



# City of Onalaska Meeting Notice

**COMMITTEE/BOARD:** Common Council  
**DATE OF MEETING:** September 8, 2020 (Tuesday)  
**TIME OF MEETING:** 7:00 P.M.

**This meeting is being conducted via remote conferencing software due to a State of Emergency. Members of the public may call to listen in and provide public input at:**

**Meeting Link:** <https://zoom.us/j/91296765682?pwd=elplZUdOSDdaRmVRTlmb1VJU1ErZz09>

- **Phone Number:** 1-312-626-6799
- **Meeting ID:** 912 9676 5682
- **Password:** 54650

## 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. Recognition of Part-time Firefighters completing probation
    1. Zach Zolondeck, Firefighter/Emergency Medical Technician
    2. Casey Stadler Firefighter/Emergency Medical Responder
  - B. Appointment of Greg Marso, 333 Larkspur Lane West, to the Parks, Recreation and Library Board
  - C. Appointment of Jiten (Jay) Patel, 1548 West Young Drive, to the Room Tax Commission
  - D. Announcement of Open House and Information Meeting for 2020 Cemetery Master Plan

### **NOTICES MAILED TO:**

\*Mayor Kim Smith  
 \*Ald. Tom Smith  
 \*Ald. Jim Olson  
 \*Ald. Dan Stevens  
 \*Ald. Diane Wulf  
 \*Ald. Steven Nott  
 \*Vacant  
 City Attorney      City Administrator  
 Dept Heads      La Crosse Tribune  
 Coulee Courier  
 WKTY WLXR WLAX WKBT WXOW

Pastor Jason Stanton  
 Amanda Blair  
 Matt Boshcka  
 Greg Marso  
 Jiten (Jay) Patel  
 Adam Aspenson, Traditional Trades  
 Don Brenengen  
 Nick Roush, Roush Rentals, LLC  
 Jansen Dahl

Onalaska Public Library      Onalaska Omni Center

\*Committee Members

Date Mailed & Posted: 9-3-2020

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

**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. Approval of 2020 Omni Center Financials
- C. Approval of 2020 General Fund Financials

**PERSONNEL COMMITTEE**

- D. Update from Human Resources on staff vacancies
- E. Approval of changes to the following job descriptions:
  - 1. Building Inspector III
  - 2. Lead Inspector

**JUDICIARY COMMITTEE**

- F. Approval of **Ordinance 1676-2020** to rezone parcel located in Sections 29 and 33, Township 17, Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Light Industrial (I-1) to Multi-Family (R-4) (Century Place)
- G. Approval of **Ordinance 1680-2020** to Amend Title 10 of the Code Of Ordinances of the City Of Onalaska Relating to Motor Vehicles and Traffic Code
- H. Approval of **Ordinance 1681-2020** to Amend Title 11 of the Code Of Ordinances of the City Of Onalaska Relating to Offenses

**ADMINISTRATIVE COMMITTEE**

- I. Approval of Operator’s Licenses as listed on report dated September 2, 2020
- J. Approval of Special Events Permit for:
  - 1. First Lutheran Church, 410 Main Street, for outdoor worship on Sunday mornings from August 23<sup>rd</sup> to October 25<sup>th</sup>, with permission to close 5<sup>th</sup> Avenue South from Main Street to Irvin Street
  - 2. Pineview Street Block Party on September 26, 2020 from 2:00 PM – 8:30 PM
- K. Approval of Amendment to the Outdoor Venue License for David Reay’s Modern Diner, 214 Main Street, Onalaska
- L. Approval of 2020 Cemetery Financials

**BOARD OF PUBLIC WORKS**

- M. Approval of a snowmobile trail within the City of Onalaska for the 2020-2021 winter season
- N. Approval of golf cart operation map including crossing at 11<sup>th</sup> Avenue and Main Street
- O. Approval of Professional Engineering construction services by Strand Associates for 2020 Supervisory Control and Data Acquisition upgrades and Green Coulee Reservoir project not to exceed \$14,000
- P. Approval of the agreement for general engineering services with Short Elliot Hendrickson Inc. in the amount of \$7,000
- Q. Approval of the final 2020 special assessment costs
- R. Approval of the 2020 miscellaneous concrete Americans with Disabilities Act project by Fowler & Hammer, Inc. in the amount of \$58,410

**PLAN COMMISSION**

- S. Approval of a General Development Plan to create a Planned Unit Development (PUD) application filed by Adam Aspenson of Traditional Trades, Inc., 1641 Sand Lake Road, Onalaska, WI 54650 on behalf of Elmwood Partners Limited Partnership, 1859 Sand Lake Road, Onalaska, WI 54650, to allow for a

mixed-use development containing a combination of townhomes, multi-family dwellings, and commercial uses located at Sand Lake Road, 1500 Sand Lake Road, and Sand Lake Road, Onalaska, WI 54650 (Tax Parcels # 18-4515-0, 18-4516-0, and 18-4521-0)

- T. Approval of Theater Road Center Planned Commercial Industrial Development (PCID) Amendment application filed by Don Brenengen of Brenengen Chevrolet Cadillac, 531 Theater Road, Onalaska, WI 54650, on behalf of Time Enterprises, Inc., 3151 Edgewater Drive, La Crosse, WI 54603 to allow deviations from the Sign Ordinance on the parcel located at 531 Theater Road, Onalaska, WI 54650 (Tax Parcel #18-3580-5)
- U. Denial of the Pineview Estates Planned Unit Development (PUD) Amendment application filed by the City of Onalaska, 415 Main Street, Onalaska, WI 54650, to amend the Pineview Estates PUD associated with the Pineview Estates Subdivision which encompasses twenty-eight (28) parcels in Onalaska, WI
- V. Approval of the rezoning application submitted by Nick Roush of Roush Rentals, LLC, 1707 La Crosse Street, La Crosse, WI 54601 on behalf of CC of La Crosse, PO Box 1625, La Crosse, WI 54602, to rezone Light Industrial District to Mixed Use High Density Residential (R-4) to allow for a multi-family development on the property located at 430 Century Place/2651 East Avenue North, 475 Century Place, 455 Century Place, 435 Century Place, and 415 Century Place, Onalaska, WI 54650 (Tax Parcels # 18-6303-0, 18-6302-0, 18-6301-0, 18-6300-0, and 18-6299-0).
- W. Approval of a Site Plan Amendment submitted by Jansen Dahl of Chase 2010, LLC, 3819 Creekside Lane, Holmen, WI 54636 to modify the parking stall/stall striping requirements located at 2520 Midwest Drive, Onalaska, WI 54650 (Tax Parcel # 18-3568-40)

#### **ROOM TAX COMMISSION**

- X. Approval of 2<sup>nd</sup> Quarter 2020 financials

#### **UTILITIES COMMITTEE**

- Y. Approval of Shared Ride Financials
- Z. Approval of Third Amendment to the 2017-18 Shared Ride Taxi Agreement between the City of Onalaska and Running, Inc.
- AA. Approval of City of Onalaska 2020 Storm Water Financials
- BB. Approval of City of Onalaska 2020 Sewer Financials
- CC. Approval of City of Onalaska 2020 Water Financials

### **Non-Consent Agenda**

- 7. **RECAP ITEMS PULLED FROM THE CONSENT AGENDA**
- 8. **FINANCE COMMITTEE**
  - A. Vouchers
  - B. **Resolution 37-2020** to Eliminate Fixed Expenses for Common Council and Mayor
- 9. **PLAN COMMISSION**
  - A. Consideration and possible action on **Resolution 38-2020** to Create Tax Incremental District No. 6, Approving its Project Plan and Establishing its Boundaries in the City Of Onalaska, Wisconsin
- 10. **ROOM TAX COMMISSION**
  - A. Review and consideration of changing the meeting date and time for the next Room Tax Commission meeting to Wednesday January 6, 2021 at 4:00 PM
- 11. **REPORT FROM THE CITY ADMINISTRATOR**
  - A. Review and consideration of non-budgeted audio-visual updates for City Hall Council Chambers, Conference Room 112, Police Training Room and Fire Training Room with potential reimbursement through CARES Grant for COVID related expense
  - B. Update regarding installation of multi-purpose trail along State Trunk Highway 16

12. **REPORT FROM THE CITY CLERK**
  - A. Preliminary Estimate of the January 1, 2020 Population
13. **Adjournment**

Gundersen Medical  
Foundation  
**BOARD OF  
DIRECTORS**

**JERRY E. ARNDT**  
Retired, Senior Vice President, Business Services,  
Gundersen Health System

**MIKE BINSFELD**  
COO and Executive Vice President,  
J.F. Brennan Company, Inc.

**CHRISTOPHER P. BORN**  
Retired, Ophthalmologist

**JOHNNY C. BREVIK**  
Director, User Experience & Marketing,  
Logistics Health, Inc.

**THOMAS F. BROCK**  
Retired, Executive Vice President of Administration,  
Altra Federal Credit Union

**DUSTIN L. CUNNINGHAM, CFP**  
Relationship Manager/Business Development,  
TrustPoint Wealth Management Group

**ROBERT N. GOLDEN, MD**  
Vice Chancellor for Medical Affairs & Dean, School of  
Medicine and Public Health,  
UW-Madison

**ERIK A. GUNDERSEN, MD**  
Medical Director, Kwik Trip Center for Health

**P. MICHAEL JACOBS, DPM**  
Medical Vice President, Podiatry,  
Gundersen Health System

**JENNIFER E. KLEVEN, MD**  
Pediatric Hospitalist Services, Board of Governors  
Liaison, Gundersen Health System

**LYNNETTA R. KOPP**  
Retired, Executive Director, Coulee Region RSVP

**TOM KOSTER**  
Manager, Dairy Queen - Onalaska

**GREG MARSO, CPA, MBT**  
Partner, JRM CPAs

**BARBARA A. NICK**  
President and CEO, Dairyland Power

**CHIP SCHILLING**  
President, Schilling Supply Company

**LORI J. ROSENSTEIN, MD**  
Hematology/Oncology Fellowship,  
Program Director, Gundersen Health System

**STEPHEN B. SHAPIRO, MD, FACS  
CHAIR**  
Chief Medical Foundation Officer  
Surgery Clinic, Gundersen Health System

**ROSANNE M. SCHULZ, RN, MPH**  
Clinical Documentation Specialist  
Gundersen Health System

**BRIAN M. SIECK, MD**  
Otolaryngology, Gundersen Health System

**BETH SMITH HOUSKAMP, RN, PHD**  
Admin. Chief Operating Officer,  
Gundersen Health System

**DAVID F. STICKLER**  
Attorney at Law, Moen Sheehan Meyer, Ltd.

**KATHY S. WIESER**  
Community Volunteer

# GREG MARSO

## Investing in community



### CURRICULUM VITAE

#### *Board Service*

2 years

#### *Expertise*

- Financial advising
- Nonprofits
- Project management

#### *Professional Role*

- Partner, JRM CPAs

Greg Marso believes in community involvement and enjoys volunteering, which makes him a good fit for Gundersen Medical Foundation's Board of Directors.

Eleven years ago, Greg and Amy Marso found themselves ready to leave behind the city life of Minneapolis, Minn.—with its larger community and longer commutes. The couple, who had just started a family, relocated to the La Crosse/Onalaska area because they felt it was a safe, close-knit community with plenty of options for outdoor activities.

As a partner in the accounting firm of JRM CPAs, a traditional CPA firm that specializes in providing outsourced accounting and tax services to small businesses, Greg enjoys working with local families and businesses.

Through the years, he has been active in many nonprofits, serving on

the board of directors for the Children's Museum of La Crosse, Rush Wisconsin West and Tri-Quest. He is also a former president and current member of the Onalaska-Hilltopper Rotary Club and has spent many years as a volunteer coaching youth sports.

A few years ago, Greg began presenting at a physicians' retirement series sponsored by the Foundation. The program gave him a glimpse into the variety of initiatives supported by the Foundation. When he was asked to join the Foundation Board, he didn't hesitate.

"The Foundation has an incredible impact at the local, national and even global level," shares Greg. "What the organization is able to accomplish in support of medical education, research and community programming is very impressive. I am grateful for the opportunity to support the work of the Foundation." +



Room Tax Commission – Jiten (Jay) Patel

Master degree in Organic Chemistry, worked as a Research Chemist for more than 4 years

Last 12+ years I have been in Lodging Business. In the La Crosse area we have three Hotels: Country Inn & Suites, Quality Inn, Econolodge and another Quality Inn in Madison.

I am also serving as a Board of Directors in LCCVB.

Firstly, I want to share my gratitude for allowing me to serve the board with my experience, knowledge and skills I have acquired in my career.

I am the best qualified candidate for a member for room tax commission board. In the past 15-20 year of my career, I have gained experience in many areas from business, family, and employees to serving our community.

For me each side of this area is as equally important as others. In just the last 4 years being in Wisconsin when I first arrived here my knowledge of the community was limited but I was always curious to know where are the funds allocated. And if it's being used wisely and as a resident how do I add value.

I started getting involved in community work, Extracurricular activities that helped me to broaden my knowledge. In my business I have put together procedure, strategy and marketing ideas which help me to grow and also helped my family.

To handle financial aspects where it's very important to learn where funds are going and how I can help my team and employees. I created certain measures that help me to track the progress. I also contributed and provided services to La Crosse County as business owners by helping our city with more efficient ideas, community help. This also helped my family to learn how my kids are getting help and better service from the city and community. Outside work I want to My family to be treated as fairly as I was treated as business owners.

Hope this helps to put my case that being a valuable board member I will add value to the team. It will be my honor to serve on the Onalaska Room Tax Commission

Thank you,

Jay Patel

Quality Inn

1830 Rose St,

La Crosse, WI

267-222-0081

[jit17patel@gmail.com](mailto:jit17patel@gmail.com)

Home address is: 1548 W Young Dr, Onalaska, WI 54650.



# Press Release

**Contact: Jarrod Holter**  
**Phone: (608)781-9537**

**FOR IMMEDIATE RELEASE**  
**September 4, 2020**

CITY OF ONALASKA TO HOLD 2020 CEMETERY MASTER PLAN  
PUBLIC OPEN HOUSE

The City of Onalaska contracted with The Tribute Companies to create a 2020 Cemetery Master Plan to guide future expansion and improvements to Onalaska's cemetery. The City of Onalaska will hold a Public Open House on Thursday, September 24<sup>th</sup> from 4:00-7:00PM at the OMNI Center, 255 Riders Club Road, Onalaska.

"The Community Update Meeting will discuss potential options for future improvements to the City Cemetery and citizen comment is vital to shaping the future design, stated Jarrod Holter, City Engineer / Director of Public Works, "the plan incorporates different interment options including mausoleums, columbarium's, cremation gardens and private estates".

To view the 2020 Cemetery Master Plan 3 Design Options, visit the City's website at [www.cityofonalaska.com/cemetery](http://www.cityofonalaska.com/cemetery) and complete the Public Comment Form to provide feedback to the City. For additional information, please contact Jarrod Holter at 608-781-9537 or via email at [jholter@onalaskawi.gov](mailto:jholter@onalaskawi.gov).

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# ONALASKA CEMETERY MASTERPLAN 2020

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Working together to build the future of the  
Onalaska Cemetery

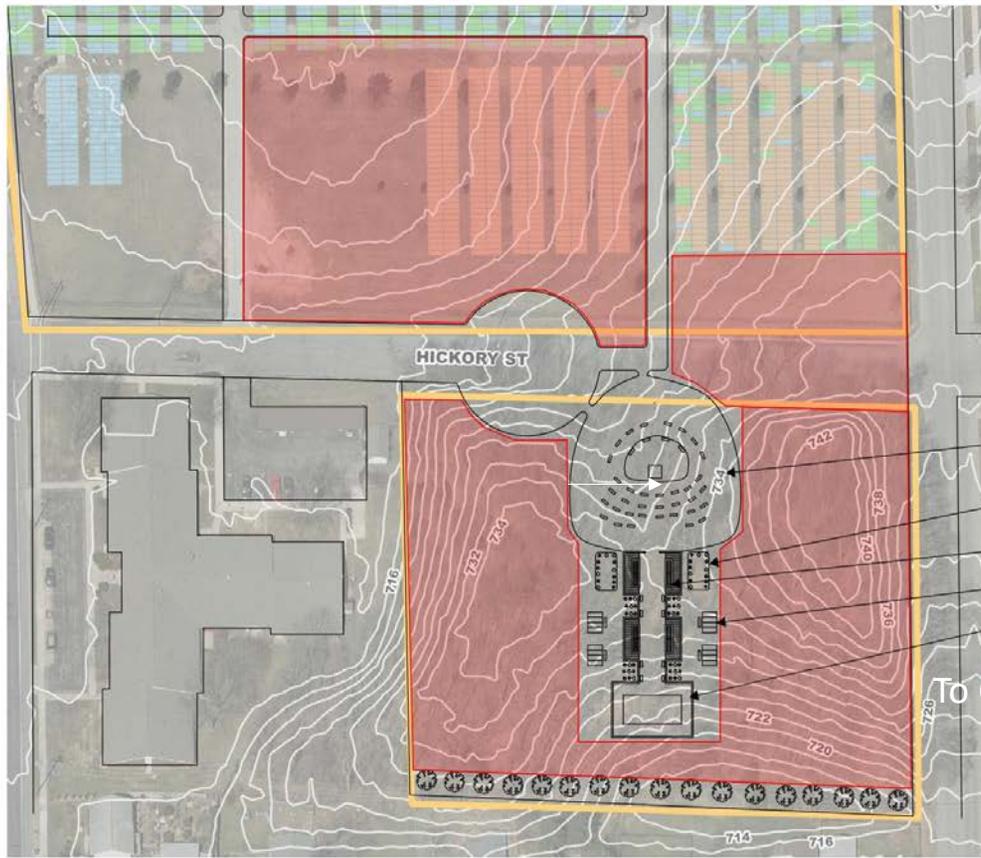
Christine Toson Hentges, CCE  
President/CEO





- Architectural, Design and Construction Provider
- Precast Concrete Products Manufacturer
- Owner and Manager of Cemeteries throughout Wisconsin
- Sales, Administration and Operations Consultant
- Real Estate Management Company

# Option 1



LEAVE WEST HALF OF EXISTING DRIVE OPEN TO ACCESS PARKING LOT. DEVELOP LARGE TURN AROUND CIRCLE FOR CEMETERY AND NON CEMETERY TRAFFIC. CONTINUE EXISTING CEMETERY ROAD SOUTH TO CONNECT TO TURN AROUND CIRCLE.

