the Unified Development Code.
    - d. An Electronic Message Center Sign may be permitted pursuant to Section 14.02.12.
    - e. Parcels that front on a Federal Aid Primary (FAP) Highway may have a sign with a maximum of one hundred and fifty (150) square feet per side and the sign structure shall not exceed a height of thirty (30) feet above the centerline of the grade of the street from which access to the premises is obtained.
  2. **Wall Sign.** Walls signs shall comply with the standards specified in Section 14.02.17. In addition, the following standards shall apply:
    - a. Wall signs are allowed a maximum of one (1) sign up to forty (40) square feet of signage per building wall per approved use within the structure and such signs shall not exceed the height of the wall for which it is displayed.
    - b. Multi-tenant facilities and/or businesses may have one (1) wall sign per distinct and unrelated service per frontage.
  3. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
  4. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 14.02.16.
  5. **Sign Adjacent to Drive-Thrus.** Signs adjacent to drive-thrus shall comply with the standards specified in Section 14.02.14.
  6. **Awning/Canopy Sign.** Awning/Canopy Signs shall comply with the standards specified in Section 14.02.11.
  7. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
  8. **Government Sign.**
  9. **Traffic Control Devices.**
  10. **Flags.** Provided that such flags shall not exceed twenty-five (25) square feet per face. The maximum flagpole height shall be twenty-five (25) feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

#### 14.02.24 Allowable Signs in P-1 (Public and Semi-Public), P-2 (Park and Open Space) and A-1 (Agricultural) Zoning Districts

- A. **Intent.** The P-1, P-2 and A-1 Zoning Districts are intended for institutional, public uses and agricultural uses. These districts accommodate a variety of uses including parks, governmental and cultural uses, schools, places of worship and farming/ agricultural uses. The signage in these districts is intended for vehicular traffic moving at speeds ranging from twenty-five (25) to forty-five (45) miles per hour.

B. **Allowable signs.** The following are the only types of signs allowed:

1. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 14.02.13. In addition, the following standards shall apply:
  - a. Ground/freestanding signs are allowed up to a maximum of up to sixty-four (64) square feet per side.
  - b. Ground/freestanding sign structure shall not exceed a height of fifteen (15) feet above the centerline of the grade of the street from which access to the premises is obtained.
  - c. Ground/freestanding signs shall be setback a minimum of five (5) feet from parcel boundaries and shall follow traffic visibility standards found in the Unified Development Code.
  - d. An Electronic Message Center Sign may be permitted pursuant to Section 14.02.12.
2. **Wall Sign.** Walls signs shall comply with the standards specified in Section 14.02.17. In addition, the following standards shall apply:
  - a. Wall signs are allowed an aggregate of up to three hundred (300) square feet, with a maximum of one hundred (100) square feet per wall façade.
3. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
4. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 14.02.16.
5. **Awning/Canopy Sign.** Awning/Canopy signs shall comply with the standards specified in Section 14.02.11.
6. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
7. **Government Sign.**
8. **Traffic Control Devices.**
9. **Flags.** Provided that such flags shall not exceed one hundred (100) square feet per face. The maximum flagpole height shall be forty-five (45) feet for flags sixty (60) square feet or smaller and the maximum flagpole height shall be fifty (50) feet for flags larger than sixty (60) square feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

#### 14.02.25 Allowable Signs in Design Overlay Districts including PUD (Planned Unit Development), D-PUD (Downtown Planned Unit Development), PCID (Planned Commercial Industrial District), and MCD (Medical Campus District)

A. **Intent.** Signs within the PUD, D-PUD, PCID, and MCD Overlay Districts are intended to have a unified appearance that is integral to the design concepts. Signs should generally comply with the sign standards associated with the underlying districts or uses that most reflect the proposed uses in the Overlay Districts, but may deviate from those standards pursuant to approved plans.

B. **MCD On-Premise Signage.**

1. In addition to the general City sign provisions, developments within a MCD may install the following signs with dimensions, locations, and amounts as set forth in this Subsection. Signs should be an accent to the architecture with the overall effect being low-key and proportional to the building. As part of the Campus Master Plan, a conceptual signage plan noting locations for all proposed signage (which may include temporary signage), to be provided during staff review.
  - a. **Freestanding Signs.** A MCD may erect freestanding signs with no more than two (2) faces in conformance with an approved Campus Master Plan.
    - i. **Signs fronting Federal Aid Primary (FAP) Highways.** In no event shall any sign face exceed three hundred (300) square feet on one (1) side for signage fronting FAP Highways. Freestanding signs shall not exceed forty-five (45) feet in overall height above the centerline of the grade of the street from which access to the premises is obtained, and setback a minimum of five (5) feet from parcel boundaries. All signs to follow traffic visibility standards in Section 13.03.12.A.