THIS LEAVES THE NEW SECTION TO BE ACCESSED BY FOOT TRAFFIC ONLY

- RELOCATED VETERANS MEMORIAL
- CREMATION GARDEN
- COLUMBARIUM
- PRIVATE ESTATES
- MAUSOLEUM
- TRADITIONAL IN-GROUND BURIAL



TDS Project Number 19-003  
MAY 13, 2020

Onalaska Cemetery  
Masterplan  
Onalaska, Wisconsin



Tribute Design Systems, LLC.  
Architects and Planners  
352 Cottonwood Ave.  
Hartland, WI 53029  
P: 262-367-9991 F: 262-367-9992  
www.tributeinc.com

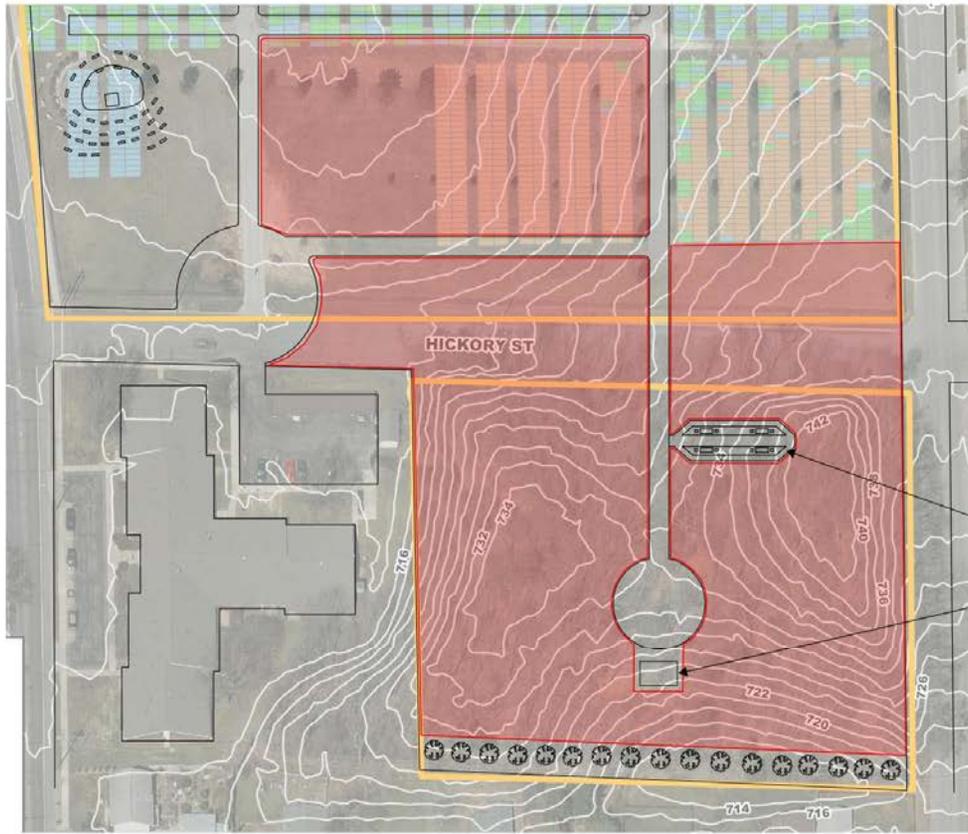
## Private Estate Example



Above Ground  
Cremation Products

# Option 2

# Arbor Estate Example



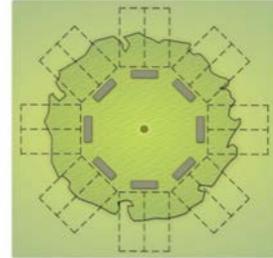
LEAVE WEST HALF OF EXISTING PUBLIC DRIVE OPEN TO ACCESS PARKING LOT. DEVELOP LARGE TURN AROUND CIRCLE FOR CEMETERY AND NON CEMETERY TRAFFIC.

THIS OPTION CONTINUES THE EXISTING CEMETERY ROAD TO THE SOUTH TO ALLOW VEHICULAR TRAFFIC INTO THE NEW SECTION, AS WELL AS, ACCESS TO AND FROM THE TURN AROUND CIRCLE

TRADITIONAL IN-GROUND BURIAL

COLUMBARIUM

MAUSOLEUM



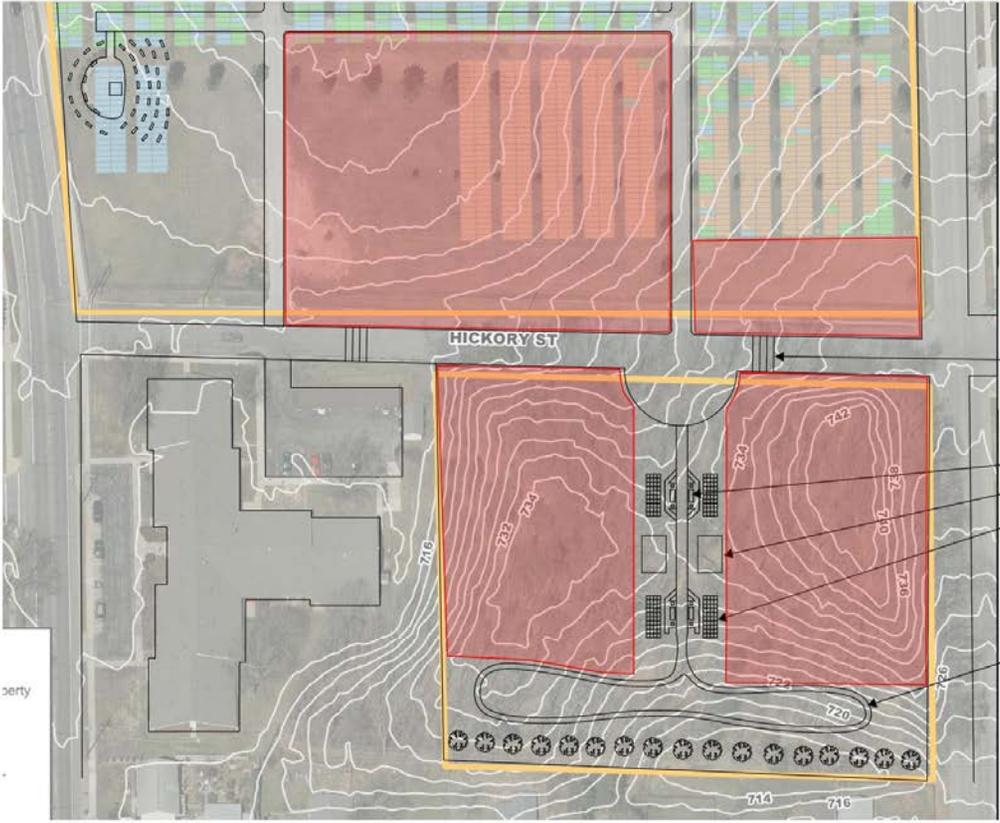
TDS Project Number 19-003  
MAY 13, 2020

Onalaska Cemetery  
Masterplan  
Onalaska, Wisconsin



Tribute Design Systems, LLC.  
Architects and Planners  
352 Cottonwood Ave.  
Hartland, WI 53029  
P: 262-367-9991 F: 262-367-9992  
www.tributeinc.com

# Option 3



THIS OPTION LEAVES THE ENTIRE PUBLIC ROAD OPEN. IT ALSO SHOWS THE EXISTING CEMETERY ROAD CONTINUING TO CONNECT TO THE PUBLIC ROAD. WE ALSO SHOW A HALF CIRCLE BUILT OFF OF THE PUBLIC ROAD TO ALLOW FOR VEHICLES TO PULL OVER AND WALK TO THE NEW SECTION.

- TRADITIONAL IN-GROUND BURIAL
- EXISTING ROAD TO BE NARROWED AND SPEED CONTROL DEVICES INSTALLED
- COLUMBARIUM MAUSOLEUM
- IN-GROUND CREMATION BURIAL
- CREMATION TRAIL



TDS Project Number 19-003  
MAY 13, 2020

Onalaska Cemetery  
Masterplan  
Onalaska, Wisconsin



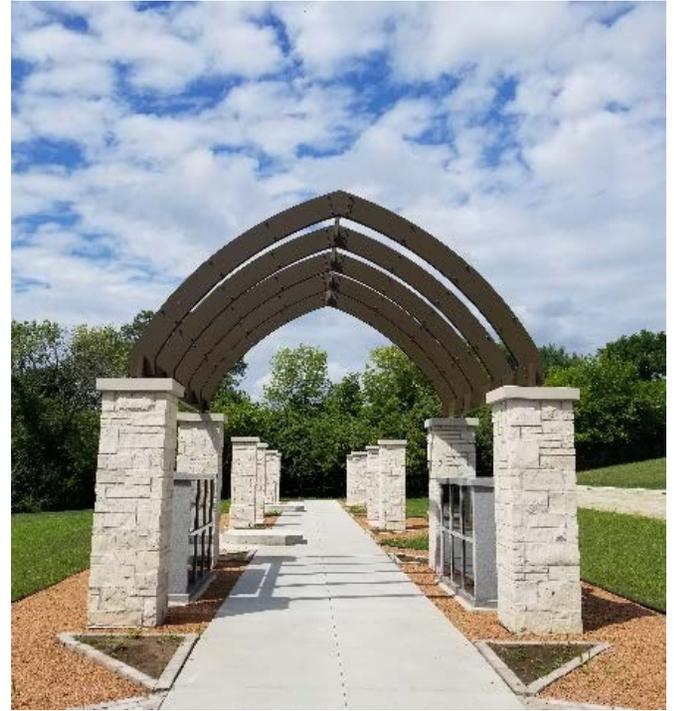
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Columbarium Example



Above Ground Cremation Products



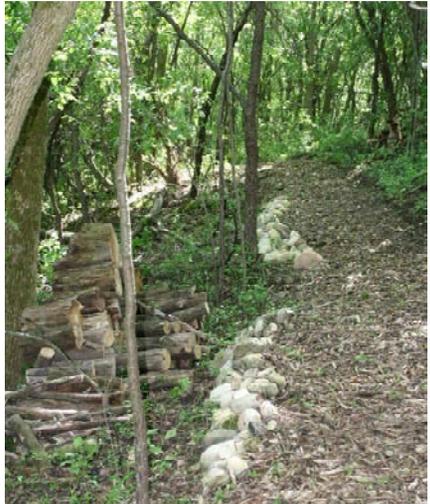
Examples of Columbarium w/ surrounding cremation garden

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Centralized Mausoleum with columbarium and Cremations gardens



Cremation Trail



Family/ Private Estates



## IN CONCLUSION

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- Onalaska and the Tribute Companies can be a partner, but each needs to take some risks
- Have a vision; adjust as we go
- This development shows your community you are committed to offering progressive options that will stand the test of time.





## CITY OF ONALASKA

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415 Main Street • Onalaska, WI 54650 • (608) 781-9530 • fax (608) 781-9504 • [www.cityofonalaska.com](http://www.cityofonalaska.com)

To: Common Council

From: Hope Burchell, PHR, SHRM-CP  
HR Director

Date: August 26, 2020

RE: Update on Recruitment and Open Positions within the City of Onalaska

**Assistant Fire Chief** –The Police and Fire Commission (PFC) met on August 10 to discuss the timeline for the position. Review of applications will be done in mid-September.

**Police Department Openings** – Currently a contingent offer has been made to a recruit police candidate pending passing the physical exam. We are hoping they will be able to start him in August. We are going to have to start another eligibility list to fill the additional vacancy after another office left. We are now down two officers. This does not include the three additional positions that were approved to fill in 2020.

**Fire Department Openings** – Currently we are down one firefighter. We have made a conditional offer to the next applicant and the remaining seven (5) have been placed on an eligibility list. This does not include the three additional positions that were approved to fill in 2020.

**Office Clerical Support – Finance** – This position has been approved to be filled part-time. The position has been reposted part-time and applications will be reviewed after Labor Day.



ORDINANCE NO. 1676 - 2020

AN ORDINANCE TO REZONE PARCEL LOCATED IN SECTIONS 29 AND 33, TOWNSHIP 17, RANGE 7  
IN THE CITY OF ONALASKA, LA CROSSE COUNTY WISCONSIN FROM LIGHT INDUSTRIAL (I-1) TO  
MULTI-FAMILY (R-4)

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

SECTION I. The zoning map which is adopted as part of Section 13.02.12 of the Unified  
Development Code of the City of Onalaska is hereby amended to rezone the parcels described  
below from Light Industrial (I-1) to High Density Residential (R-4).

Properties are more particularly described as:

Parcel Address: 430 Century Place

Computer Number: **18-6303-0**

Section 29, Township 17, Range 07

NORTH EAST AVENUE ADDITION LOT 5

Parcel Address: 475 Century Place

Computer Number: **18-6302-0**

Section 29, Township 17, Range 07

NORTH EAST AVENUE ADDITION LOT 4

Parcel Address: 455 Century Place

Computer Number: **18-6301-0**

Section 33, Township 17, Range 07

NORTH EAST AVENUE ADDITION LOT 3

Parcel Address: 435 Century Place

Computer Number: **18-6300-0**

Section 29, Township 17, Range 07

NORTH EAST AVENUE ADDITION LOT 2

Parcel Address: 415 Century Place

Computer Number: **18-6299-0**

Section 29, Township 17, Range 07

NORTH EAST AVENUE ADDITION LOT 1

SECTION II. The office of the City Engineer is hereby directed to make the above-described zoning changes on the official City of Onalaska zoning map.

SECTION III. This Ordinance shall take effect and be in force from and after its passage and publication.

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

CITY OF ONALASKA

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

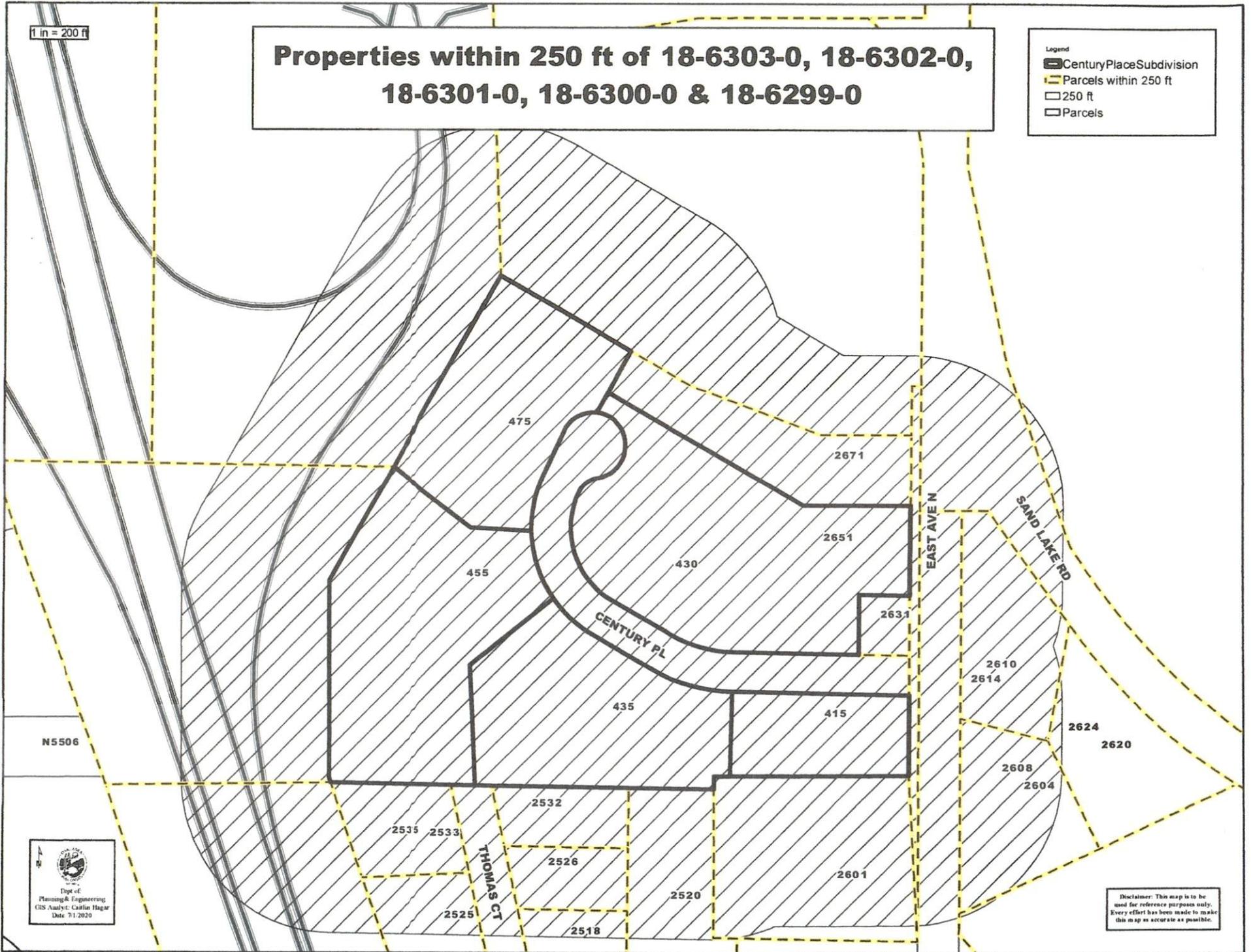
By: \_\_\_\_\_  
JoAnn Marcon, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

1 in = 200 ft

# Properties within 250 ft of 18-6303-0, 18-6302-0, 18-6301-0, 18-6300-0 & 18-6299-0

- Legend
-  CenturyPlaceSubdivision
  -  Parcels within 250 ft
  -  250 ft
  -  Parcels



Disclaimer: This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.

FISCAL IMPACT OF ORDINANCE 1676- 2020  
Century Place Rezoning

Please route in this order

Eric Rindfleisch, Administrator

[Signature] 8/21/20  
(signature)

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

Jarrold Holter, City Engineer

C. Holter 8-24-2020  
(signature)

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

Charles Ashbeck, Chief of Police

Chief C. Ashbeck 8-26-20  
(signature)

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

Troy Gudie, Interim Fire Chief

[Signature] 8-26-20  
(signature)

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

Dan Wick, Parks & Rec Director

[Signature] 8/27/2020  
(signature)

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

Fred Buehler, Financial Services Director

Fred Buehler 8-26-2020  
(signature)

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

ORDINANCE NO. 1680-2020

AN ORDINANCE TO AMEND TITLE 10 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO MOTOR VEHICLES AND TRAFFIC CODE

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

SECTION I. Title 10 of the City of Onalaska Ordinances is hereby deleted in its entirety and replaced as follows:

Title 10 Motor Vehicles and Traffic Code

Chapter 01 Traffic and Parking

Division 1 General Traffic Provisions

10.01.11 State Traffic Laws

- A. Statutes Adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chs. 340 to 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 to 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the City of Onalaska, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
B. Other State Laws Adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chs. 340 to 349, Wis. Stats., and the penalty for violation thereof shall be limited to a fine as hereinafter provided in this Chapter:
1. Sec. 941.01, Wis. Stats., Negligent Operation of Vehicle off Highway.
2. Sec. 943.11, Wis. Stats., Entry into Locked Vehicle.
3. Sec. 943.23, Wis. Stats., Operating Motor Vehicle without Owner's Consent.
C. Statutes Incorporated by Reference. Whenever this Chapter incorporates by reference sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes as from time to time amended, repealed or modified by the Wisconsin Legislature.

10.01.12 State Administrative Code Provisions Adopted

- A. Administrative Regulations Adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions relating to the penalties to be imposed, and any future amendments, modifications or revisions of said rules and regulations are hereby adopted by reference and made part of this Chapter as if fully set forth herein:
1. Wis. Adm. Code - Trans 300 Transportation of School Children (Penalties of Sec. 341.01, Wis. Stats. apply).
2. Wis. Adm. Code - Trans 304 Slow Moving Vehicle Emblem.
3. Wis. Adm. Code - Trans 305 Standards for Vehicle Equipment.
4. Wis. Adm. Code - Trans 325 Motor Carrier Safety Regulations.
5. Wis. Adm. Code - Trans 326 Motor Carrier Safety Requirements for Transportation of Hazardous Materials.

- B. **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of Subsection A. above or the provisions of Sec. 110.075 and Ch. 347, Wis. Stats.
- C. **Owner's Liability.** Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if they had operated the vehicle. The provisions of Sec. 347.04, Wis. Stats., relating to non-applicability of demerit points shall apply to owners convicted of a violation of this Section.
- D. **Safety Checks.**
  1. **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
  2. **Authority of Officer.** Any law enforcement officer of the City is hereby empowered whenever they shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
  3. **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, they may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- E. **Penalty.** Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Division 5 Enforcement and Penalties of this Chapter.

#### 10.01.13 Office Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers

- A. **Duty of City Engineer to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10.01.11 above require the erection of traffic control devices for enforcement, the City Engineer, with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the City Engineer or their designee, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the City of Onalaska.
- B. **Code Numbers to be Affixed to Official Traffic Control Devices.** The City Engineer or their designee shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection A., a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- C. **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or their designee shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the City Engineer or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection D. below.
- D. **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The City Engineer or their designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. If the City official is refused entry to the property, they may seek a warrant pursuant to Sec. 66.0119, Wis. Stats. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the City Engineer or their designee to the Common Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection against the premises as other special municipal taxes.

#### 10.01.14 Registration of Vehicle as Evidence

- A. When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10.01.11 and shall be subject to the applicable penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation under Sec. 346.485(5)(b), Wis. Stats. as may be amended.

#### 10.01.15 Warning Lights

- A. **School Bus Warning Lights.** Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10.01.11 to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- B. **Blue Warning Lights on Police Vehicles.**
1. Pursuant to Secs. 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
  2. If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

#### 10.01.16 Accident Reports

- A. The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Secs. 346.70(4)(f) and 346.73, Wis. Stats., specifically that accident reports filed with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Sec. 346.70(4)(f), Wis. Stats.