- ii. **Signs fronting non-FAP Highways (other public streets).** In no event shall any sign face exceed two hundred (200) square feet on one (1) side for signage fronting a public street. Freestanding signs shall not exceed thirty (30) feet in overall height above the centerline of the grade of the street from which access to the premises is obtained, and setback a minimum of five (5) feet from parcel boundaries. All signs to follow traffic visibility standards in Section 13.03.12.A.
  - iii. **Internal Traffic Control Signs.** In addition to other signage permitted within an MCD, traffic control signs are permitted on the parcel(s) containing the campus. Such signs may be erected along public and private roadways to direct vehicles or pedestrians to utilize certain and follow certain streets, paths or access ways within the campus and such signs may not be erected in the public right-of-way. Traffic control signs shall prominently display directions to the emergency room and like services, if any. Traffic control signs shall be freestanding monument-style signs with a maximum height of ten (10) feet in overall height and a maximum area of one hundred and fifty (150) square feet on one (1) side. Final internal traffic control sign locations shall be determined during site plan review.
- b. Wall Signs.**
- i. Each building or structure within the MCD may have one (1) wall sign per permitted or approved use, with one (1) sign face for each side of the building that faces a public or private street or parking lot. Each facade may not have wall signs that exceed five hundred (500) square feet in sum or forty percent (40%) of the wall surface (whichever is smaller) and otherwise be consistent with standards set forth in this Sign Ordinance.
- c. Building or Structure Addressing.**
- i. For emergency and fire protection services, each building or structure within the MCD that is open to the public shall prominently display an address street number sign visible from the internal circulation system. Each address sign must be visible and legible from the nearest public or private street and may not exceed fifty (50) square feet. A conceptual addressing plan shall be provided with the Campus Master Plan.
- d. Temporary Signs.**
- i. Temporary signs shall be allowed on-premise provided they do not exceed fifteen (15) square feet in area per side, must located on private infrastructure and may not be in the public right-of-way. Temporary signs may not be illuminated. The locations and frequency of these signs shall be displayed and considered during review of a conceptual signage plan.

**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 1659 – 2019**

Please route in this order

Sign Code

Eric Rindfleisch, Administrator

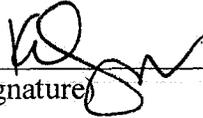
  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

Katie Aspenson, Planning Manager

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

No Fiscal Impact

Budgeted Item

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

2-05-2020 1:47 PM

F O R M S R E G I S T E R

PACKET: 03063 License Packet Feb Operators

SEQUENCE: License #

#6-L

ID	PERIOD	-----NAME-----		LICENSE CODE
03971	1/14/20- 6/30/21	SCHMIDT	ANTHONY	OPRATOR OPERATORS - 2 YEAR
06067	1/08/20- 6/30/21	PIEPER	HEIDI	OPRATOR OPERATORS - 2 YEAR
06072	1/13/20- 6/30/21	DE SMET	HUNTER	OPRATOR OPERATORS - 2 YEAR
06075	1/13/20- 6/30/21	GARBERS	MADISON	OPRATOR OPERATORS - 2 YEAR
06076	1/13/20- 6/30/21	SARAZIN	ELLY	OPRATOR OPERATORS - 2 YEAR
06079	1/14/20- 6/30/21	MARONEY	JUSTIN	OPRATOR OPERATORS - 2 YEAR
06095	1/22/20- 6/30/21	GRANT	JOSHUA	OPRATOR OPERATORS - 2 YEAR
06097	1/24/20- 6/30/21	EVERTS	HALLIE	OPRATOR OPERATORS - 2 YEAR
06106	1/30/20- 6/30/21	SWEENEY	NATHAN	OPRATOR OPERATORS - 2 YEAR
06108	1/31/20- 6/30/21	CHAMPAGNE	CHLOE	OPRATOR OPERATORS - 2 YEAR

February 11, 2020

# 8-A

To: Finance and Personnel Committee  
FROM: Finance Department  
SUBJ: Payables and Approval

The following is a list of monies expended since the last Common Council meeting dated January 14, 2020. These payables include a percentage ( 25.9979% in 2019 compared to 28.9230% in 2020 ) of taxes collected through January 31, 2020 to the taxing entities.