#### 10.01.17 Shortcuts

- A. It shall be unlawful for any person to drive any motor vehicle upon or across any street, highway, sidewalk, driveway, filling station, business property or other commercial driveway or other similar surface so as to cause such vehicle to cut the corners of such intersection by passing over the parking lot or driveway used in the operation of such filling station, business property or residence, thereby avoiding traveling through such intersection over the usual lanes of traffic. No person shall use a private or public parking lot, filling station or other private property for purpose of gaining access from one street to another or for purposes using it as an area in which to turn around upon entering from one street and returning to the same street.

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### Division 2 Controlled Intersections; Street Traffic Regulations

#### 10.01.21 Operators to Obey Traffic Control Devices

- A. Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this Chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in Section 10.01.11 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right of way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

#### 10.01.22 Speed Limits

- A. **State Speed Limits Adopted.** The provisions of Secs. 346.57, 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set

forth herein, except as specified by this Section pursuant to Sec. 349.11(3)(c), Wis. Stats., where the Common Council has determined that the statutory speed limits are unreasonable, unsafe and imprudent and has modified such limits.

- B. **Speed Limits Modified.** The speed limits are modified as hereinafter set forth in this Subsection upon the following streets or portions thereof between the limits designated:
  - 1. The speed limit shall be fifteen (15) miles per hour where signed as school zones.
  - 2. The speed limit shall be fifteen (15) miles per hour in all City parks unless otherwise posted.
- C. **Emergency Vehicles Exempted.** The speed limit set forth in this Section shall not apply to authorized emergency vehicles when operating in emergencies.

#### 10.01.23 Through Streets and Stop Intersections

- A. **Designation.** All enactments by the Common Council, pursuant to Secs. 349.07 and 349.08, Wis. Stats., designating and establishing arteries for through traffic or designating stop intersections or designating a yield right of way intersection, or designating intersections controlled by traffic signals or designating automobile stops for the protection of school children, are incorporated into this Chapter by reference, and the City Clerk shall keep a record of all such enactments, including any amendments or additions thereto.
  - 1. **Turns at Traffic Signals.** All enactments by the Common Council, pursuant to Sec. 346.37(1)(c)1, Wis. Stats., relating to the regulation of vehicular turning movements at red traffic control signal, are incorporated into this Chapter by reference, and the City Clerk shall keep a record of all such enactments, including any amendments or additions thereto.
  - 2. **Erection of Signs.** A stop sign shall be placed on each street intersection, such street or portion thereof, designated as an artery for through traffic. Every stop sign shall be located as close to practicable to the nearest line of crosswalk on the approach side of the intersection, or if none, at the nearest line of the intersecting roadway.
  - 3. **Vehicles to Stop.** Every operator of a vehicle approaching an official sign shall cause such vehicle to stop in the manner prescribed by Sec. 346.46, Wis. Stats.

#### 10.01.24 Heavy Traffic Routes

- A. **Definitions.** For purposes of this Section, heavy traffic shall be defined as:
  - 1. All vehicles not operating completely on pneumatic tires; and
  - 2. All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than twelve thousand (12,000) pounds.
- B. **Prohibited Routes.**
  - 1. Heavy traffic is prohibited from using any City street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a City street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this Section will not act to prohibit heavy traffic from using any City streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.
  - 2. Prohibited trucks which qualify for the exemptions shall use City streets only for the shortest distance to or from the nearest point of said truck route.
  - 3. No owner and/or operator shall use as a thoroughfare any alley, driveway, service drive, parking lot or any private drive or any other area not designated as a public highway.
  - 4. Notwithstanding any other provisions of this Section and in particular the definition set forth in Section 10.01.24.A., no person shall operate a vehicle in excess of twelve thousand (12,000) pounds or eighteen (18) feet in length on CTH PH from the entrance to the "Crossroads Center" to Braund Street.
- C. **Administration.** The City Engineer in cooperation with the Police Department shall administer this Section. Administration shall include:
  - 1. **Posting of signs.** Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.
  - 2. **Maps.** Heavy traffic routes shall be shown on the Official Traffic Map.
  - 3. **Construction Equipment.**
    - a. The City Engineer may grant temporary permits to allow heavy construction equipment to use City streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a non-designated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to

- reimburse and hold the City harmless for any damage done to the City street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
- b. City-owned or operated equipment is specifically excluded from the provisions of this Section.
4. **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any City streets or highways in violating this Section shall be liable and required to pay the City the cost of repair or replacement of the damaged street or highway.
5. **Special and Seasonal Weight Limitations.** The City Engineer shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the City to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting uniform traffic control devices giving notice thereof in accordance with the proving of Section 10.01.13.
- D. **Streets Designated Class "B" Highways and Heavy Traffic Routes.** All highways within the City of Onalaska are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 10.01.11, except the following enumerated highways or parts of highways are designated heavy traffic routes:
1. Second (2nd) Avenue (south City limits to north City limits).
  2. Main Street (2nd Avenue to Highway 53).
  3. East Main Street (Highway 53 to east City limits or Highway 16).
  4. Sand Lake Road.
  5. Quincy Street (Highway 35 to Sand Lake Road).
  6. 10th Avenue North (Quincy Street north to Vilas Street).
  7. Redwood Street (Sand Lake Road to 10th Avenue North).
  8. Troy Street (East Avenue north to Highway 35).
  9. East Avenue North (Rider's Club Road to north City limits).
  10. Rider's Club Road (East Avenue to Sand Lake Road).
  11. 2nd Avenue SW (2nd Avenue to south City limits).
  12. Oak Avenue South (Wilson Street to south City limits).
  13. Oak Forest Drive (2nd Avenue SW to Main Street).
  14. 12th Avenue South (Main Street to County Highway SS).
  15. Wilson Street (3rd Avenue South to Oak Forest Drive).
  16. Crossing Meadow Drive.
  17. CTH SS (Schroeder Road to City limits).
  18. CTH PH (Highway 157 to Crossroads Center entrance).
  19. CTH PH (Braund Street to Highway 16).
  20. Braund Street (Highway 16 to CTH PH).
  21. Theater Road (Highway 16 to CTH OS/East Main Street).
  22. Mason Street (Highway 35 to East Avenue).

#### 10.01.25 U-Turns Prohibited

- A. **Prohibited Where Posted.** No person, while operating a vehicle, shall turn it so as to proceed in the opposite direction at any intersection where there is posted a sign reading "No 'U' Turn" or words or symbols to that effect.
- B. **Prohibited on Through Streets.** No person, while operating a vehicle, shall turn it so as to proceed in the opposite direction on any artery for through traffic.

#### 10.01.26 Turn Only Lanes

- A. Turn only lanes shall be marked appropriately by signage and lane markings.

#### 10.01.27 One-Way Streets and Alleys and Restriction of Use of Alleys

- A. **Designation.** All enactments by the Common Council, pursuant to Sec. 349.10, Wis. Stats., designating one-way streets and alleys or restricting the use of alleys, are incorporated into this Chapter by reference; and, the City Clerk shall keep a record of such enactments, including any amendments and additions thereto.
- B. **Erection of Signs.** Proper signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- C. **Vehicular Traffic Regulated.** On all one-way streets and alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic have been erected.
- D. The alley immediately to the west of City Hall between Main Street and King Street shall be restricted to use by emergency vehicles only.

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## Division 3 Parking Regulations

### 10.01.31 Restrictions on Parking; Posted Limits

- A. **Twenty-Four (24) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer, or vehicle of any description on any public street or public parking lot owned by the City for a period of twenty-four (24) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established the more restrictive limits shall apply. Where a vehicle has a valid disabled parking identification permit on display, such vehicle may remain parked on any public street or parking lot owned by the City for a period of up to seventy-two (72) consecutive hours in the same location. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, they are authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the City where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.
- B. **Posted Limitations.**
1. The Common Council may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The City shall mark, by appropriate signs or yellow curbing, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
  2. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited or where there is yellow curbing, except as permitted by state law or elsewhere by this Code of Ordinances.
  3. The Chief of Police and/or City Engineer shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
  4. No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices or yellow curbing have been placed or erected indicating the particular prohibition, restriction or limitation.
  5. After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Division.
- C. **Parking Restrictions Generally.** All enactments of the Common Council prohibiting parking of vehicles on designated streets, or parts thereof, or prescribing parking time limit or the manner of parking vehicles thereon, are incorporated into this Chapter by reference thereto, and shall be as effective as if fully set forth herein. The City Clerk shall keep a separate record of all such enactments, including any amendments or additions thereto.
- D. **Parking Restrictions on School Grounds.**
1. Pursuant to Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Onalaska School District located within the City of Onalaska:
    - a. **Parking.** All parking on any grounds of the Onalaska School District from 7:00 a.m. to 4:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. All parking on grounds of the Onalaska School District from 7:00 a.m. to 4:30 p.m. shall be by permit only and shall be restricted to areas designated for parking by the District Board. When signs are erected by the School Board giving notice of such restrictions, no person shall park a motor vehicle in an area other than one for which they shall have been issued a permit for without displaying a valid permit. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one (1) hour after the function has concluded.
    - b. **Vehicles Prohibited at Specified Times.** No person shall at any time operate a motor vehicle, other than a school bus or emergency vehicle, in or upon any drive designed for buses only by sign during the hours of 7:00 a.m. to 9:00 a.m. and during the hours of 2:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.
- E. **Alternate Side Parking Restrictions.**
1. A system of alternate-side parking is hereby established for the City of Onalaska between 1:00 a.m. and 8:00 a.m., vehicles shall be parked only on even-numbered sides of the streets on those nights

with an even calendar date and on odd-numbered sides of the streets on those nights with an odd calendar date, except where parking is prohibited on one side of the street for the entire block immediately across from a residence or building. Where parking is prohibited on one side of the street for an entire block or more directly across from a residence or building, vehicles may be parked on that permitted side nightly excluding corner properties.

2. Any vehicle which receives more than nine (9) citations for alternate side parking violations in any alternate side parking season (November 15 - April 1) shall be towed for each violation after the ninth (9<sup>th</sup>) violation that season.
  3. This section shall not apply to any federal or state highway system within the City of Onalaska.
  4. Signs shall be erected on all highways and town roads leading into the City, at the boundaries of the City, stating "Alternate parking required and enforced from November 15 through April 1.
  5. "Nights" as used in this section, shall mean the period between 1:00 a.m. and 8:00 a.m.
- F. **Parking Reserved for Vehicles with Disabled Parking Permits.** When official traffic signs indicating such restriction have been erected in accordance with Section 10.01.13 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.
- G. **Unlawful Removal of Parking Citations.** No person other than the owner or operator thereof shall remove a City parking ticket from a motor vehicle.

#### 10.01.32 Temporary Parking Restrictions

- A. **Temporary Parking Restrictions.** The City Engineer, by written order, may establish temporary no parking regulations on any street or municipal parking lot within the City, when road construction, water main break, snow or other similar condition requires such regulations for the safe movement of vehicular traffic. Any such regulation shall not be effective unless official traffic signs or markers have been placed stating the particular prohibition. The City Engineer shall, as soon as practicable, notify the Chief of Police, or their designee, of any such regulation. Temporary parking regulations, established pursuant to this subsection, shall supersede any other parking restriction which may be in conflict.
- B. **Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Sec. 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected by the City Engineer during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on City roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

#### 10.01.33 Stopping or Parking Prohibited in Certain Specified Places

- A. **Parking Prohibited.** No person shall stop, park or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:
1. Within an intersection;
  2. On a crosswalk;
  3. On a sidewalk or boulevard area at any time, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Boulevard or Sidewalk Area" describes the area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk approximately ten (10) feet beyond the curb line;
  4. Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway;
  5. On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers;
  6. Within twenty (20) feet of the driveway entrance to a fire station;
  7. Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs or yellow curbing indicating the prohibition of any stopping or standing;
  8. In any place or manner so as to obstruct, block or impede traffic;
  9. Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign;
  10. Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs;
  11. Upon any bridge;
  12. Within fifty (50) feet of the nearest rail or a railroad crossing.
- B. **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- C. **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be

deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

- D. **Parking Vehicle for Repair Prohibited.** No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the City for the purpose of repairing said vehicle.
- E. **Angle Parking.** Angle parking diagonally is prohibited on all the streets, alleys and highways of the City except in the places where vehicle parking markers indicate that the same is permissible. All vehicles shall park parallel to and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.

#### 10.03.34 Unattended and Motorized Vehicles and Machinery; Parked Running Vehicles

- A. **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any law enforcement officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- B. **Parking Vehicles with Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the City between the hours of 10:00 p.m. and 7:00 a.m.
- C. **Unattended Motorized Machinery.** It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by them to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

#### 10.03.35 Tow Away Zones

- A. **Tow Away Zone Policy.**
  - 1. Certain portions of the public highways and streets within the City of Onalaska shall be designated as tow away zones. These tow away zones shall encompass areas of no stopping, no standing, no parking, loading zones, bus stops, cab stands, one-way street parking limitation, alley parking limitations, parking reserved for handicapped persons and parking with definite time limits of all types. The Common Council shall designate tow away zones. The City Engineer shall arrange for the erection of the official signs, markers and/or pavement painting. The placing of such signs, markers and/or painting of the pavement shall be evidence of the existence of the regulation, and it shall be unlawful to fail to comply with said signs or pavement markings.
  - 2. Whenever any law enforcement officer finds a vehicle standing upon a highway, alley or public ground in violation of a prohibition, limitation or restriction on stopping, standing or parking provisions of this Chapter, said officer is authorized to move said vehicle or to require the operator in charge thereof to move such vehicle to a position where parking is not prohibited.
  - 3. The Police Department may remove such vehicles either with its own facilities or by the employment of towing cars from private garages, and such vehicles may be ordered stored by the Police Department in any storage garage or rental parking ground.
  - 4. Whenever any law enforcement officer shall find a vehicle stopped upon the highways listed and designed as tow away zones, during such time as said tow away provision is in effect, and thereby in violation of this Chapter, the officer is authorized and directed to cause the same to be removed by said towing company as may be designated by the Police Department and stored by the Police Department in any storage garage or rental parking ground until the owner shall represent to the towing company a release from the Police Department authorizing the towing company to turn the vehicle over to the operator or owner thereof.
  - 5. The provisions of this Section shall apply to such streets and at such times as tow-away zones are established.
  - 6. Whenever any vehicle has been towed away under this Section and has not been redeemed by the owner thereof for a period of ten (10) days from the day of the violation, it will be deemed an abandoned vehicle and disposed of as provided for.

#### 10.03.36 Parking of Vehicles over 12,000 Pounds or 18 Feet Restricted

- A. No person owning or having control of any truck, trailer, truck power unit, motor home, camper, commercial vehicles for hire, tractor, school bus, motor bus or recreation vehicle in excess of twelve thousand (12,000) pounds gross weight, or over eighteen (18) feet in length, or having an enclosed area of a height of more than eight (8) feet from the roadway, shall drive or park the same on any City street or

highway for more than a total of two (2) hours, whether consecutive or not, in any twenty-four (24) hour period. The provisions of this Subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the City for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Common Council may designate specific truck parking zones.

- B. No person owning or having control of any boat, snowmobile, all-terrain vehicle, camper, or a trailer for any of these recreational units, or a utility trailer, shall park such unit on any public street.
- C. Any vehicle unlawfully parked under Subsection A. above may be removed from the street by order of the Chief of Police, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a fine in addition to the penalties hereafter prescribed.

#### 10.01.37 Operation of Motor Vehicles in Public Parking Lots and Ramps

- A. **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- B. **Traffic Regulations Applicable.** All provisions of Division 1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

#### 10.01.38 Removal of Illegally Parked Vehicles

- A. **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- B. **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- C. **Removal by Law Enforcement Officer.** Any law enforcement officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle to a position where parking is permitted.
- D. **Removal by Private Towing Service.**
  - 1. **Removal from Public Property.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services ("Towing Service") to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
  - 2. **Removal from Posted Private Property.** A Towing Service may, at the request of a private property owner who has posted private no parking signs in compliance with Sec. 349.13, Wis. Stats. as may be amended, remove and store such vehicle at the facility of the Towing Service.
  - 3. **Removal from Non-Posted Private Property.** A Towing Service may, at the request of a private property owner who has not posted private no parking signs in compliance with Wisconsin Statutes on their property, remove and store such vehicle only after a citation for illegal parking has been issued by a law enforcement officer.
  - 4. **Notification to the Police Department.** Prior to removal of a vehicle from private property in the City the Towing Service shall provide the City of Onalaska Police Department with notice by electronic mail, the following information:
    - a. Name and telephone number of the towing service.
    - b. Make and model of the vehicle being removed.
    - c. The license plate number of the vehicle being removed, unless license plates are not attached to the vehicle.
    - d. The vehicle identification number of the vehicle being removed, unless the vehicle identification number is not visible through the vehicle windshield adjacent to the left windshield pillar.
  - 5. **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a Towing Service, actual charges regularly paid for such services shall be paid including a municipal services fee as set forth on the City of Onalaska Fee Schedule which shall be paid to the Towing Service and remitted by the Towing Service to the City of Onalaska. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

#### 10.01.38 Inoperable, Wrecked or Discarded Vehicles

- A. **Storage Prohibited.** No person owning or having custody of any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than twenty-four (24) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within twenty-four (24) hours after notice is declared to be a public nuisance and may be removed as provided in Title 16.
- B. **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City.

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### Division 4 Miscellaneous Provisions

#### 10.01.41 Disorderly Conduct with a Motor Vehicle

- A. **Definition.** Disorderly Conduct with a Motor Vehicle shall mean the deliberate operation of a motor vehicle in a manner that is unnecessarily and unreasonably violent, abusive, loud, maneuvered or accelerated in such a manner so as to disturb, annoy or endanger any person or property in any public or private area. It includes, but is not limited to the unnecessary and unreasonable spinning of wheels, squealing of tires, accelerating the engine or vehicle or both, raising one or more vehicles off the surface, use of the horn, loud playing of radios or audio entertainment, emission of smoke, gases or other foul odors that are disagreeable, leaving the highway to travel across property to avoid an intersection, official traffic control sign, signal or other device and deliberately causing the engine to backfire. The motor vehicle is not required to be moving at the time of commission of the disorderly conduct.
- B. **Conduct Prohibited.** No person shall by or through the use of any motor vehicle, including but not limited to an automobile, truck, motorcycle, minibike, moped or snowmobile, cause or carry out Disorderly Conduct with a Motor Vehicle.

#### 10.01.42 Railroad Regulations

- A. **Obstruction of Railroad Crossings.** No person shall leave standing or stop or permit or allow to stand or stop any railroad train, engine or car upon any street, alley or highway crossing within the City so as to obstruct public travel for a period of time greater than ten (10) minutes without opening said street, alley or crossing for at least five (5) minutes. Any railroad company that shall violate this Section shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) per Sec. 192.292, Wis. Stats.

#### 10.01.43 Pedestrian Regulations

- A. **Pedestrian Obedience to Traffic Control Devices and Regulations.**
  - 1. **Obedience to Traffic Control Devices.** No person shall fail to obey the instructions of any official traffic control device when traveling as a pedestrian on any highway within the City of Onalaska unless otherwise directed by a law enforcement officer.
  - 2. **Crossing of Crosswalks.** No pedestrian shall cross at a crosswalk except on the right half thereof whenever practicable. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway except when the sidewalk is visibly unsafe, obstructed or closed to public travel.
- B. **Prohibited Pedestrian Crossings.** No pedestrian shall cross between adjacent intersections, unless such crossing is permitted by official traffic control devices.

#### 10.01.44 Motor Vehicles on Pedestrian Ways and Overpasses

- A. No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the City of Onalaska except law enforcement or municipal or county maintenance vehicles.

#### 10.01.45 School Crossing Guards

- A. **Authority.** Adult persons hired by the Police Department to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street. Sec. 349.215, Wis. Stats.

#### 10.01.46 Driving over Curbing or Safety Islands Prohibited; Boulevard Parking.

- A. **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the City of Onalaska.
- B. **Parking Prohibited on Boulevard.** No vehicles shall stand, stop or park on the boulevard/terrace portion of a public right-of-way. This Section is to limit the standing, stopping or parking on the right of way as

opposed to roadway, meaning to limit all standing, stopping or parking on the boulevard/terrace or sidewalks with the exception of vehicles with permits, utility vehicles and municipal vehicles.