The total is: \$12,337,567.54

1/15/2020 AP Packet 2787 - January 2020	\$211,144.82
1/16/2020 AP Packet 2817 - VOID	(\$56.96)
AP Packet 2793 - 2019 Payments (including ACH) Business	\$972,887.61
1/17/2020 PY Packet 1137 - City Payroll	\$165,713.18
PY Packet 1126 - PT Firefighters	\$4,206.38
AP Packet 2791 - Deferred Payables	\$50,827.07
AP Packet 2777 - PT Firefighters	\$980.74
PY Packet 1137 - City Payroll Drafts	\$105,454.82
1/21/2020 UB Packet 2380 - REFUNDS	\$10.00
1/22/2020 AP Packet 2801 - January 2020	\$60,137.24
AP Packet 2808 - VOID	(\$937.75)
AP Packet 2803 - December 2019 (including ACH) Business	\$128,039.72
1/23/2020 AP Packet 2815 - REISSUE	\$937.75
1/28/2020 AP Packet 2823 - January 2020	\$1,525.20
AP Packet 2816 - Omni Check	\$10,780.28
AP Packet 2818 - VOID	(\$10,780.28)
AP Packet 2819 - Omni Check Reprint	\$10,780.28
AP Packet 2825 - December 2019 Business	\$23,717.72
1/29/2020 AP Packet 2828 - January 2020	\$772.63
1/31/2020 AP Packet 2829 - January 2020	\$28,456.74
PY Packet 1181 - City Payroll	\$181,961.71
AP Packet 2827 - Deferred Payables	\$10,743.97
AP Packet 2826 - City Payroll Drafts	\$111,697.63
2/4/2020 AP Packet 2831 - Town of Onalaska Tax Pymt	\$1,209.35
2/6/2020 AP Packet 2835 - Bremer Visa	\$12,207.19
2/10/2020 AP Packet 2837 - February 2020 Manual Business	\$603.08
AP Packet 2836 - December 2019 Business	\$24,227.92
2/11/2020 AP Packet 2820 - February 2020	\$10,075,558.76
AP Packet 2044 - February 2020	\$154,760.74

Finance Committee Signatures Total \$12,337,567.54

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OK  


ORDINANCE NO. 1660 -2020

AN ORDINANCE TO AMEND CHAPTER 4 OF TITLE 2 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO BOARDS, COMMISSIONS AND COMMITTEES

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

SECTION I. Chapter 4 of Title 2 of the City of Onalaska Code of Ordinances related to Boards, Commissions and Committees is hereby deleted in its entirety and replaced as follows:

Chapter 4

Boards, Commissions and Committees

- 2-4-1 Board of Review
2-4-2 Police and Fire Commission
2-4-3 Board of Public Works
2-4-4 Board of Zoning Appeals
2-4-5 City Plan Commission
2-4-6 Parks, Recreation & Library Board
2-4-7 Room Tax Commission
2-4-8 Historic Preservation Commission
2-4-9 Municipal Harbor Commission
2-4-10 Community Development Authority
2-4-11 General Provisions Regarding Meetings and Public Notice
2-4-12 Residency Required for Service on Boards or Commissions

Sec. 2-4-1 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 Wis. Stat. §70.47(7)(af), 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. §70.47(7)(af), unless a court determines that it is inaccurate, is, per Wis. Stat. §70.47(7)(af), confidential and not a public record and therefore is not subject to the right of inspection and copying under §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.

#### **Sec. 2-4-2 Police and Fire Commission.**

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 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.

#### **Sec. 2-4-3 Board of Public Works.**

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 have the power and authority prescribed by Sec. 62.14, Wis. Stats. and this Code of Ordinances.

#### **Sec. 2-4-4 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 Zoning Board of 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 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 zoning ordinances or building codes.
  - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning regulations 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 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.
  - (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 and building codes, for such purposes which are reasonably necessary for public convenience and welfare.
  - (5) 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. 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 commence within such period.
- (c) **Meetings and Rules.** All meetings of the Zoning Board of 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 Zoning Board of 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.
- (e) **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.

## **Sec. 2-4-5 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 judgment 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 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 secretary of the Commission, 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 Chapter 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 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 City Clerk.