- C. **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

#### 10.01.47 Miscellaneous Lane and turn Controls

- A. The City Engineer, in cooperation with the Chief of Police, is authorized, when in their judgment the safety of the situation requires, to place official traffic control devices within or adjacent to intersections directing that a different course from that specified in Sec. 346.31, Wis. Stats., be traveled by vehicles turning at the intersection and to mark lanes for traffic designating separate lanes for slow moving traffic or for traffic moving in a particular direction.

#### 10.01.48 Use of Compression Braking "Jake Brakes" in the City

- A. It shall be unlawful for any person to employ any engine braking system which utilizes engine exhaust to slow the vehicle within the corporate limits of the City of Onalaska except in cases of emergency. Such braking system is commonly referred to as compression braking or a "jake brake".

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### Division 5 Enforcement and Penalties

#### 10.01.51 Penalties

- A. **Penalty.** The penalty for violation of any provision of this Chapter shall be a fine as hereafter provided, together with court costs and fees prescribed by Secs. 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sec. 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the fine, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned until such fine, costs and assessment are paid, but not exceeding ninety (90) days.
- B. **Other Sanctions.**
1. **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
  2. **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the City Clerk, except dog and cat licenses, until the fine imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- C. **Fines for Violation of Uniform Moving Traffic Regulations.** Fines for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10.01.11 shall conform to the penalty or fine permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chs. 341 to 348, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- D. **Fines for Parking Violations.**
1. **Fines for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum fines for violation of non-moving traffic violations adopted by reference in Section 10.01.11, as described in Ch. 341 to 348, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule and also set forth on the City's Parking Violation Penalty Chart available on the City of Onalaska website, and at the City Clerk's office and Joint Municipal Court's office.
  2. **Penalty for Other Parking Violations.** Shall be as set forth on the City's Parking Violation Penalty Chart available on the City of Onalaska website, and at the City Clerk's office and Joint Municipal Clerk's Office.
  3. **Winter Alternate Parking.** The fine for violation of the provisions of Section 10.01.31.E. of this Chapter relating to overnight parking from November 15 through April 1 and snow removal from public parking lots shall be as set forth on the City's Parking Violation Penalty Chart available on the City of Onalaska website and at the City Clerk's office and Joint Municipal Clerk's office. In the event the fine is not paid within forty-five (45) days of the date of violation, the City reserves the right to suspend the operating privileges of the owner and/or the registration of the vehicle involved in such violation until the penalty is paid in full. If the vehicle is towed it will be at the owner's expense. If a vehicle is determined by the City Engineer or their designee to be a hindrance to the snow

plowing/removal, they can order the tow of the vehicle. If a vehicle has received more than nine (9) parking tickets in a season, that vehicle will be towed at the direction of the police each time it is in violation during the remainder of the season.

- E. **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00).

#### 10.01.52 Enforcement

##### A. Enforcement Procedures.

1. **How Enforced.** This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
2. **Applicable Court Procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Chapter shall be enforced in the Circuit Court for La Crosse County or in Joint Municipal Court.

##### B. Citations Enforced.

1. **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Secs. 346.71 through 346.73, Wis. Stats. Violations of Secs. 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
2. **Parking Citations.** The Chief of Police shall select a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10.01.11, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may pay the fine for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection C.2. of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

##### C. Payments.

###### 1. Uniform Traffic Offenses.

- a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter and allowed to dispense of their citation by a payment under Sec. 345.26(1)(a), Wis. Stats., shall be permitted to make payments and pay their fine with a plea of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Secs. 66.0111 and 345.26, Wis. Stats., whenever the provisions of Sec. 345.27, Wis. Stats., are inapplicable to such violations. Fines may be paid by making payment online or as set forth in Subsection b. below.
- b. **Delivery or Mailing of Payment.** Any person stipulating guilt or no contest under the preceding subsection may make the payment required under Sec. 345.26, Wis. Stats. or, if the payment is not established under such Statute, shall pay a fine penalty as provided in the Deposit Schedule approved by the Common Council. Payments may be paid online, brought or mailed to the City Finance Department before the scheduled court appearance in lieu of court appearance.
- c. **Receipt Required.** Except where payment is made online or in person, the official or person receiving the payment on behalf of the Municipal Court shall furnish and deliver or mail an original receipt for such payment to the alleged violator within two (2) business days of receipt.

###### 2. Non-moving Traffic Offenses.

- a. **Direct Payment of Penalty Permitted.** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may pay the penalty thereof and avoid court prosecution by paying online, mailing or bringing the applicable fine to the City of Onalaska Finance Department on or before their scheduled initial appearance date or within the applicable time frame as set forth on their parking citation.
- b. **Registration Suspension.** If the alleged violator does not pay the fine or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the City may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and the City's Registration Suspension Program outlined in Section 3 below.

###### 3. Registration Suspension Program.

- a. The City shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
- b. The City of Onalaska Treasurer is hereby designated as a delegated authority for purposes of Secs. 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The City's Treasurer Department is authorized to perform, on behalf of the City, all functions required of a local authority under said Statutes and Code including, but not limited to:
  - i. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
  - ii. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
  - iii. Determining the method by which the City will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
  - iv. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. The City Treasurer is hereby authorized to assign designee(s) to perform such acts as are necessary to effectuate this Subsection.
- d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The City of Onalaska may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The City's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

## Chapter 02      Bicycles, Skateboards, In-Line Skates & E-Bikes

### Division 1    Bicycle Regulations

#### 10.02.11    Definitions

- A. The following definitions shall be applicable to this Chapter:
  1. **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
  2. **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
  3. **Bike Route.** Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
  4. **Bicycle Way.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
  5. **Carrier.** Any device attached to a bicycle designed for carrying articles.
  6. **Identification Tag.** A metal plate or sticker indicating that a bicycle is registered.
  7. **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

#### 10.02.12    Manner of Operation Restricted

- A. No bicycle shall be allowed to proceed in any street in the City unless the rider maintains the bicycle under control at all times.

#### 10.02.13    Lighting and Other Equipment

- A. No person may operate a bicycle during hours of darkness unless the bicycle is equipped with, or the operator is wearing, a lamp emitting a white light visible from a distance of five hundred (500) feet to the front of the bicycle. A bicycle shall also be equipped with a red reflector that has a diameter of at least two (2) inches of surface area on the rear so mounted and maintained as to be visible from all distances fifty (50) to five hundred (500) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a steady or flashing red light visible from a distance of five hundred (500) feet to the rear may be used in lieu of the red reflector.

- B. All bicycles must be equipped with a brake in good working condition, adequate to control the movement of and to stop the bicycle whenever necessary.

#### 10.02.14 Rules of the Road

- A. The provisions of Chs. 346 and 347, Wis. Stats., and applicable City Ordinances shall govern the operation of bicycles where appropriate.

#### 10.02.15 Bicycle Regulations

##### A. Rules for Turning.

1. **Signal Required.** No bicycle operator shall suddenly stop, slow down or turn without giving an arm signal required by state law for the operation of motor vehicles.
2. **Prohibited Turns.** Whenever a uniform traffic control device is erected indicating that no right or left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of such device, except after dismounting from the bicycle to make such turn, in which event said person shall then obey the regulations, ordinances and laws applicable to pedestrians.
3. **Right Turns.** Every person operating a bicycle intending to turn to the right at an intersection, alley or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street.
4. **Left Turns.** Every person operating a bicycle intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in the line of traffic nearest to the center of the roadway and shall pass to the left of the center of the intersection before turning unless otherwise directed by official traffic control devices. At intersections where traffic is moving in the opposite direction, if it is not safe for the operator to make a left turn as above described, they shall stay in the right-hand lane and drive to the opposite corner, dismount and walk the bicycle to the left-hand corner and proceed. A bicycle operator may also make a left turn by driving to the opposite corner and then turning left and driving in a normal driving position.
  - a. **Trick Riding.** No person shall operate a bicycle upon the streets of said City in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.
  - b. **Carrying Extra Passengers.** No bicycle may be used to carry or transport more persons at one (1) time than the number for which it was designed. Except that a bicycle otherwise designed to carry only the operator may be used to carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle seat or trailer securely attached to the bicycle according to the manufacturer's directions.
  - c. **Emerging From Alley or Driveway.** The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.
  - d. **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach themselves or their bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
  - e. **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
  - f. **Sidewalk Operation.** The operation of bicycles on the public sidewalks is permitted provided that every person operating a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.

- B. **Bicycle Parking.** No person shall park any bicycle against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility for the parking of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within twenty-four (24) inches of the curb. No person shall chain a bicycle to any post, pole, tree or other structure located upon the right-of-way of any highway except to a rack expressly provided therefor.

#### 10.02.16 Applicability of Regulations

- A. Regulations and restrictions contained in this Chapter are applicable to persons operating bicycles upon any street, highway, bicycle way or bicycle path or upon any path set aside for the exclusive use of bicycles, except as expressly stated herein.

#### 10.02.17 Parental Responsibility

- A. The parent of any child and the guardian of any ward shall not authorize or permit any child or ward to violate any of the provisions of this Chapter.

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## Division 2 Bicycle Registration

### 10.02.21 Inspection and Registration of Bicycles

- A. **Registration Required.** No person shall operate a bicycle upon any street, sidewalk, public property, bicycle pathway or public highway within the City of Onalaska unless said bicycle shall first have been properly registered and an identification sticker attached as hereinafter provided.
1. **Form of Registration.**
    - a. **How Made.** Registration shall be made by filing with the Onalaska Police Department on forms provided by the City of Onalaska giving the name, address and age of the owner and a complete description of the bicycle, including the name of the manufacturer, style, model, serial number and color.
    - b. **Registration Fee.** There shall be no fee for registering a bicycle.
    - c. **Identification Sticker.** The registering employee or officer shall issue to the registrant a registration slip and an identification sticker. The identification sticker shall be immediately affixed to the registered bicycle, be serially numbered to correspond with the registration number and shall be firmly attached to the bicycle for which issued and kept visible and clean at all times.
    - d. **Unsafe Bicycles Not to Be Registered.** No bicycle shall be registered which is in an unsafe mechanical condition.
    - e. **Record of Registration.** A duplicate registration slip shall be filed with the Police Department as a public record.
    - f. **Period of Registration.** All bicycle registrations shall be effective and valid as long as the owner retains title and possession of the bicycle.
    - g. **Owner to Register.** The licensing authority shall not register any bicycle which it knows or has reasonable grounds to believe is not owned by or lawfully in the possession of the applicant.
    - h. **Change of Ownership.** All bicycles must be registered within ten (10) days of purchase. Within ten (10) days after any bicycle registered as provided herein is sold or transferred to a new owner or dismantled and taken out of operation, the person in whose name the bicycle is registered shall report such information to the Police Department. The Police Department shall thereupon cancel the registration of the bicycle and the new owner, if any, shall be responsible for obtaining a new registration. In the case of dismantling or taking out of operation, the owner shall notify the Police Department.
  - B. **Bicycles to be Kept in Safe Condition.** No bicycle shall be registered which is in an unsafe mechanical condition. The Chief of Police shall have authority to suspend the registration of and remove the identification tag from any bicycle or to impound any bicycle operated contrary to any State law or City Ordinance, or which is being operated in an unsafe mechanical condition. Such suspension and removal or impounding shall continue for a period not to exceed ten (10) days, but the registration shall not be reinstated or such identification tag replaced while such bicycle is in unsafe condition. Such suspension and removal shall be in addition to other penalties provided for herein.
  - C. **Change of Ownership.** Within ten (10) days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation, such information shall be reported to the Police Department by the person in whose name the bicycle has been registered.
  - D. **Registration to be Displayed.** The identification tag issued under this Section shall be affixed to the registered bicycle so as to be plainly seen and read and shall remain so affixed until ordered removed by the Police Department for cause, or until expiration of the registration.
  - E. **Exemption from Registration.** Any non-resident may operate a bicycle in the City of Onalaska without registration.
  - F. **Removal and Alteration of Identification Stickers.**
    1. **Removal Prohibited.** No person shall remove an identification sticker from a bicycle during the period for which issued except upon a transfer of ownership or when the bicycle is dismantled and no longer operated upon any highway within the City.
    2. **Alteration Prohibited.** No person shall alter or counterfeit any identification sticker.
  - G. **Unclaimed or Unidentified Bicycles.** All abandoned or unidentified bicycles shall be delivered to the Police Department for storage, and all such bicycles remaining in the hands of the Police Department at the end of thirty (30) days may be sold at auction.

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## Division 3 Skateboards & In-Line Skates

### 10.02.31 Skateboard Regulations

- A. **State Laws Applicable.** Every person using a skateboard upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except those

provisions with reference to equipment of vehicle and those provisions which by their nature would have no application.

- B. **Regulations.** It shall be unlawful for any person to operate or ride a skateboard in any of the following places:
  - 1. On any sidewalk in any business district. For purposes of this Section, business district shall be defined as any area primarily commercial in nature;
  - 2. In any public parking ramp or parking lot;
  - 3. On any public property where signs prohibit it;
  - 4. On private property, unless permission has been received from the owner, lessee, or person in charge of that property.
- C. **Skateboarders to Stay on Right Side of Road.** Every person using skateboards on a public roadway shall keep as close to the right-hand curb as possible.
- D. **Clinging to Moving Vehicles Prohibited.** It shall be unlawful for any person using a skateboard to cling to or attach to any bicycle or other moving vehicle upon a public roadway.
- E. **Observance of Traffic Regulations.** Every person using a skateboard upon a public roadway shall stop for all arterial and automatic traffic signals.
- F. **Yield Right-of-Way.** Operators or riders of skateboards shall yield the right-of-way to other pedestrians using City sidewalks, and shall not otherwise endanger or interfere with the pedestrian traffic on those sidewalks.
- G. **Operating Two (2) Abreast Prohibited.** Every person when using a skateboard upon a public roadway shall proceed in single file only.
- H. **Night Skateboarding.** No person shall use skateboards upon a public right-of-way thirty (30) minutes after sunset and thirty (30) minutes before sunrise unless that person is wearing a lamp emitting a white light visible from a distance of at least five hundred (500) feet to the front and red reflective material or red light visible at least five hundred (500) feet when illuminated by the beams of motor vehicle headlamps.

#### 10.02.32 In-Line Skate Regulations

- A. **State Laws Applicable.** Every person using in-line skates upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except those provisions with reference to equipment of vehicle and those provisions which by their nature would have no application.
- B. **Sidewalks or Walkways.** Every person using in-line skates upon a sidewalk or walkway shall yield the right-of-way to any pedestrian and shall exercise due care when passing any other persons proceeding in the same direction.
- C. **In-line skaters to Stay on Right Side of Road.** Every person using in-line skates on a public roadway shall keep as close to the right-hand curb as possible.
- D. **Clinging to Moving Vehicles Prohibited.** It shall be unlawful for any person using in-line skates to cling to or attach to any bicycle or other moving vehicle upon a public roadway.
- E. **Observance of Traffic Regulations.** Every person using in-line skates upon a public roadway shall stop for all arterial and automatic traffic signals.
- F. **Operating Two (2) Abreast Prohibited.** Every person when using in-line skates upon a public roadway shall proceed in single file only.
- G. **Yielding to Traffic.** The operator of a vehicle shall yield the right-of-way to a user on in-line skates in the same manner as for bicyclists and pedestrians under Secs. 346.23, 346.24, 346.37 and 346.38, Wis. Stats. Every person when using in-line skates shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using in-line skates shall be subject to the same regulations as bicyclists and pedestrians under Sec. 346.23, 346.24, 346.37 and 346.38, Wis. Stats.
- E. **Night skating.** No person shall use in-line skates upon a public right-of-way thirty (30) minutes after sunset and thirty (30) minutes before sunrise unless that person is wearing a lamp emitting a white light visible from a distance of at least five hundred (500) feet to the front and red reflective material or red light visible at least five hundred (500) feet when illuminated by the beams of motor vehicle headlamps.

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## Division 4 Electric Bikes

### 10.02.41 Definition

- A. **Electric Bicycle.** Shall mean a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of seven hundred and fifty (750) watts or less and that meets the requirements of any of the following classifications:

1. **Class 1 Electric Bicycle.** An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.
2. **Class 2 Electric Bicycle.** An electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.
3. **Class 3 Electric Bicycle.** An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

#### 10.02.42 Permitted Users of Electric Bicycles

- A. Operators of an electric bicycle must possess a valid driver's license, a special restricted operator's license or an instruction permit.

#### 10.02.43 Registration Required

- A. Owners of Electric Bicycles shall register their electric bicycles under the same regulations for bicycles as set forth in Division 2 Section 10.01.21.

#### 10.02.44 Rules of the Road

- A. The provisions of Chs. 346 and 347, Wis. Stats., and applicable City Ordinances shall govern the operation of electric bicycles where appropriate.

#### 10.02.45 Use of Electric Bicycles on Sidewalks, City Paths and Crosswalks Prohibited

- A. Electric Bicycles are prohibited on City sidewalks, paths and crosswalks. Electric Bicycles operated without the motor on and using only human power may be used on any pathways allowing bicycles.

## Division 5 Enforcement and Penalties

#### 10.02.51 Enforcement

- A. **Enforcement.** Any offender who shall disregard the rules and regulations governing the operation of bicycles in this Chapter may be directed to appear before the Coulee Region Joint Municipal Court who shall dispose of such person's case in the manner prescribed by the Court. Bicycle riders under the age of fourteen (14) years shall be issued a special bicycle violation ticket for violation of any of the provisions of this Chapter.
- B. **Offenders Age Twelve (12) and Older.** Any person having attained the age of twelve (12) years may, in the discretion of the Police Department, be dealt with by the Coulee Region Joint Municipal Court.

#### 10.02.52 Penalties

- A. For violations of Rules of the Road, those fines shall be as set forth in the State of Wisconsin Revised Traffic Deposit Schedule.
- B. For all other violations the fine shall be the lowest possible fine amount on the City of Onalaska Deposit Schedule.

## Chapter 03 Snowmobiles

### Division 1 Regulations

#### 10.03.11 State Snowmobile Laws Adopted

- A. Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Chapter.

- |         |   |
|---------|---|
| 350.01  | Definitions.  |
| 350.02  | Operation of snowmobiles on or in the vicinity of highways. |
| 350.03  | Right-of-Way.   |
| 350.035 | Meeting of snowmobiles.                                     |
| 350.04  | Snowmobile races, derbies and routes.                       |

- 350.045 Public utility exemption.
- 350.047 Local ordinances to be filed.
- 350.05 Operation by youthful operators restricted.
- 350.07 Driving animals.
- 350.08 Owner permitting operation.
- 350.09 Head lamps, tail lamps and brakes, etc.
- 350.095 Noise Level Requirements.
- 350.10 Miscellaneous provisions for snowmobile operation.
- 350.101 Intoxicated snowmobiling.
- 350.102 Preliminary breath screening test.
- 350.1025 Application of intoxicated snowmobiling law.
- 350.103 Implied consent.
- 350.104 Chemical tests.
- 350.106 Report arrest to department.
- 350.107 Officer's action after arrest for operating a snowmobile while under the influence of intoxicant.
- 350.11 Penalties.
- 350.12 Registration of snowmobiles.
- 350.125 Completion of application for registration by snowmobile dealers.
- 350.13 Uniform Trail Signs and Standards.
- 350.135 Interferences with uniform trail signs and standards prohibited.
- 350.15 Accidents and accident reports.
- 350.155 Coroners and medical examiners to report; require blood specimen.
- 350.017 Enforcement.
- 350.19 Liability of landowners.
- 350.99 Parties to a violation.

#### 10.03.12 Applicability of Traffic Regulations to Snowmobiles

- A. No person shall operate a snowmobile upon any street, highway or alley within the City of Onalaska in violation of the traffic regulation provisions of Secs. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.63, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), and (9), Wis. Stats.