#### **Sec. 2-4-6 Parks, Recreation & Library Board.**

- (a) **Composition and 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., said oath 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. Stat. and Sec. 43.54 Wis. Stat. and shall be charged with all the duties so required such as recommend, oversee work, and oversee funds of all parks, park and recreation 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.
  - (7) 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.
  - (8) 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 and Recreation Board shall determine the recreational needs and shall have jurisdiction over the public recreation programs of the City.
- (e) **Record.** The Parks and Recreation Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with 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 and park and recreation facilities.
  - (2) **Deposits.** All revenues and income from the operation of Park and Recreation Programs shall be deposited with the Financial Services Director.

- (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.

### **Sec. 2-4-7 Room Tax Commission.**

- (a) **Composition and Appointments.** 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 and subject to Common Council approval. Strong consideration shall be given to citizen members who are business owners or have experience in the tourism and hospitality industries. All members of the commission shall serve for a one (1) year terms from the date of appointment. Any vacancies occurring on the Room Tax Commission shall be filled by appointment by the Mayor, subject to confirmation of 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 Wis. Stat. 66.0615 as may be amended from time to time.
- (e) **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., said oath to be filed with the City Clerk.

### **Sec. 2-4-8 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 of the citizen members have one 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 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 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 Board. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.

### **Sec. 2-4-9 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) All Commissioners shall be appointed for terms of three (3) years. A Commissioner shall hold office until his or her successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of his or her 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 City Clerk.
- (e) **Filing of Certificate of Appointment.** A certificate of the appointment or reappointment of any Commissioner shall be filed with 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 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) **Meetings; Quorum; Bylaws.** All meetings of the MHC shall be held in compliance with the provisions of the Wisconsin Statutes and this ordinance. 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) **Selection of Officers, Agents and Employees.**
- (1) The MHC shall 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 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) **Duties and Powers.** The purpose of the City of Onalaska Municipal 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 Sec. 30.37 and 30.38 of the Wis. Stats. which are hereby incorporated by reference.
- (j) **Relationship to Other Municipal Board and Commissions.** The Municipal Harbor Commission shall make recommendations to the Onalaska Common Council. The Municipal Harbor Commission shall function independently from the Onalaska City Council except when incurring debt, obtaining real property, selling real property or taking any action requiring City Council approve pursuant to Sec. 30.38 of the Wis. Stats.
- (k) **Interested Commissioners or Employees.** No Commissioner or employee of the MHC 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 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 MHC owns or controls a direct or indirect interest in any real property included or planned to be included in any such project, he shall immediately disclose the same in writing to the MHC and such disclosure shall be entered upon the minutes of the MHC, and such Commissioner or employee shall not participate in any action by the MHC relating to such property. Failure to so disclose such interest shall constitute misconduct in office.

## **Sec. 2-4-10 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.** 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 Commission. 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 reference 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 her successor has been appointed and qualified, unless such Commissioner's term is vacated earlier

- because of his or her 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.
  - (e) **Evidence of Appointment.** The records maintained 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 her office.
  - (f) **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 she 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) **Meetings; Quorum; Bylaws.** All meetings of the CDA shall be held in compliance with the provisions of Subchapter IV of Chapter 19 of the Wisconsin Statutes 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.
  - (h) **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 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.
- (i) **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.
  - (j) **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 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 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.
  - (k) **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 Sec. 66.1201 or Sec. 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 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.
- (1) **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.
- (m) **Annual Report.** The CDA shall coordinate with City Staff to include a summary of their yearly activities in the annual Planning Department report.
- (n) **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.
- (o) **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.
- (p) **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 of the Wisconsin Statutes and such other duties, powers and functions related to Community Development as are conferred on it by the Common Council.

This Section and the powers granted hereunder shall be construed liberally to effectuate its purpose.

#### **Sec 2-4-11 General Provisions Regarding Meetings and Public Notice.**

- (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 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.

**Sec. 2-4-12 Residency Required for Service on Boards or Commissions.**

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.

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 11<sup>th</sup> day of February, 2020.