#### 10.03.13 Standards for Operation

- A. **Operation Restrictions.** Operation of snowmobiles on the designated snowmobile route shall be subject to the following restrictions:
  1. **Stop/Yield.** Each snowmobile shall stop at each street or highway to be crossed and yield the right-of-way to all motor vehicles approaching on each such street or highway.
  2. **Yielding right-of-way.** Travel on rights-of-way of City streets and highways shall be limited to those which are posted, and snowmobiles, at all times, yield the right-of-way when crossing streets and highways to all vehicular traffic.
  3. **Street Operating Rules.** When traveling on the roadways of streets and highways, operators shall obey the following requirements:
    - a. Snowmobiles are to be operated on the extreme right side of the roadway.
    - b. Left turns shall be made as safely as possible from any position depending on snow cover and other prevailing conditions.
    - c. Operators are to yield the right-of-way to other vehicular traffic and pedestrians.
  4. **Speed.** No person shall operate a snowmobile within the City or on any designated snowmobile trail at a speed in excess of fifteen (15) miles per hour and shall yield the right-of-way when traveling within one hundred (100) feet of a person who is not on a snowmobile.
  5. **Hours of Operation Restricted.** No person shall operate a snowmobile anywhere within the City between the hours of 10:30 p.m. and 7:00 a.m.
  6. **Restriction on Equipment.** No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer. Each snowmobile shall be equipped with proper operating headlamps, taillights and brakes and other required equipment to conform to the requirements of Sec. 350.09, Wis. Stats.
  7. **Statutory Requirements.** Operation of snowmobiles shall comply with such other and further conditions as are opposed upon operators under Sec. 350.02, Wis. Stats.
- B. **Unattended Vehicles.** No person shall leave or allow a snowmobile owned or operated by them to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

- C. **Operation on Sidewalks Prohibited.** No person shall operate a snowmobile upon any sidewalk or pedestrian way or upon the area between the sidewalk and the curb line of any street in the City of Onalaska, except for the purpose of crossing to obtain immediate access to an authorized area of operation or as permitted by this Chapter.
- D. **Operation on Private Property.** Except as permitted by this Code, it shall be unlawful to operate any snowmobile or any other motor-drive craft or vehicle principally manufactured for off-highway use on the City street, alleys, parks, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the express consent of the owner before operation of such craft or vehicle on private property not owned or controlled by them.
- E. **Permitting Operation by Improper Persons Prohibited.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous narcotic drug.
- F. **Operation in Parks.** No person shall drive a snowmobile in any park within the City except upon snowmobile trails as may be designated by the Common Council.
- G. **Written Consent of Owner Required.** The consent required under Sec. 350.10(f), Wis. Stats. and in Subsection D. above shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one (1) person, the consent of each owner must be obtained.
- H. **Age of Operators.**
  - 1. No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless they hold a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department of Natural Resources.
  - 2. No person shall operate any snowmobile upon any street, alley or other public right-of-way in the City unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.
  - 3. No owner or other person having charge or control of a snowmobile may knowingly authorize or permit any person to operate the snowmobile if the person is prohibited from operating a snowmobile under Wisconsin Statutes or this Chapter, or if the person is incapable of operating a snowmobile because of physical or mental disability, or if the person is under the influence of alcohol beverages or controlled substances or a combination thereof or under the influence of any other drug to a degree which renders them incapable of safely operating a snowmobile.
  - 4. No parent or guardian of any child shall authorize or knowingly permit such child to operate a snowmobile if the child is prohibited from operating a snowmobile under Wisconsin Statutes or this Chapter.
- I. **Pursuit of Animals.** No operator shall violate Sec. 350.07, Wis. Stats. by driving or pursuing any animal with a snowmobile.
- J. **Miscellaneous Regulations.** No person shall operate a snowmobile in the following manner:
  - 1. At a rate of speed that is unreasonable or improper under the circumstances.
  - 2. In any careless way as to endanger the person or property of another.
  - 3. In such a way that the exhaust of the motor makes an excessive or unusual noise.
  - 4. Without a functioning muffler.
  - 5. On the private property of another without the consent of the owner or lessee.
  - 6. On the frozen surface of public waters within one hundred (100) feet of a person not upon a vehicle or within one hundred (100) feet of a fishing shanty unless operated at a speed of ten (10) miles per hour or less.
  - 7. On a slide, ski or skating area except for the purposes of service the area, crossing at places where marked or after stopping and yielding the right-of-way.
  - 8. On or across a cemetery, school or church property without consent of the owner.
- K. **Non-assumption of Liability.** By enacting this Chapter designating a snowmobile route through the City, portions of which may cross private properties or frozen surfaces, the City is assuming no responsibility for any property damage or personal injuries sustained by any persons as a result of operation of snowmobiles across those properties.

#### 10.03.14 Accidents and Accident Reports

- A. If they can do so without serious danger to themselves or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the City shall stop their snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give their name and address and

identification of their snowmobile to any person injured and to the owner of any property damaged in the accident.

- B. If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.
- C. If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, they shall make such report.
- D. "Snowmobile accident" means a collision, accident or other casualty involving a snowmobile.

#### 10.03.15 Snowmobile Routes and Trails Designated

- A. **Routes Designated.** Except as provided in Secs. 350.02 and 350.045, Wis. Stats., or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., or as provided in Subsection B. no person shall operate a snowmobile upon any public right-of-way, in any public park or on any other public municipal property in the City except upon snowmobile routes and trails designated by the Common Council. The designated routes to be used within the City limits shall be adopted by resolution by the Common Council, a copy of which shall be on file with the City Clerk.
- B. **Trail Markers.** The Chief of Police and/or City Engineer is directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the State Department of Natural Resources under Sec. 350.13, Wis. Stats. The Chief of Police and/or City Engineer shall have the power to declare the stated snowmobile routes and trails either open or closed.
- C. **Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.

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## Division 2 Enforcement and Penalties

### 10.03.21 Enforcement

- A. **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- B. **Other Violations.** All violations of this Chapter not described in Subsections A. or B. shall be enforced in accordance with Secs. 66.0114 and 66.0111 and Ch. 800, Wis. Stats.
- C. **Police Department to Receive Stipulations and Penalties.** Stipulations, fines, penalties and payments for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices by the Chief of Police or their designee.

### 10.03.22 Penalties

- A. Any person who shall violate any provision of this Chapter shall, upon conviction thereof, pay a fine not more than Seven Hundred Fifty Dollars (\$750.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, provided no person shall pay a fine in an amount in excess of the maximum fine allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and fine for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

## Chapter 04 Other Vehicles

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### Division 1 ATV and UTV Regulations

#### 10.04.11 Authority

- A. **Intent.** The intent of this Chapter is to establish routes and provide for the safe operation of ATVs, UTVs and other Off Road Vehicles upon designated roadways in the City of Onalaska.
- B. **Authority.** The City of Onalaska has the specific authority to adopt this All-Terrain Vehicle and Off Road Vehicle Chapter under Secs. 23.33(8)(b) and (11), Wis. Stats.

#### 10.04.12 State All-Terrain and Utility-Terrain Vehicle Laws Adopted

- A. The provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated in Sec. 23.33, Wis. Stats., and Wis. Admin. Code NR 64 and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein.

#### 10.04.13 Enforcement and Penalties

- A. **Enforcement.** An officer of the state traffic patrol, inspector under Sec. 110.07 (3) Wis. Stats., conservation warden, county sheriff or municipal peace officer has authority and jurisdiction to enforce this Section and ordinances enacted in accordance with this Section. No operator of an ATV or UTV may refuse to stop after being requested or signaled to do so by a law enforcement officer or commission warden.
- B. **Penalties.** Violation of this Chapter shall be punishable by fine and enforced as set forth in Sec. 23.33(13), Wis. Stats.

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### Division 2 Operation and Regulation of Off-Highway Motorcycles

#### 10.04.21 Authority

- A. **Intent.** The intent of this Chapter is to establish routes and provide for the safe operation of Off-Highway Motorcycles upon designated roadways in the City of Onalaska.
- B. **Authority.** The City of Onalaska has the specific authority to adopt this Off-Highway Motorcycles Section under Sec. 23.335(21), Wis. Stats.

#### 10.04.22 State Off-Highway Motorcycle Regulations Adopted

- A. The provisions describing and defining regulations with respect to Off-Highway Motorcycles in the following enumerated in Sec. 23.335, Wis. Stats., and Wis. Admin. Code NR 64 and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein.

#### 10.04.23 Enforcement and Penalties

- A. **Enforcement.** A law enforcement officer has authority and jurisdiction to enforce this Section and Chapters enacted in accordance with this Section. No operator of an off-highway motorcycle may refuse to stop after being requested or signaled to do so by a law enforcement officer.
- B. **Penalties.** Violation of this Chapter shall be punishable by fine and enforced as set forth in Sec. 23.335(23), Wis. Stats.

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### Division 3 Neighborhood Electric Vehicles

#### 10.04.31 Definitions

- A. **Neighborhood Electric Vehicles (NEV).** A self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Government Department of Energy and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500.

#### 10.04.32 Equipment

- B. NEVs shall be four (4) wheeled and have a speed range of at least twenty (20) miles per hour and not more than twenty-five (25) miles per hour on a paved surface and have a gross vehicle weight at rest of less than two thousand five hundred (2,500) pounds. NEV does not include an electric Golf Cart and shall have the following specifications to be verified by the Police Department:
  - 1. Headlamps;
  - 2. Front and rear turn signals;
  - 3. Stop lamps;
  - 4. Reflex reflectors: one red on each side as far to the rear as practicable; and one red on the rear;
  - 5. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior review mirror;
  - 6. Parking brake;
  - 7. Horn;
  - 8. A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);
  - 9. A vehicle Identification Number (VIN) that complies with the federal law (49 CFR 565);
  - 10. A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position; and
  - 11. Meets the general test conditions under 49 CFR 571.50056.

#### 10.06.02 Permitted Use of Neighborhood Electric Vehicles on City Streets

- A. Any individual may operate a NEV on the streets of the City having a posted speed limit of thirty-five (35) miles per hour or less.
- B. No person shall operate a NEV unless it is equipped with a rear vision mirror and a reflective "Slow Moving Sign" or "Flag".

#### 10.06.03 Permitted Users of Neighborhood Electric Vehicles

- A. To use a NEV on streets as set forth above, the operator must have a valid driver's license.

#### 10.06.04 Operation of Neighborhood Electric Vehicles

- A. The operation of NEVs as permitted herein shall comply in all respects with Division 1 of this Chapter relating to ATV and UTVs.

#### 10.06.05 Enforcement

- A. Enforcement of this Chapter regulating the use of the Neighborhood Electric Vehicles within the City shall be pursuant to Section 1.01.17 of the Code of Ordinances.

## Chapter 05 Golf Carts

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### Division 1 Regulations

#### 10.07.01 Statutory Authorization and Definitions

- A. **Statutory Authorization.** This Chapter is adopted pursuant to authorization in Secs. 349.18(1)(b) and 349.18(1m)(a), Wis. Stats.
- B. **Definitions:**
  - 1. **Golf Cart.** A vehicle whose speed attainable in one (1) mile does not exceed twenty (20) miles per hour on a paved, level surface, and that was designed and originally intended to convey one (1) or more persons and equipment to play the game of golf in an area designated as a golf course. State Law Reference Sec. 23.33(1)(fm), Wis. Stats.
  - 2. **Public Street.** A public street, highway or alley located within the municipal boundaries of the City of Onalaska.

#### 10.07.02 Operation, Where Permitted

- A. No person may operate a Golf Cart of any portion of, or cross, any state trunk highway or county highway.
- B. No person may operate a Golf Cart on any portion of, or cross, a public street having a posted speed limit in excess of twenty-five (25) miles per hour except at a designated crossing point.
- C. **Exceptions.** The operation of Golf Carts is not subject to the provisions of this Chapter under the following circumstances:
  - 1. The operation of Golf Carts at golf courses, private clubs or on private property, with the consent of the owner; or
  - 2. The use of a Golf Cart in connection with a parade, festival or other special event, in which the proper City permitting has been issued for the event and the Golf Cart is only used during such event.

#### 10.07.03 Operators Permitted

- A. No person shall operate a Golf Cart upon a Public Street who is less than sixteen (16) years of age or without a current, valid driver's license issued for the operation of a motor vehicle. For purposes of this Section, a learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporary or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.

#### 10.07.06 Operation Restrictions

- A. No person shall operate a Golf Cart on a Public Street except in conformity with federal, state and local laws regulating the operation of motor vehicles on public streets and highways, including Ch. 346, Wis. Stats., as it relates to traffic regulations, which are adopted by reference in their entirety. All City ordinances regarding the use of motor vehicles in the City of Onalaska, not inconsistent therewith shall be observed, except that no Golf Cart may be operated at a speed in excess of twenty (20) miles per hour.
- B. No person shall allow a Golf Cart in the person's custody from standing or remaining unattended on any Public Street or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the Golf Cart is locked and the key for that lock is removed from the Golf Cart.

- C. No person shall operate a Golf Cart upon any sidewalk, pedestrian way, public park or upon the boulevard area between the sidewalk and the curb line of any public street in the City, except as specifically authorized for the purpose of legally crossing the street, or to obtain immediate access to an authorized area of operation.
- D. The operator of a Golf Cart shall yield the right-of-way to overtaking vehicles.
- E. The seating capacity shall not be exceeded nor shall the operator or any passenger be permitted to stand in the Golf Cart when it is in operation.
- F. Golf Carts shall not be used as a taxicab or bus or for the commercial carrying of passengers or the hauling of freight. Nor shall a Golf Cart be used for the purpose of towing another cart, trailer or vehicle of any kind.

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## Division 2 Registration and Equipment

### 10.05.21 Annual Registration

- A. A Golf Cart must be registered with the City of Onalaska prior to operating on a public street. The registrant shall pay to the City of Onalaska an annual Golf Cart registration fee of One Hundred Dollars (\$100.00), to the Police Department. The registration fee must be renewed each calendar year. This fee is in addition to any other fees required by law.
- B. No person shall operate a Golf Cart, not currently registered with the City, on a Public Street.
- C. Prior to the initial registration the owner of the Golf Cart must have the cart inspected by the Police Department to assure that it complies with the equipment restrictions.
- D. The registration sticker must be affixed to the rear of the vehicle where it is readily visible.

### 10.05.22 Equipment Restrictions

- A. No person shall operate a Golf Cart on a Public Street unless it conforms to all federal, state and local laws and regulations regarding noise, emissions and equipment, and is maintained in proper adjustment and repair.
- B. No person shall operate a Golf Cart on a Public Street without displaying a lighted headlight and taillight at all times and said lights must conform to the requirements of this ordinance. Headlights shall be of a white or clear light and must be capable of illuminating the road ahead during hours of darkness and be observed at a distance of five hundred (500) feet. Headlight must be properly adjusted, as not to interfere with the operation of other vehicles on the roadway. Taillights shall be red in color and be observable to a distance of five hundred (500) feet at night.
- C. No person shall operate a Golf Cart on a Public Street without at least two (2) direction signal lamps showing to the front and at least two (2) showing to the rear on the Golf Cart so as to indicate intention to turn right or left.
- D. No person shall operate a Golf Cart unless it is equipped with a rear vision mirror and a reflective "Slow Moving Sign" or "Flag" on the rear of the Golf Cart. The brakes provided by the manufacturer of the Golf Cart shall be in proper working order and it shall be equipped with all mechanical and standard safety features provided by the manufacturer and shall not have been modified to exceed a speed of twenty (20) miles per hour nor otherwise modified in any way that creates a hazard.

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## Division 3 Disclaimer, Enforcement and Penalties

### 10.05.31 Disclaimer and Liability

- A. **Disclaimer.** Golf Carts are not designed for nor manufactured to be used on Public Streets and the City of Onalaska neither advocates nor endorses the Golf Cart as a safe means of travel on public streets, roads or highways. The City in no way shall be liable for accidents, injuries or death involving the operation of a Golf Cart within the City limits.
- B. **Assumption of Risk.** Any person who owns, operates or rides upon a Golf Cart on a Public Street, road, or highway within the City of Onalaska limits does so at their own risk and peril and assumes all liability resulting from the operation of the Golf Cart.

### 10.05.32 Enforcement and Penalties

- A. **Enforcement.** A law enforcement officer has authority and jurisdiction to enforce this Section and ordinances enacted in accordance with this Section. No operator of a Golf Cart may refuse to stop after being requested or signaled to do so by a law enforcement officer.
- B. **Penalties.**
  1. For violations of Rules of the Road, those fines shall be as set forth in the State of Wisconsin Revised Traffic Deposit Schedule.

2. For all other violations the fine shall be as set forth in Section 1.01.17 of the Code of Ordinances.

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 September, 2020.

CITY OF ONALASKA

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

By: \_\_\_\_\_  
JoAnn Marcon, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1680-2020**

Motor Vehicles & Traffic Code

Please route in this order

Eric Rindfleisch, Administrator

 8/27/20  
(signature)

No Fiscal Impact

Budgeted Item

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

Jarrold Holter, City Engineer

 8-27-2020  
(signature)

No Fiscal Impact

Budgeted Item

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

Charles Ashbeck, Chief of Police

 8-26-20  
(signature)

No Fiscal Impact

Budgeted Item

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

Fred Buehler, Financial Services Director

 8-26-2020  
(signature)

No Fiscal Impact

Budgeted Item

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



**AN ORDINANCE TO AMEND TITLE 11 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO OFFENSES**

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

SECTION I. Title 11 of the City of Onalaska Ordinances is hereby deleted in its entirety and replaced as follows:

**Title 11 Offenses**

**Chapter 01 Statutory Offenses**

**Division 1 State Statutes Adopted**

**11.01.11 Offenses Against State Laws Subject to Fines and Penalties**

A. The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City of Onalaska. With the exception of Sec. 938.342, Wis. Stats., the penalty for commission of such offenses hereunder shall be limited to a fine imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code. The penalty for truancy and high school dropouts shall be governed by the provisions of Sec. 938.342, Wis. Stats., as adopted herein.

118.07	Healthy & Safety Requirements
118.08	School Zones; Crossings
118.09	Safety Zones
118.10	School Safety Patrols
118.105	Control of Traffic on School Premises
118.11	School Fences
118.123	Reports and Records
118.163	Municipal Truancy and School Dropout Violations
125.07(4)(a)	Underage Drinking-Procures or Attempts to Procure
125.07(4)(1b)	Underage Drinking-Possess or Consume
125.085(3)(b)	Identification Card Violations
125.09(2)	School Related Possession of Alcohol
134.65	Cigarette and Tobacco Products Retailer License
134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products
167.10	Fireworks Regulated
167.32	Safety at Sporting Events
173.10	Investigation of Animal Cruelty Complaints
173.24	Reimbursement for Expenses
175.25	Illegal Storage of Junked Vehicles
254.92	Purchase or Possession of Tobacco Products by Person under 18 Prohibited
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#### 11.01.02 Penalties; Attempt; Parties to Acts

- A. **Penalty.** In addition to the general penalty provisions of this Code in Section 1.01.17 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or

destroyed property. The parent(s) of any unemancipated juvenile who violates those Sections related to Destruction of Property may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

**B. Attempt.**

1. Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the City of Onalaska may be charged with and convicted of the violation.
2. An attempt to commit a violation of this Title requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that the actor does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that the actor formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

- C. Parties to a Violation.** Whoever is concerned in the commission of a violation of this Title may be charged with and convicted of the violation although the person did not directly commit it and although the person who directly committed it has not been convicted of the violation. A person is concerned in the commission of the violation if the person directly commits the violation, intentionally aids or abets the commission of it, is a party to a conspiracy with another to commit it, or advises, hires, counsels or otherwise procures another to commit it.

## Chapter 02      Offenses against Public Safety and Peace

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### Division 1    Weapons, Firearms and Similar Implements

#### 11.02.11    Regulation of Firearms and Explosives

- A. Discharge of Firearms and Guns Regulated.** No person shall fire or discharge any shotgun, rifle, pistol, air or spring gun or any firearm of any description which shot, ball or balls, bullets, missiles or rockets of any kind is or are expelled therefrom by the force of gas, compressed air, spring loaded, powder or other combustible matter within the City of Onalaska except this Section shall not be construed to prohibit the discharge of firearms by the Sheriff or any of their deputies, the Chief of Police or any of their subordinates or any public officer when required and made necessary in the performance of any duty imposed by law.
- B. Shooting Into City Limits.** No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City.
- C. Shooting Ranges.** This Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council, after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.
- D. Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City without first obtaining a permit to do so from the Chief of Police.
- E. Hunting Prohibited.** Hunting with a firearm is prohibited within the corporate limits of the City of Onalaska.
- F. Penalty.** Any person who violates this Section shall upon conviction be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) per offense.

#### 11.02.12    Carrying Concealed Weapons Prohibited

**A. Definitions.**

1. **Conceal and Carry Weapon License.** A license issued under Ch. 175.60, Wis. Stats. or a permit issued by another state designated by the Wisconsin Department of Justice authorized to carry concealed weapons in Wisconsin.
2. **Dangerous Weapon.** Any firearm, whether loaded or unloaded, or any device designated as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
3. **Weapon.** As defined under Sec. 175.60(1)(j), Wis. Stats., namely a handgun, not to include a machine gun, short barreled rifle or short barreled shotgun electric weapon as defined in Sec. 941.295(1c)(a) Wis. Stats., or a billy club.

- B. Concealed Weapons Prohibited.** No person shall within the City wear or in any manner carry under their clothes or conceal upon or about their person any dangerous weapon except that those individuals who carry a current and valid Conceal and Carry Weapon License shall be allowed to wear or carry under their clothes or conceal upon or about their person a weapon, in those areas of the City where allowed. A

person with a current and valid Conceal and Carry Weapon License may not carry a weapon, where it has been posted by the business or property owner that weapons are prohibited pursuant to Sec. 943.13, Wis. Stats. This Subsection shall not apply to a law enforcement officer or such persons as may be authorized to carry such weapons.

- C. **Specific Concealed Weapons Prohibited.** No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about their person any dangerous weapon, including but not limited to a pistol, revolver, firearm, sling shot, cross-knuckle of lead, brass or other materials or any other dangerous or deadly weapon within the City, except that a person with a current and valid Conceal and Carry Weapon License or such persons as may be authorized to carry such weapons may carry a weapon in those areas of the City where allowed. A person with a current and valid Conceal and Carry Weapon License and such persons as may be authorized to carry such weapons may not carry a weapon, where it has been posted by the business or property owner that weapons are prohibited.
- D. **Carrying a Concealed Knife.** Any person who is prohibited from possessing a firearm under Sec. 941.29, Wis. Stats. is prohibited from being armed with a concealed knife that is a dangerous weapon.

### 11.02.13 Dangerous Weapons Prohibited

#### A. Definitions.

- 1. **Dangerous Weapon.** Any firearm, loaded or unloaded; any electric weapon as defined in Sec. 941.295(1)(c)(a), Wis. Stats.; metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of two (2) sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather cestus or similar material weighted with metal or other substance and worn on hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.

- B. **Possession, Sale or Manufacture of a Dangerous Weapon by a Person under 18 Prohibited.** No person under the age of eighteen (18) shall sell, possess or manufacture those dangerous weapons as outlined in Section A.1. above, except that this Section does not apply to those members of the US Armed Forces or National Guard when such use is in the line of duty or to persons whose possession or use is for target practice under the supervision of an adult or in a course of instruction in the traditional and proper use of the dangerous weapon under the supervision of an adult.

### 11.02.14 Safe Use and Transportation of Firearms and Bows

#### A. Definitions.

- 1. **Aircraft.** As defined under Sec. 114.002(3), Wis. Stats.
- 2. **Conceal and Carry Weapon License.** A license issued under Sec. 175.60, Wis. Stats. or a permit issued by another state designated by the Wisconsin Department of Justice authorized to carry concealed weapons in Wisconsin.
- 3. **Encased.** Enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
- 4. **Firearm.** A weapon that acts by force of gunpowder.
- 5. **Highway.** As defined under Sec. 340.01(22), Wis. Stats.
- 6. **Motorboat.** As defined under Sec. 30.50(6), Wis. Stats.
- 7. **Roadway.** As defined under Sec. 340.01(54), Wis. Stats.
- 8. **Unloaded.** Any of the following:
  - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
  - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
  - c. In the case of a flint lock muzzle-loading firearm, having the flash-pan cleaned of powder.
- 9. **Vehicle.** As defined under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.
- 10. **Weapon.** As defined under Sec. 175.60(1)(j), Wis. Stats., namely a handgun, not to include a machine gun, short barreled rifle or short barreled shotgun; electric weapon as defined in Sec. 941.295, Wis. Stats.; knife, not including a switchblade knife; and a billy club.

#### B. Prohibitions; Motorboards and Vehicles; Highways and Roadways.

- 1. Except as provided in Section 2. below no person may:
  - a. Place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
  - b. Place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

- c. Load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
  - d. Load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a road.
2. **Exceptions.**
- a. Section 1. does not apply to any of the following who, in the line of duty place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
    - i. A peace officer, as defined in Sec. 939.22(22), Wis. Stats.
    - ii. A member of the U.S. Armed Forces.
    - iii. A member of the National Guard.
  - b. Section 1. does not apply to the holder of a current and valid Conceal and Carry Weapon License from carrying a concealed weapon in a vehicle except where the vehicle owner has prohibited weapons in the vehicle and it has been posted by the vehicle owner that weapons are prohibited in a vehicle.
  - c. Section 1.a.-c. does not apply to the holder of a scientific collector permit under Sec. 29.614, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
  - d. Section 1.b-c. does not apply to the holder of a disabled permit under Ch. 29, Wis. Stats., who is hunting from a stationary automobile in accordance with that Chapter.

#### 11.02.15 Throwing or Shooting Arrows, Stones and Other Missiles Prohibited

- A. **Throwing or Shooting of Arrows, Stones and Other Missiles.** It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile within the City of Onalaska for any purpose other than the hunting of wild animals as defined in Section B. below, provided, however, upon written application to the Chief of Police and Common Council, a person may be granted permission by the Common Council to construct and maintain supervised non-commercial archery ranges if, in the opinion of the Common Council, the construction or maintenance of such ranges will not endanger the public health and safety.
- 1. **Exceptions.** Friendly games of snowball fights, nerf battles and other similar games with non-lethal missiles and where all individuals are willing participants and the missiles are launched at the willing participants shall be exempt.
- B. **Hunting Wild Animals with Bow & Arrows and Crossbows.** The owner of any lands within the City, together with the invitees of such owner, may hunt wild animals with bow and arrows or crossbows or practice target shooting subject to compliance with the following:
- 1. To preserve the general health, safety and welfare of the citizens of Onalaska, the use of bow and arrow or crossbow for any purpose shall not be permitted in City parks or parkways, on any school property, hospital or sanatorium as outlined in Sec. 29.301, Wis. Stats., and on any City or Federal owned Property, except as set forth in the City's Urban Deer Management Plan. For the purposes of this ordinance, wild animal shall have the definition assigned in Sec. 29.001(90), Wis. Stats.
  - 2. In any area within one hundred (100) yards from a building which is a permanent structure used for human occupancy (including a manufactured home as defined in Sec. 101.91(2), Wis. Stats.,) unless the person who owns the land on which such building is located allows the hunter to hunt within such area. Persons hunting with a bow and arrow or crossbow must discharge the arrow or bolt from the respective weapon into the ground.
  - 3. Pursuant to Sec. 167.30(1), Wis. Stats., within forty (40) rods (or six hundred and sixty (660) feet) of any public park, square or enclosure owned or controlled by the City of Onalaska and resorted to for recreation or pleasure, when such park, square or enclosure is wholly situated without the limits of the City.
  - 4. Pursuant to Sec. 167.31(2)(d), Wis. Stats., and subject to the exceptions set forth therein, when and where the person discharges a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet of the center of a roadway.
  - 5. At any time and in any area when and where the person who hunts with a bow and arrow or crossbow does not discharge the arrow or bolt from the respective weapon toward the ground.

#### 11.02.16 Penalties

- A. **Penalty.** Any person who violates any section of this Division, shall upon conviction be subject to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) per offense as set forth on the City of Onalaska Deposit Schedule.

## Division 2 Offenses against Peace and Quiet

### 11.02.21 Loud and Unnecessary Noise Prohibited

- A. **Declaration of Findings and Policy.** Whereas excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the City to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.
- B. **General Prohibition of Noise Disturbances.** No person or persons owning, leasing or controlling the operation of any source or sources of noise shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment or continuation of a condition of noise disturbance.
- C. **Measured Noise Disturbance.** This Section shall apply to the use or occupancy of any lot or structure thereon and to the noise produced thereby, but shall not apply to the following:
1. To the intermittent or occasional use, during the daytime, of light homeowner's residential outdoor equipment or commercial service equipment provided said equipment and its use complies with other provisions of this Chapter;
  2. To construction activities and the associated use of construction devices nor to the noise produced thereby, provided such activities, and such equipment and its use, comply with provisions of this Chapter;
  3. To bell towers or clock towers with bells or chimes;
  4. Any vehicle of the City while engaged in necessary public business;
  5. Excavations or repairs of streets or any other public construction work by or on behalf of the City, County, or State at any hour when the public entity determines that public welfare and convenience renders it impossible to perform such work during the day;
  6. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature; and
  7. Operation of Emergency Equipment shall be exempt. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the City.
- D. **Noise in Residential Areas or Affecting Residential Property.** No person shall create or cause to be emitted from or by any source subject to the provisions of this Chapter, any noise which causes or results in a noise level, measured at any lot line of any lot located in any residential area or in residential use elsewhere in conformance with the Unified Development Code, in excess of any level of Section G. of this Section, residential zone noise standard.
- E. **Noise in Commercial Areas.** No person shall create or cause to be emitted from or by any source subject to the provisions of this Chapter, any noise which causes or results in a noise level, measured at any lot line of any lot in any commercial area other than a lot in residential use in conformance with the Unified Development Code, in excess of any level of Section G. of this Section, commercial zone standard.
- F. **Noise in Other Zones.** No person shall create or cause to be emitted from or by any source subject to the provisions of this Chapter, any noise which causes or results in a noise level, measured at any lot line of any lot in any area not zoned residential or commercial in excess of any level of Section G.S of this section, other zone standard.
- G. **Construction or Repair of Buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays; provided, however, the Inspection Department shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to permit by written authorization for a period necessary within which time such work and operation may take place within the hours of 8:00 p.m. to 7:00 a.m.
- H. **Stationary Noise Limits.**
1. **Maximum Permissible Sound Levels.**
    - a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line:

Zone:	Noise Rating (Daytime):	Noise Rating (Nighttime) 10pm-8am:
Residential	75db	65db
Commercial	85db	75db
All Other Zones	75db	65db

2. **Methods of Measuring Noise.**
  - a. **Equipment.** Noise measurement shall be made with a sound level meter.
  - b. **Location of Noise Meter.** Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
3. **Appeals.** The Common Council may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this Chapter for existing industries.

I. **Permits for Amplifying Devices.**

1. **Permit Required.** The use of loudspeakers or amplifying devices on the streets or in the parks of the City of Onalaska is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a Special Event Permit under Title 7.

**11.02.22 Public Urination/Defecation and Indecent Exposure**

- A. It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any public way, sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the City, or upon any private property without the owner's consent or in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose one's person.

**11.02.23 Loitering Prohibited**

- A. No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a law enforcement officer or peace officer, refuses to identify themselves or manifestly endeavors to conceal themselves or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting them to identify themselves and explain their presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement officer or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer or peace officer at the time, would have dispelled the alarm.

**11.02.24 Harassing or Obscene Telecommunications**

A. **Definitions.**

1. **Telecommunication Device.** Any instrument, equipment, machine or other device that facilitates telecommunication, including but not limited to, a computer, computer network, computer chip, computer circuit, scanner, smart device, telephone, cellular telephone, pager, personal communications device, radio, transponder, receiver, modem or device that enables the use of a modem.
2. **Telecommunication Message.** Any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature.

B. No one shall do any of the following by means of telecommunication device:

1. With intent to harass, annoy, or offend another, sends a telecommunication message to a telecommunication device and uses any violent, abusive, indecent, or profane language or image, or any other message which tends to cause or provoke a disturbance or annoyance;
2. Makes a phone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
3. Makes or causes the phone or telecommunication device of another repeatedly or continuously to ring or make noise with intent to harass any person at the receiving number or numbers;
4. Makes repeated calls, during which conversation ensues, solely to harass any person at the receiving number or numbers;
5. Knowingly permits any telecommunication device under one's control to be used for any purpose prohibited by this Section;
6. In conspiracy or concerted action with other persons, makes repeated calls, telecommunication messages or simultaneous calls, or telecommunication messages solely to harass any person at the called number or numbers.

#### 11.02.25 Unauthorized Presence on School Property Prohibited

- A. It shall be unlawful for any person, except as provided in Section B. hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- B. **Exceptions.** This Section shall not apply to:
1. Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds;
  2. Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
  3. Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- C. The exceptions set forth in Section B. shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- D. All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."

#### 11.02.26 Penalties

- A. **Penalty.** Any person who violates any section of this Division, shall upon conviction be subject to the General Penalty as set forth in Section 1.01.17 of Title 1 of this Code of Ordinances.

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### Division 3 Offenses against Public Safety

#### 11.02.31 Prohibition of Smoking in Enclosed and Specified Places

- A. The provisions of Sec. 101.123, Wis. Stats., relating to the prohibition of smoking in various enclosed spaces are hereby adopted and made part of this Code by reference, including any revisions or amendments thereto. The prohibition of smoking in Sec. 101.123, Wis. Stats., shall be extended to include electronic cigarettes defined as any electronic smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device, including vaping. A warning notice shall be issued to the Person in Charge as defined in Sec. 101.123(1)(d), Wis. Stats. for the first offense.
- B. **Penalty.** Any person violating any provision of this Section, including those provisions of the Wisconsin Statutes, which are incorporated herein by reference, shall upon conviction thereof be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) and the costs of prosecution for each violation, and in default of payment of such fine and the costs of prosecution may be imprisoned in the County Jail until payment of such fines and costs of prosecution, but not exceeding ninety (90) days for violation, provided, however, that in no case shall the fine imposed for a violation of any provisions of this Section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

#### 11.02.32 Possession of Controlled Substances

- A. **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.
- B. **Possession of Marijuana.** No person shall possess any amount of marijuana, tetra-hydrocannabinoids or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.

#### 11.02.33 Possession, Manufacture and Delivery of Drug Paraphernalia

- A. **Definitions.**
1. **Drug Paraphernalia.** As defined under Sec. 961.571(1)(a), Wis. Stats.
  2. **Marijuana.** As defined under Sec. 961.01(14), Wis. Stats.
  3. **Practitioner.** As defined under Sec. 961.01(19)(a), Wis. Stats.
- B. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Ch. 961, Wis. Stats.

- C. No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Ch. 961, Wis. Stats.
- D. **Penalty.** Any person violating the provisions of this Section may be fined not more than Five Hundred Dollars (\$500.00). Any drug paraphernalia used or possessed in violation of this Chapter shall be seized and given to the City.

#### 11.02.34 Failure to Obey Lawful Order

- A. It shall be unlawful for any person to fail to obey the direction or order of a law enforcement officer while such law enforcement officer is acting in an official capacity in carrying out their duties.

### Division 4 Offenses Involving Alcoholic Beverages

#### 11.02.41 Outside Consumption

##### A. Definitions.

1. **Alcoholic Beverage.** All ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1 %) or more of alcohol by volume and which are fit for use for beverage purposes.
2. **Public Area.** Any location within the City which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
3. **Underage Person.** Any person under the legal drinking age as defined by the Wisconsin Statutes.

##### B. Alcoholic Beverages in Public Areas.

1. **Regulations.** It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the City or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in their possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the City, except at licensed premises.
2. **Parks.** It shall be unlawful for any person to drink or have in their possession any alcohol beverage in any City park between the hours of 11:00 p.m. and 6:00 a.m., except at licensed premises.
3. **Private Property Held Open For Public Use.** It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the City unless the property is specifically named as being part of a licensed premises.
4. **Leaving Licensed Premises With Open Container.**
  - a. It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
  - b. It shall be unlawful for any patron to leave a licensed premise with an open container containing any alcohol beverage.
  - c. It shall be unlawful for any patron to remove an original unopened package, container or bottle containing any alcohol beverage from a Class A licensed premises between the hours of 9:00 p.m. and 6:00 a.m.
5. **Exceptions.**
  - a. The provisions of Subsection 1.-3. above may be waived by the Common Council for duly authorized special events.
  - b. Any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to this Code of Ordinances for a specific area, provided that the provisions of this Chapter and Title 7 are fully complied with.

#### 11.02.42 Sale to Underage or Intoxicated Persons Restricted

##### A. Sale of Alcoholic Beverages to Underage Persons.

1. No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age or procure for, sell, dispense or give away any intoxicating liquor to any underage person.

2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person.

**B. Sale of Alcohol Beverages to Intoxicated Persons.**

**1. Restrictions.**

- a. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
- b. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

**C. Penalties.**

1. A person who commits a violation of this Section shall be subject to the General Penalty as set forth in Section 1.01.17 of this Code of Ordinances.
2. In addition to the fines provided in Subsections C.1. above, for any violation under Section A. above, a court may suspend any license or permit issued under this Chapter to a person violating this Subsection for:
  - a. Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one (1) previous violation;
  - b. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or
  - c. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.

**11.02.43 Underage Persons**

- A. Presence in Places of Sale Restrictions.** An underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or their employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This Subsection does not apply to:
1. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
  2. An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
  3. Hotels, drug stores, grocery stores, bowling alleys, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums or public facilities as defined in Sec. 125.51(5)(b)l.d, Wis. Stats., which are owned by a county or municipality, or centers for the visual or performing arts.
  4. Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
  5. Ski chalets, golf courses and golf clubhouses, racetracks licensed under Ch. 562, Wis. Stats., curling clubs, private soccer clubs and private tennis clubs.
  6. Premises operated under both a "Class B" fermented malt beverage or Class "B" alcohol beverage license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a "Class B" or Class "B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
  7. Premises operating under both a "Class C" license and a restaurant permit.
  8. An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection. (An underage person may enter and remain on Class "B" or "Class B" premises under this Subsection only if the City adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the City Police Department issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this Subsection on the date specified in the authorization. Before issuing the authorization, the City Police Department shall make a determination that the presence of underage persons on the licensed premises will not endanger their

- health, welfare or safety or that of other members of the City. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.)
9. An underage person who enters and remains on premises for which a temporary Class "B" license is issued under Sec. 125.26, Wis. Stats., if the licensee is authorized by the official or body of the City that issued the license to permit underage persons to be on the premises under Sec. 125.26(6), Wis. Stats., and if the licensee permits underage persons to be on the premises.
- B. **Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premise in violation of Section A. above is upon conviction subject to a fine of not more than Five Hundred Dollars (\$500.00).
- C. **Underage Persons Prohibitions.** Any underage person who does any of the following is guilty of a violation:
1. Procures or attempts to procure alcohol beverages from a licensee or permittee.
  2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age possesses or consumes alcohol beverages on licensed premises.
  3. Enters, knowingly attempts to enter or is on licensed premises in violation of Section A. above.
  4. Falsely represents their age for the purpose of receiving alcohol beverages from a licensee or permittee.
- D. **Adult to Accompany.** Except as provided in Section E. below, any underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.
- E. **Exceptions.** An underage person may possess alcohol beverages in the course of employment during their working hours if employed by any of the following:
1. A brewer.
  2. A fermented malt beverages wholesaler.
  3. A permittee other than a Class "B" or "Class B" permittee.
  4. A facility for the production of alcohol fuel.
  5. A retail licensee or permittee under the conditions specified in Secs. 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
  6. A campus, if the underage person is at least eighteen (18) years of age and is under the immediate supervision of a person who has attained the legal drinking age.
- F. **Penalties for Section C. Violations.** Any person violating Section C. is subject to the following penalties:
1. For a first (1st) violation, subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in other community service work or any combination of these penalties.
  2. For a violation committed within twelve (12) months of a previous violation, either subject to a fine of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)(1), Wis. Stats., participation in community service work or any combination of these penalties.
  3. For a violation committed within twelve (12) months of two (2) previous violations, either subject to a fine of not less than Five Hundred Dollars (\$500.00) nor more than Seven Hundred Fifty Dollars (\$750.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in community service work or any combination of these penalties.
  4. For a violation committed within twelve (12) months of three (3) or more previous violations, either subject to a fine of not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in community service work or any combination of these penalties.
- G. **Penalties for Section D. Violations.** Any person violating Section D. above is subject to the following penalties:
1. For a first (1st) violation, subject to a fine of less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in community service work or any combination of these penalties.
  2. For a violation committed within twelve (12) months of a previous violation, either subject to a fine of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in community service work or any combination of these penalties.
  3. For a violation committed within twelve (12) months of two (2) previous violations, either subject to a fine of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in community service work or any combination of these penalties.