CITY OF ONALASKA

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

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

PASSED: 2/11/2020  
APPROVED: 2/11/2020  
PUBLISHED: 2/21/2020

**FISCAL IMPACT OF ORDINANCE 1660 – 2019**

Boards, Commissions, Committees  
Eric Rindfleisch, Administrator

Please route in this order

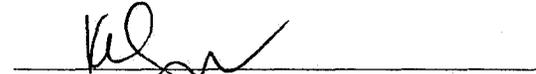
  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

Katie Aspenson, Planning Manager

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

No Fiscal Impact

Budgeted Item

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

Amanada Jackson, City Attorney

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

No Fiscal Impact

Budgeted Item

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

**AN ORDINANCE TO AMEND TITLE 13 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO ZONING**

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

SECTION I. Title 13 of the Code of Ordinances including the City of Onalaska Zoning Map of the City of Onalaska is hereby deleted in its entirety and replaced with the attached Onalaska Title 13 Unified Development Code and corresponding official City Zoning Map, copies of said map are available in the City Planning Department and online at [www.cityofonalaska.com/maps](http://www.cityofonalaska.com/maps).

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 1661 - 2019**

UDC Code

Eric Rindfleisch, Administrator

Please route in this order

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

No Fiscal Impact

Budgeted Item

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

Katie Aspenson, Planning Manager

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

No Fiscal Impact

Budgeted Item

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

Amanada Jackson, City Attorney

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

No Fiscal Impact

Budgeted Item

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

EASEMENT AGREEMENT

**THIS EASEMENT AGREEMENT** (the “Agreement”) is granted by the City of Onalaska, Wisconsin, a Wisconsin municipal government with its principal offices at 415 Main Street, Onalaska, WI 54650 (the “Grantor”) to Acme Commercial Properties, LLC a limited liability company with its principal offices at 1500 Industrial Boulevard #201, Abilene, TX 79602 (The “Grantee”).

Recording Area

Name and Return Address

Return to:  
Acme Commercial Properties, LLC  
Warren D. Harkins, President  
Post Office Box 6060  
Abilene, Texas 79608

Parcel No. 18-725-0

**EASEMENT AND USE OF PUBLIC RIGHT OF WAY**

(Nonexclusive, Permanent Use of Grantor’s Public Right of Way for Ingress/Egress by Grantee)

For adequate consideration, the receipt and sufficiency of which is acknowledged, Grantor, named above, grants and conveys to Grantee, named above, and Grantee’s heirs, successors, and assigns, a nonexclusive easement and right of way across the following land in the county and state named above:

**SEE EXHIBIT A**

This right of ingress and egress to go over and across Exhibit A, at all times, is granted to allow Grantee uninterrupted access to and from Grantee’s lands adjacent to the lands described above, but said easement shall terminate at such time as there is no longer a telecommunication tower (for which this access is granted) on tax parcel no. 18-725-1.

Grantee shall have the right to make use of the Grantor’s Public Right of Way Easement described in Exhibit B across Grantor’s lands described above (the “Right of Way”). The Grantor’s Right of Way parallels and following the U.S. Highway 53 as described further in Exhibit B legal description for point of entry for ingress and egress to Grantee’s land by Latitude and Longitude, per surveyor’s measurements.

Grantor shall have the option to move or alter the Right of Way provided Grantor provides prior written notice to Grantee. If Grantor fails to maintain a right of way, Grantee shall have a continuing easement and right of way across Grantor’s lands at a course of Grantee’s selection, so long as Grantee’s selection does not interfere with Grantor’s use of the surface of the lands described above.

This Easement and Right of Way is executed as of the date of acknowledgment of Grantor’s signature but shall be effective as of the Effective Date stated above and shall be deemed a covenant running with the lands.

**Grantor:     The City of Onalaska, Wisconsin**

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

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

**ACKNOWLEDGMENT**

STATE OF WISCONSIN     )  
  ) SS.  
COUNTY OF LA CROSSE   )

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 2020, by Kim Smith and Caroline Burmaster, heretofore known by me to be the Mayor and City Clerk for the City of Onalaska (“City”).

\_\_\_\_\_  
Name: Amanda Jackson  
Notary Public, State of Wisconsin  
My commission is Permanent

**This document was drafted by:  
Amanda Halderson Jackson  
City of Onalaska  
415 Main Street  
Onalaska, WI 54650**

**EXHIBIT A:**

PART OF OUTLOT 8 OF THE ASSESSOR'S PLAT OF THE CITY OF ONALASKA, BEING A PORTION OF THE NE ¼ OF THE SE ¼ OF SECTION 4, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF ONALASKA, LA CROSSE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE NORTH 87 DEGREES 36 MINUTES 43 SECONDS WEST 415.41 FEET ALONG THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 4; THENCE NORTH 00 DEGREES 00 MINUTES 24 SECONDS EAST 1,303.66 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT 8; THENCE NORTH 00 DEGREES 00 MINUTES 24 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT 8, 668.30 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 36 SECONDS WEST 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 59 MINUTES 36 SECONDS WEST 60.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 24 SECONDS EAST 60.00 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 36 SECONDS EAST 60.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 24 SECONDS WEST 60.00 FEET TO THE POINT OF BEGINNING.