4. For a violation committed within twelve (12) months of three (3) or more previous violations, either subject to a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in community service work or any combination of these penalties.
- H. **Multiple Violations from an Incident.** For purposes of Sections C. or D. above, all violations arising out of the same incident or occurrence shall be counted as a single violation.
- I. **Disclosure of License Revocation Information.** When a court revokes or suspends a person's operating privilege under this Section, the Wisconsin Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this Subsection may not disclose the information to any other person or agency.
- J. **Applicability of Statutory Proceedings.** A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 938.344(3), Wis. Stats.
- K. **Alcohol Abuse Programs.**
1. In this Subsection, "defendant" means a person found guilty of violating Sections C. or D. who is eighteen (18), nineteen (19), or twenty (20) years of age.
  2. After ordering a penalty under Sections F. or G., the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this Subsection shall require the defendant to do any of the following:
    - a. Submit to an alcohol abuse assessment that conforms to the criteria specified under Sec. 938.547(4), Wis. Stats., and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.
    - b. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under Subsection K.2.a. recommends treatment.
    - c. Participate in a court-approved alcohol abuse education program.
  3. If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under Subsection K.2.a. and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.
  4. If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under Section F. or G., the court may order the secretary of transportation to reinstate the operating privilege of the defendant if they complete the alcohol abuse treatment program or court-approved alcohol abuse education program.
  5. If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under Section F. or G. should be imposed.
- L. **Defense of Sellers.** In determining whether or not a licensee or permittee has violated Sections 11.02.42.A. or 11.02.43.A. all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstances listed below. In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:
1. That the purchaser falsely represented that they had attained the legal drinking age.
  2. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
  3. That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
  4. That the underage person supported the representation under Subsection 1 above with documentation that they had attained the legal drinking age.

- M. **Additional Prohibited Acts.** In addition to any other provision of the City of Onalaska Code of Ordinances, no juvenile shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Ch. 125, Wis. Stats.
- N. **Penalty for Violations of Section E.** Any juveniles who shall violate the provisions of Section D. shall be subject to the same penalties as are provided in the General Penalty provision of Section 1.01.17 of this Code of Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

#### 11.02.44 False or Altered Identification Cards

- A. Any underage person who does any of the following is subject to a fine of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Two Hundred and Fifty Dollars (\$1,250.00), suspension of the person's operating privilege under Sec. 343.30(6)(bm), Wis. Stats., or other community service work or any combination thereof:
1. Intentionally carries an official identification card not legally issued to them, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.
  2. Makes, alters or duplicates an official identification card purporting to show that they have attained the legal drinking age.
  3. Presents false information to an issuing law enforcement officer in applying for an official identification card.
  4. Intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

#### 11.02.45 Possession of Alcohol Beverages on School Grounds Prohibited

- A. **Definitions.**
1. **Motor Vehicle.** A motor vehicle owned, rented or consigned to a school.
  2. **School.** A public, parochial or private school which provides an educational program for one (1) or more grades between grades one (1) and twelve (12) and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
  3. **School Administrator.** The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
  4. **School Premises.** Premises owned, rented or under the control of a school.
- B. Except as provided by Section C. no person may possess or consume alcohol beverages:
1. On school premises;
  2. In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
  3. While participating in a school-sponsored activity.
- C. Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the School Administrator consistent with applicable laws, ordinances and School Board policies.
- D. A person who violates this Section is subject to a fine of more than Two Hundred Dollars (\$200.00), except that Sec. 938.344, Wis. Stats., and Division 4 of Chapter 2 of this Title of Ordinances provide the penalties applicable to underage persons.

#### 11.02.46 Adult Permitting or Encouraging Underage Violation.

- A. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on property, including premises owned and occupied by the adult or occupied by the adult and under the adult's control. This Section applies at a lodging establishment, as defined under Sec. 106.52(1)(d), Wis. Stats., only if the adult has furnished payment or security for the lodging. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- B. No adult may intentionally encourage or contribute to a violation of Section 11.02.43.A or B.
- C. A person who violates this Section is subject to a fine and suspension as set forth in 11.02.42.C1 and C2.

#### 11.02.47 Social Hosting

- A. **Purpose and Findings.** The Common Council of the City of Onalaska intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under twenty-one (21) years of age possess or consume alcohol. The Common Council of the City of Onalaska finds:
1. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one (21) are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

2. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
  3. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
  4. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.
  5. A deterrent effect will be created by holding a person responsible for knowingly allowing underage possession or consumption of alcohol.
- B. **Definitions.** For purposes of this Chapter, the following terms have the following meanings:
1. **Alcohol.** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
  2. **Alcohol or Alcoholic Beverage.** Fermented malt beverages and intoxicating liquor.
  3. **Event or Gathering.** Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
  4. **Host or Allow.** To aid, conduct, entertain, organize, supervise, control or permit a gathering or event.
  5. **Parent.** Shall mean any person having legal custody of a juvenile:
    - a. As natural, adoptive parent or step-parent;
    - b. As a legal guardian; or
    - c. As a person to whom legal custody has been given by order of the Court.
  6. **Residence, Premises or Public or Private Property.** Shall mean any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.
  7. **Underage Person.** Shall mean any individual under twenty-one (21) years of age.
  8. **Present.** Being at hand or in attendance.
- C. **Prohibited Acts.**
1. It is unlawful for any adult to knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control.
    - a. Additionally, an adult is responsible for violating this Section above if the adult intentionally encourages or contributes to any underage person:
      - i. procuring or attempting to procure alcohol beverages from a licensee or permittee;
      - ii. possessing or consuming alcohol beverages on licensed premises;
      - iii. entering or knowingly attempting to enter or is on licensed premises in violation of Sec. 125.07(3)(a), Wis. Stats., or
      - iv. falsely represents their age for the purpose of receiving alcohol beverages from a licensee or permittee.
    - b. It is unlawful for any person to procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age.
- D. **Exceptions.** This Chapter does not apply to conduct solely between an underage person and their parents while the parent is present and in control of the underage person.
1. This Chapter does not apply to legally protected religious observances.
  2. This Chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
  3. This Chapter does not apply to situations where a parent lawfully serves alcohol to their own child.
- E. **Penalties.** A person who violates any provision of this Ordinance is subject to a fine of not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within thirty (30) months of the violation, not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than thirty (30) days or both if the person has committed a previous violation within thirty (30) months of the violation, not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than ninety (90) days or both if the person has committed two (2) previous violations within thirty (30) months of the violation or not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than nine (9) months or both if the person has committed three (3) or more previous violations within thirty (30) months of the violation, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the fines and costs are paid.

## Chapter 03 Offenses against Property

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### Division 1 Property Damage

#### 11.03.11 Destruction or Theft of Property Prohibited

##### A. Destruction of Property.

1. No person shall willfully injure or intentionally deface, destroy, damage or unlawfully remove, take or interfere with any property of any kind or nature belonging to the City of Onalaska, Onalaska School District or to any private person or business without the consent of the owner or property authority.
2. No person shall willfully, maliciously or wantonly and without cause with a motor vehicle deface, destroy, take or meddle with or injure any tree, shrub, grass, turf, plants, crops or soil belonging to the City if Onalaska, Onalaska School District or to any private person without the consent of the owner or proper authority.
3. **Damaging Fire Hydrants and Water Mains.** No person shall, without the authority of City officials, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

##### B. Parental Liability.

Pursuant to Sec. 895.035, Wis. Stats., the parents of an emancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton action of such minor; such liability shall not exceed the statutory amount for any one (1) act.

##### C. Graffiti Prohibited.

No person may write, paint, or draw any inscription, figure, or mark of any type of any public building, structure or property or other real or personal property owned by another person, business or entity unless the express permission of the owner or proper authority has been obtained. The existence of graffiti on any real property within the City is expressly declared a public nuisance affecting the public health, safety and welfare.

1. **Graffiti Definition.** Marks, symbols, signs, letters, names, phrases, writings, drawings or sentences which are inscribed or placed on real property without the consent of the owner or occupant that are not otherwise permitted by law.
2. **Abatement.** Every owner of a structure or real property defaced by graffiti shall report the defacing to the City of Onalaska Police Department upon discovery. The owner shall also comply with the terms of a written notice to abate served on the property owner by the Police Department or Planning/Inspection Department ordering the removal or covering of such graffiti. The notice to abate shall be served personally or by certified mail. If a property owner fails to comply with the notice to abate within seventy-two (72) hours, the City shall have the graffiti covered or removed and all costs, fees, and expenses shall be entered into the tax roll as a special charge, pursuant to Sec. 66.0627, Wis. Stats., against the parcel of land on which the property is defaced by the graffiti is located. Extensions to the seventy-two (72) hour correction period may be granted by the Chief of Police or their designee.

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### Division 2 Other Offenses against Property

#### 11.03.21 Trespass

##### A. Definitions.

1. **Property.** Any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether or not a person is living in such home.
2. **Trespass.** Trespass shall mean any of the following:
  - a. **Entering Property Without Permission.** Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass or place thereon or therein anything animate or inanimate.
  - b. **Entering or Remaining on Property.** Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession or by any law enforcement officer or public employee whose duty it is to supervise the use of or maintenance of the property.
  - c. **Interfering with Lawful Use of Property.** Entering upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
  - d. **Using Property Without Permission.** Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing or placing thereon or therein anything animate or inanimate without the implied or actual permission of the owner, lessee or person in lawful possession.

- B. **Trespass Prohibited.** It shall be unlawful for a person to knowingly trespass.
- C. **Exception.** None of the above shall be construed to prohibit entering upon the land of another for the sole purpose of retrieving personal property which as accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of others, provided the person(s) retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as possible and does not unduly interfere with the lawful use of the property.

### 11.03.23 Penalties

- A. In addition to the General Penalty of this Code in Section 1.01.17 or any other fine or penalty imposed for violation of any Section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Destruction of Property or Damage to Public Property may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

## Chapter 04 Offenses by Juveniles

### Division 1 Administration and General Offenses

#### 11.04.11 City Jurisdiction over Juveniles

- A. **Adoption of State Statutes.** Secs. 938.02 and 938.17(2), Wis. Stats., are hereby adopted and by reference made a part of this Section as if fully set forth herein.
- B. **Definitions.**
  1. **Adult.** A person who is eighteen (18) years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, "adult" means a person who has attained seventeen (17) years of age.
  2. **Juvenile.** A person who is less than eighteen (18) years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or municipal ordinance, "juvenile" does not include a person who has attained seventeen (17) years of age.
- C. **Provisions of Ordinance Applicable to Juveniles.** Subject to the provisions and limitations of Sec. 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against juveniles may be brought on behalf of the City of Onalaska and may be prosecuted utilizing the same procedures in such cases as are charged with the same offense.
- D. **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.

#### 11.04.12 Enforcement

- A. **Citation Process.** For violations of this Chapter, juveniles may be cited by the citation process on a form approved by the City Attorney and Chief of Police. A parent notification will be mailed to the parent or legal guardian.

#### 11.04.13 Curfew

- A. **Prohibited.** No person who is seventeen (17) years of age or under shall be on foot, bicycle, or in any type of vehicle on any public street, avenue, alley, park, school grounds or other public places in the City between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday and between the hours of 12:00 p.m. and 5:00 a.m. on Friday and Saturday, unless accompanied by a parent or guardian or person having lawful custody and control of their person or unless there exists a reasonable necessity therefor. The fact that the child, unaccompanied by parent, guardian or other person having legal custody, is found upon any street, alley or public place during the aforementioned hours shall be prima facie evidence that the child is there unlawfully and that no reasonable excuse exists therefore.
- B. **Parental Responsibility.** It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under eighteen (18) years of age to allow or permit such person to violate the provisions of Section A. above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the Police Department shall not be considered to have allowed or permitted any person under eighteen (18) years of age to violate this Section.

- C. **Responsibility of Places of Amusement.** No person operating or in charge of any place of amusement, entertainment, refreshment or other place of business shall permit any minor under eighteen (18) years of age to loiter, loaf or idle in such place during the hours prohibited by this Section. Whenever the entertainment, refreshment or other place of business during the hours prohibited by this Section, finds person under eighteen (18) years of age loitering, loafing or idling in such place of business, they shall immediately order such person to leave and if such person refuses to leave, the operator shall immediately notify the Police Department and inform them of the violation.
- D. **Detaining a Minor.** Every law enforcement officer is hereby authorized to detain any minor violating the provisions above until such time as the parent, guardian or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the minor and shall sign a release for the minor. If no response is received, the law enforcement officer shall take whatever action is deemed necessary in the best interest of the minor. Provided, however, that no detention of a minor shall occur unless the law enforcement officer has reason to believe that no defense or exception to the curfew applies.
- E. **Exceptions.** The provisions of Section A. shall not apply to:
  1. Minors returning home from municipal, religious and school activities; or
  2. Minors during or returning from employment.

#### 11.04.14 Petty Theft and Receipt of Stolen Goods by Juveniles

- A. It shall be unlawful for any person under the age of seventeen (17) years of age, with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof and to intentionally receive or conceal property they know to be stolen.

#### 11.04.15 Sexting

- A. **Definitions.**
  1. **Nudity.** Showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple. Breastfeeding of a baby does not under any circumstance constitute "nudity," irrespective of whether or not the nipple is covered during or incidental to feeding.
  2. **Harmful to Minors.** Any reproduction, imitation, characterization, description, exhibition, presentation or representation, of whatever kind of form, depicting nudity, sexual conduct, or sexual excitement when it:
    - a. Predominately appeals to indecent, shameful, or morbid interest;
    - b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
    - c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
  3. **Minor.** Any person under the age of eighteen (18) years of age.
- B. **Sexting Prohibited.** A minor commits the offense of sexting if they knowingly:
  1. Use any device capable of electronic data transmission or distribution, to transmit or distribute to another person any image, recording, text, correspondence, message or substantially similar form of communication, of any person which depicts nudity, as defined above, and is harmful to minors, as defined above.
  2. Possess any image, recording, text, correspondence, message or other substantially similar form of communication that was transmitted or distributed by another person which depicts nudity, and is harmful to minors. A minor does not violate this paragraph if all of the following apply:
    - a. The minor did not solicit the photograph, video or substantially similar communication;
    - b. The minor took reasonable steps to report the photograph, video or substantially similar communication to a school or law enforcement officer; and
    - c. The minor did not transmit or distribute the photograph, video or substantially similar communication to a third party other than a law enforcement officer.

#### 11.04.16 Unlawful Sheltering of Minors

- A. No person shall intentionally shelter or conceal a minor child who:
  1. Is a "runaway child", meaning a child who has run away from their parent, legal guardian or legal or physical custodian; or
  2. Is a child who may be taken into custody pursuant to Sec. 938.19, Wis. Stats.
- B. Section A. applies when the following conditions are present:
  1. The person knows or should have known that the child is a child described in Section A. above; and
  2. The child has been reported to a law enforcement agency as a missing person or as a child described in Section A above.

- C. Section A. does not apply to any of the following:
1. A person operating a runaway home in compliance with Sec. 48.227, Wis. Stats.; or
  2. A person who shelters or conceals a child at the request or with the consent of the child's parent, legal guardian or legal or physical custodian except if the sheltering or concealment violates Sec. 948.31, Wis. Stats.; or
  3. A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Ch. 48 or 938, Wis. Stats., that they are sheltering or concealing such child and provides the person or agency notified with all information requested.

#### 11.04.17 Criminal Gang Activity Prohibited

- A. **Authority.** This Section is adopted pursuant to the authority granted by Sec. 66.0107 and Ch. 948, Wis. Stats.
- B. **Definitions.** For purposes of this Section, the following terms are defined:
1. **Criminal Gang.** An ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Sec. 939.22(21)(a)-(s), Wis. Stats., that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
  2. **Pattern of Criminal Gang Activity.** Shall have the same meaning as the definition in Sec. 939.22(21), Wis. Stats., the list of offenses in Subsections a.-s. of that Section to Title 11 of this Code of Ordinances.
  3. **Unlawful Act.** Includes any criminal act or act that would be criminal if the actor were an adult.
- C. **Unlawful Activity.**
1. It is unlawful for any person to engage in criminal gang activity.
  2. It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years of age to:
    - a. Commit or attempt to commit any violation of the provisions of this Section;
    - b. Participate in criminal gang activity; or
    - c. Join a criminal gang.

#### 11.04.18 Penalties

- A. **Penalty.**
1. Any parent, guardian or person having legal custody of a minor in violation of this Section 11.04.13 who has been warned and who thereafter violates any of the provisions of that Section shall be subject to the General Penalty as set forth in Section 1.01.17 of this Code.
  2. Any minor violating the provisions of Section 11.04.13 may be referred to the proper authorities as provided in Ch. 48, Wis. Stats.
  3. Any person violating the provisions of Sections 11.04.16 and 11.04.17 shall be subject to a fine of not more than Five Hundred Dollars (\$500.00).
  4. **Penalties.** Violations of this Chapter by a person under the age of eighteen (18) years of age shall be punishable according to the General Penalty Section of 1.02.17 of this Code exclusive of the provisions therein relative to commitment in the County Jail and Secs. 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this Section shall prevent the Police Department, in their discretion, from referring cases directly to the District Attorney's office.

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## Division 2 Offenses related to Alcohol, Drugs and Tobacco Products

#### 11.04.21 Purchase or Possession of Tobacco Products and Nicotine Products

- A. **Definitions.** For the purposes of this Section:
1. **Tobacco Products.** Any tobacco related device and any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco and shall include any nicotine product or electronic smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device.
  2. **Nicotine Product.** A product that contains nicotine including, but not limited to gum, beverages or devices manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name.
  3. **Electronic Smoking Device.** Any device that can be used to deliver nicotine or any other substances to the person inhaling from the device.

- B. **Purchase by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years of age to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products or nicotine products.
- C. **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years of age to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years of age under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or legal guardian's home shall not be prohibited.
- D. **Sale of Tobacco Products to Minors Prohibited.** No person may purchase cigarettes, tobacco products or nicotine product on behalf of or provide to any person who is under eighteen (18) years of age. A law enforcement officer shall seize any cigarettes, tobacco products, electronic smoking device or nicotine products.
- E. **Statutes Adopted.** The provisions of Secs. 254.92, 134.66 and 778.25(1)(a), Wis. Stats., are adopted by reference and incorporated herein.
- F. **Violations.** For purposes of determining previous violations, the thirty (30) month period shall be measured from the dates of violations that resulted in an imposition of a fine or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one (1) violation occurs at the same time, all those violations shall be counted as one (1) violation. A person who commits a violation of Sections B. or C. shall be subject to a fine according to the General Penalty Section of 1.02.17 of this Code exclusive of the provisions therein relative to commitment in the County Jail. A person who commits a violation of Section D. may be:
  - 1. Fined not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within thirty (30) months of the violation; or
  - 2. Fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than thirty (30) days or both if the person has committed a previous violation within thirty (30) months of the violation.
  - 3. Fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than ninety (90) days or both if the person has committed two (2) previous violations within thirty (30) months of the violation.
  - 4. Fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than nine (9) months or both if the person has committed three (3) or more previous violations within thirty (30) months of the violation.
  - 5. In addition to the fines provided in Subsections 1.-4. above, a court shall suspend any Cigarette license issued under Title 7 of this Code of Ordinances to a person violating this Subsection for:
    - a. Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one (1) previous violation;
    - b. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or
    - c. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.

#### 11.04.22 Possession, Manufacture and Delivery of Drug Paraphernalia

##### A. Definition.

- 1. **Drug Paraphernalia.** All equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this Section. It includes but is not limited to:
  - a. Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
  - b. Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
  - c. Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
  - d. Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
  - e. Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.
  - f. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
  - g. Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

- h. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.
  - i. Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.
  - j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
  - k. Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
  - l. Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
    - i. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
    - ii. Water pipes;
    - iii. Carburetion tubes and devices;
    - iv. Smoking and carburetion masks;
    - v. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
    - vi. Miniature cocaine spoons and cocaine vials;
    - vii. Chamber pipes;
    - viii. Carburetor pipes;
    - ix. Electric pipes;
    - x. Air-driven pipes;
    - xi. Chillums;
    - xii. Bongs; and or
    - xiii. Ice pipes or chillers.
- B. **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:
- 1. Statements by an owner or by anyone in control of the object concerning its use.
  - 2. Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
  - 3. The proximity of the object in time and space to a direct violation of this Section.
  - 4. The proximity of the object to controlled substances.
  - 5. The existence of any residue of controlled substance on the object.
  - 6. Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
  - 7. Oral or written instructions provided with the object concerning its use.
  - 8. Descriptive materials accompanying the object which explain or depict its use.
  - 9. National and local advertising concerning its use.
  - 10. The manner in which the object is displayed for sale.
  - 11. Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
  - 12. The existence and scope of legitimate uses for the object in the community;
  - 13. Expert testimony concerning its use.
- C. **Prohibited Uses.**
- 1. **Possession of Drug Paraphernalia.** No person may use, or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.
  - 2. **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.
  - 3. **Delivery of Drug Paraphernalia by a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates Subsection C.3. by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.
  - 4. **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 161, Wis. Stats. This Section

does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.