**EXHIBIT B:**

A 20 FOOT WIDE EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION AND MAINTENANCE OF UTILITIES OVER/UNDER AND ACROSS ALL THAT PART OF OUTLOT 8 OF THE ASSESSOR'S PLAT OF THE CITY OF ONALASKA, ALSO BEING PART OF THE SOUTHEAST ¼ OF SECTION 4, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF ONALASKA, LA CROSSE COUNTY, WISCONSIN WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE NORTH 87°36'43" WEST ALONG THE SOUTH LINE OF SAID SECTION 4 A DISTANCE OF 415.41 FEET; THENCE NORTH 00°00'24" EAST A DISTANCE OF 1,303.66 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT 8; THENCE CONTINUING NORTH 00°00'24" EAST ALONG THE EASTERLY LINE OF SAID OUTLOT 8 A DISTANCE OF 668.30 FEET; THENCE NORTH 89°59'36" WEST A DISTANCE OF 5.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND NOW OR FORMERLY OWNED BY ACME COMMERCIAL PROPERTIES, LLC, INSTRUMENT NO. 1584239, PARCEL NO. 185-725-1; THENCE NORTH 89°59'36" WEST ALONG THE SOUTHERLY LINE OF SAID ACME PARCEL A DISTANCE OF 60.00 FEET TO THE SOUTHWEST CORNER OF SAID ACME PARCEL; THENCE NORTH 00°00'24" EAST ALONG THE WESTERLY LINE OF SAID ACME PARCEL, ALSO BEING A LINE OF A PARCEL OF LAND NOW OR FORMERLY OWNED BY THE CITY OF ONALASKA, PARCEL NO. 185-725-0, INSTRUMENT NO. 1595296 A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°59'36" WEST A DISTANCE OF 19.35 FEET; THENCE NORTH 00°00'24" EAST A DISTANCE OF 33.92 FEET; THENCE NORTH 33°33'23" EAST A DISTANCE OF 79.69 FEET; THENCE NORTH 23°42'14" EAST A DISTANCE OF 53.79 FEET; THENCE NORTHEASTERLY A DISTANCE OF 52.30 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 29°57'46", AND CHORD BEARING NORTH 08°43'20" EAST 51.70 FEET; THENCE NORTH 06°15'33" WEST A DISTANCE OF 39.54 FEET; THENCE NORTHWESTERLY A DISTANCE OF 41.76 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 23°55'41", AND CHORD BEARING NORTH 18°13'23" WEST 41.46 FEET; THENCE NORTH 30°11'13" WEST A DISTANCE OF 70.42 FEET; THENCE NORTH 40°54'51" WEST A DISTANCE OF 99.37 FEET; THENCE NORTH 35°40'12" WEST A DISTANCE OF 67.28 FEET; THENCE NORTH 46°05'27" WEST A DISTANCE OF 74.74 FEET; THENCE NORTH 55°53'11" WEST A DISTANCE OF 59.72 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 67.66 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 70°28'56", AND CHORD BEARING SOUTH 88°52'21" WEST 63.47 FEET; THENCE SOUTH 53°37'52" WEST A DISTANCE OF 48.31 FEET; THENCE SOUTH 37°46'26" WEST A DISTANCE OF 40.74 FEET; THENCE SOUTH 28°17'18" WEST A DISTANCE OF 135.91 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 63.52 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 140.00 FEET, A CENTRAL ANGLE OF 25°59'52", AND CHORD BEARING SOUTH 15°17'22" WEST 62.98 FEET; THENCE SOUTH 02°17'26" WEST A DISTANCE OF 68.14 FEET TO THE WESTERLY LINE OF SAID CITY OF ONALASKA PARCEL, ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 53 (VARIABLE WIDTH/RESTRICTED ACCESS) PER WISCONSIN DOT PROJECT I.D. 1631-1-21 AND THE POINT OF ENDING. THE SIDELINES OF SAID EASEMENT ARE LENGTHENED AND/OR SHORTENED TO BEGIN AT THE WESTERLY LINE OF SAID ACME PARCEL AND TERMINATE AT THE EASTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 53.