- D. **Penalties.** Any person who violations Section C. shall upon conviction, the Court shall suspend the juvenile's operating privilege, as defined in Sec. 340.01(40), Wis. Stats., for not less than six (6) months nor more than five (5) years and, in addition, shall order one of the following penalties:
1. For a first violation, a fine of not more than Fifty Dollars (\$50.00) or participation in community service work under Sec. 938.34 (5g), Wis. Stats., or both.
  2. For a violation committed within twelve (12) months of a previous violation, a fine of not more than One Hundred Dollars (\$100.00) or participation in community service work under Sec. 938.34 (5g), Wis. Stats., or both.

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 September, 2020.

CITY OF ONALASKA

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

By: \_\_\_\_\_  
JoAnn Marcon, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1681-2020**

Offenses

Please route in this order

Eric Rindfleisch, Administrator

 9/1/2020  
(signature)

No Fiscal Impact

Budgeted Item

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

Charles Ashbeck, Chief of Police

  
(signature)

No Fiscal Impact

Budgeted Item

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

Fred Buehler, Financial Services Director

 9-1-2020  
(signature)

No Fiscal Impact

Budgeted Item

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



September 8, 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 August 11, 2020

<b>The total is:</b>		<b><u>\$1,823,397.49</u></b>
08/14/2020	PY Packet 1257 - City Payroll	\$169,089.80
	PY Packet 1254 - Fire Payroll	\$3,986.07
	PY Packet 1261 - City Payroll	\$160.38
	PY Packet 1257 - City Payroll Drafts	\$110,273.47
	PY Packet 1254- Fire Payroll Drafts	\$863.87
	PY Packet 3039 - Deferred Payables	\$12,609.04
08/14/2020	AP Packet 3042 - July 2020	\$75,390.63
	AP Packet 3045 - VOID	(\$25.00)
	AP Packet 3046 - Reissue	\$25.00
08/18/2020	AP Packet 3052 - July 2020 w/ACH	\$11,925.84
08/21/2020	AP Packet 3057 - July 2020	\$21,192.08
08/28/2020	PY Packet 1267 - City Payroll	\$178,758.31
	PY Packet 1268 - City Payroll	\$157.57
	PY Packet 1267 - City Payroll Drafts	\$113,786.45
	PY Packet 1268 - City Payroll Drafts	\$26.12
	AP Packet 3063 - Deferred Payables	\$50,737.68
08/27/2020	AP Packet 3065 - Aug 2020	\$37,116.06
08/28/2020	AP Packet 3068 - Sept 2020	\$25.00
09/09/2020	AP Packet XXX - Sept 2020 (including ACH)	\$1,409,647.38
	<b>Total</b>	<b><u><u>\$1,823,397.49</u></u></b>

Finance Committee Signatures

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



#8-B

**RESOLUTION NO. 37-2020**

**A RESOLUTION TO ELIMINATE FIXED EXPENSES FOR COMMON COUNCIL AND MAYOR**

WHEREAS, the City of Onalaska Common Council discussed salaries and expenses at their July and August meetings;

WHEREAS, the City of Onalaska currently pays Council Members and the Mayor fixed expenses; and

WHEREAS, in the interest of transparency and ease, the City of Onalaska Common Council, by way of Ordinance No. 1670-2020 passed August 11, 2020 adopted a new salary ordinance Council Members and Mayor beginning in phases in 2021; and

WHEREAS, under the new ordinance, the three (3) Council Members elected or re-elected in April of 2021 will no longer receive expenses; and

WHEREAS, the remaining three (3) Council Members will continue to receive expenses until election in April of 2022 at which time no Council Members shall receive fixed expenses; and

WHEREAS, the Mayor shall continue to receive expenses through this term and shall no longer receive expenses beginning with the term starting in April of 2024.

THEREFORE, BE IT RESOLVED, by the Common Council of the City of Onalaska that:

1. Those Council Members elected in April of 2021 shall not receive the current fixed expenses of \$200/month; and
2. Those Council Members elected in April of 2022 shall not receive the current fixed expenses of \$200/month; and
3. The Mayor elected in April of 2024 shall not receive the current fixed expenses of \$250/month; and
4. Those elected officials now in office shall continue to receive such fixed expenses until their term expires as set forth above.

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

**CITY OF ONALASKA**

**BY:**

\_\_\_\_\_  
Kim Smith, Mayor

\_\_\_\_\_  
JoAnn Marcon, City Clerk

Passed:  
Approved:  
Published:





**RESOLUTION NO. 38-2020**

**A RESOLUTION TO CREATE TAX INCREMENTAL DISTRICT NO. 6,  
APPROVE ITS PROJECT PLAN AND ESTABLISH ITS BOUNDARIES  
IN THE CITY OF ONALASKA, WISCONSIN**

WHEREAS, the City of Onalaska (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 6 (the "District") is proposed to be created by the City as a mixed-use district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to owners of all property in the proposed district, to the chief executive officers of La Crosse County, the Holmen School District, and the Western Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on August 25, 2020 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the District, adopted the Project Plan, and recommended to the Common Council that it create such District and approve the Project Plan.



NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Onalaska that:

1. The boundaries of the District that shall be named "Tax Incremental District No. 6, City of Onalaska", are hereby established as specified in Exhibit A of this Resolution.
2. The District is created effective as of January 1, 2020.
3. The Common Council finds and declares that:
  - (a) Not less than 50% by area of the real property within the District is suitable for mixed-use development as defined by Wisconsin Statutes Section 66.1105(2)(cm).
  - (b) Based upon the finding stated in 3.a. above, the District is declared to be a mixed-use district based on the identification and classification of the property included within the District.
  - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
  - (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
  - (e) That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.
  - (f) The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
  - (g) The project costs relate directly to promoting mixed-use development in the District consistent with the purpose for which the District is created.
  - (g) Lands proposed for newly platted residential development comprise no more than 35% of the real property area within the District.
  - (h) Costs related to newly platted residential development may be incurred based on the proposed development having a density of at least three (3) units per acre as defined in Wisconsin Statutes Section 66.1105(2)(f)3.a.
4. The Project Plan for "Tax Incremental District No. 6, City of Onalaska" (see Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.



BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2020, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

**CITY OF ONALASKA**

**BY:** \_\_\_\_\_  
Kim Smith, Mayor

\_\_\_\_\_  
JoAnn Marcon, City Clerk

Passed:  
Approved:  
Published:



**EXHIBIT A -**

**LEGAL BOUNDARY DESCRIPTION OR MAP OF  
TAX INCREMENTAL DISTRICT NO. 6  
CITY OF ONALASKA**

[INCLUDED WITHIN PROJECT PLAN]



**EXHIBIT B -**

**PROJECT PLAN**

[DISTRIBUTED SEPARATELY]



August 25, 2020 (DRAFT)

## Project Plan

# Tax Incremental District No. 6

## City of Onalaska, Wisconsin

Organizational Joint Review Board Meeting Held:	Scheduled for August 25, 2020
Public Hearing Held:	Scheduled for August 25, 2020
Approval by Plan Commission:	Scheduled for August 25, 2020
Adoption by Common Council:	Scheduled for September 8, 2020
Approval by the Joint Review Board:	Scheduled for: TBD

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# SECTION 1:

## Executive Summary

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### Description of District

Tax Incremental District (“TID”) No. 6 (“District”) is a proposed Mixed-Use District comprising approximately 127 acres. The District will be created to pay the costs of various street improvements, and sewer, water, and stormwater utilities needed (“Project”) to support and promote new residential and commercial development.

### Authority

The City is creating the District under the provisions of Wis. Stat. § 66.1105.

### Estimated Total Project Cost Expenditures

The City anticipates making total expenditures of approximately \$5,725,000 (“Project Costs”) to undertake the projects listed in this Project Plan (“Plan”). Project Costs include streetlights and engineering services; traffic roundabout; sewer, water, and stormwater utilities; and a temporary roadway to service the District.

### Incremental Valuation

The City projects that new land and improvements value of approximately \$62,600,000 will result from the Project. Creation of this additional value will be made possible by the Project Costs made within the District. A table detailing assumptions as to the development timing and associated values is included in the Economic Feasibility Study located within this Plan.

### Expected Termination of District

Based on the Economic Feasibility Study located within Section 9 of this Plan, the City anticipates that the District will generate sufficient tax increment to pay all Project Costs within its allowable 20 years.

### Summary of Findings

As required by Wis. Stat. § 66.1105, and as documented in this Plan and the exhibits contained and referenced herein, the following findings are made:

- ✓ That “but for” the creation of this District, the development projected to occur as detailed in this Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the City. In reaching this determination, the City has considered:

The substantial investment needed to provide the public infrastructure necessary to allow for development within the District. Absent the use of tax incremental financing, the City is unable to fully fund this program of

infrastructure improvements. The area of the proposed District lies on a portion of the old Meier Farm and has been owned by the Developer since late 1970s. The area was first platted for residential development in 1994. Since that time, all of the Meier Farm has been developed except those areas within the proposed TID No. 6 boundaries. In 2004, the City approved the Sand Lake Road Master Plan for the area containing TID No. 6, which envisioned new commercial and residential development. Some new commercial development has come to fruition, including Menards, though no new residential development has occurred since that plan was adopted.

- ✓ The economic benefits of the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements. In making this determination, the City has considered the following information:

Following completion of the proposed development, the estimated taxable value is \$62,600,000. This new value is projected to generate over \$1,230,000 in annual tax revenue.

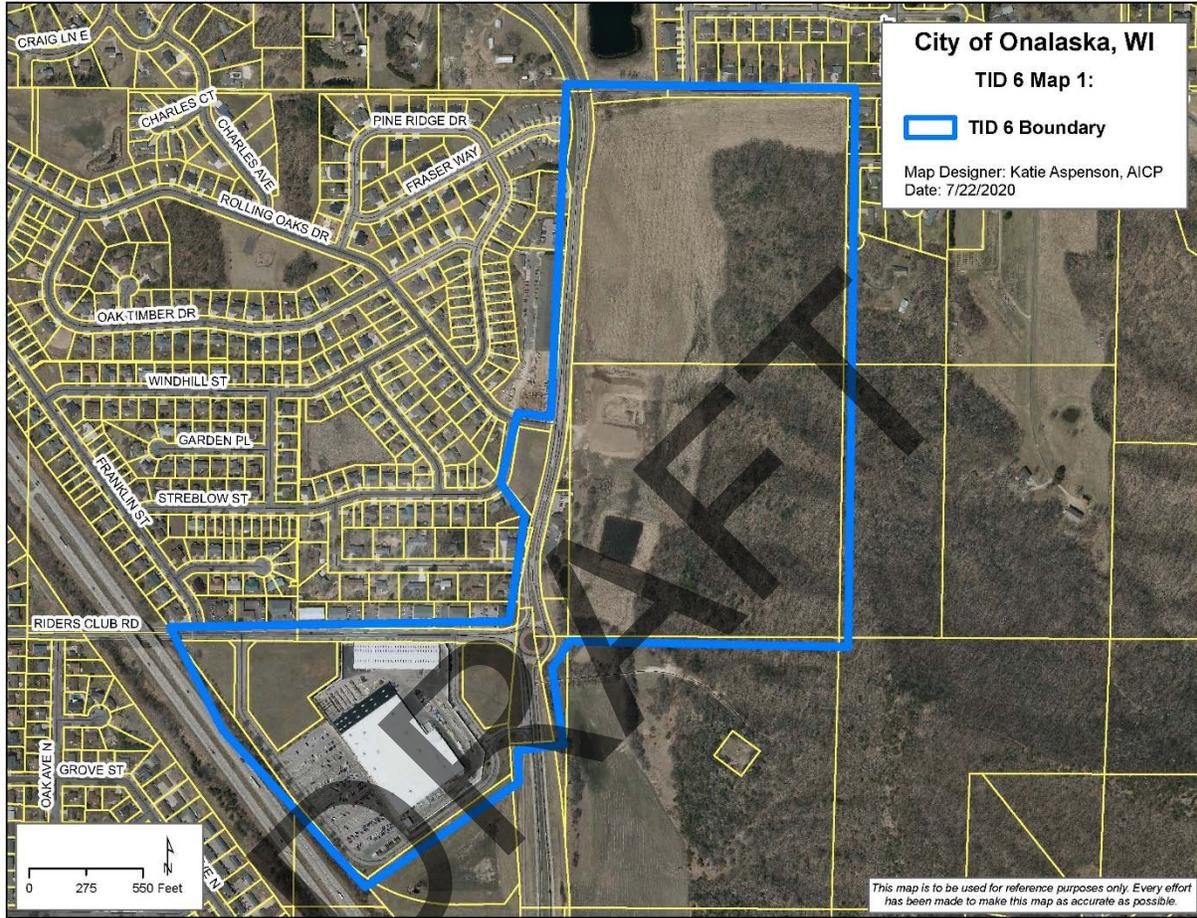
That the Developer is likely to purchase goods and services from local suppliers in construction of the Project, and induced effects of employee households spending locally for goods and services from retailers, restaurants and service companies.

- ✓ The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. As required by Wis. Stat. § 66.1105(4)(i)4., a calculation of the share of projected tax increments estimated to be paid by the owners of property in the overlying taxing jurisdictions has been prepared and can be found in this Plan. However, because the Project would not occur without the use of tax incremental financing, these tax increments would not be paid but for creation of the District. Accordingly, the City finds that the benefits expected to be realized as set forth in this Plan outweigh the value of the tax increments to be invested in the Project.
- ✓ Not less than 50% by area of the real property within the District is suitable for mixed use development as defined by Wis. Stat. § 66.1105(2)(cm). Lands proposed for newly-platted residential development comprise no more than 35% of the real property area within the District. Costs related to newly-platted residential development may be incurred based on the proposed development having a density of at least three (3) units per acre as defined in Wis. Stat. § 66.1105(2)(f)3.a.

- ✓ Based on the foregoing finding, the District is designated as a mixed-use district.
- ✓ The Project Costs relate directly to promoting mixed use development in the District, consistent with the purpose for which the District is created.
- ✓ Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District.
- ✓ The equalized value of taxable property in the District, plus the incremental value of all existing tax incremental districts within the City does not exceed 12% of the total equalized value of taxable property within the City.
- ✓ The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).
- ✓ That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.

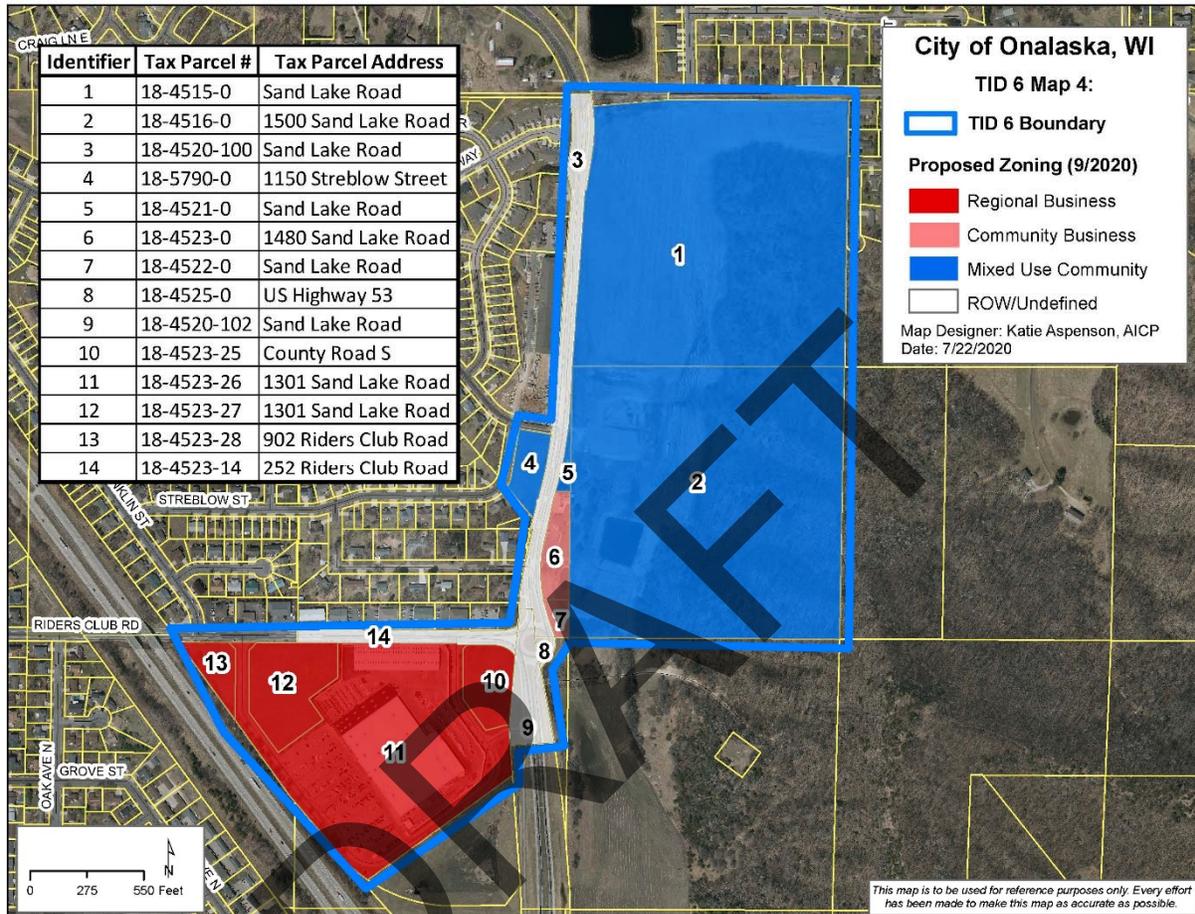
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# SECTION 2: Preliminary Map of Proposed District Boundary



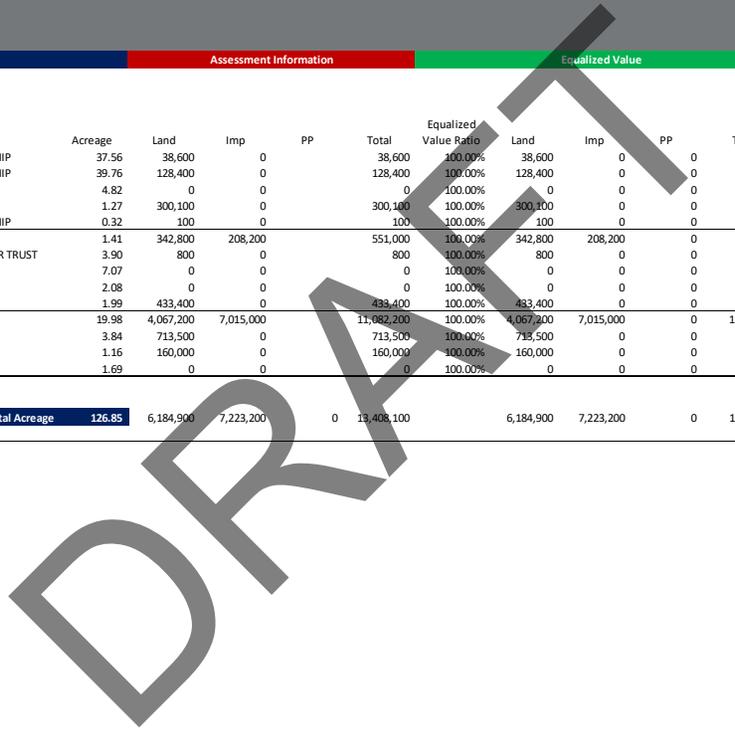
## SECTION 3:

# Map Showing Existing Uses and Conditions



# SECTION 4: Preliminary Parcel List and Analysis

City of Onalaska, WI																				
Tax Increment District # 6																				
Base Property Information																				
Property Information				Assessment Information				Equalized Value				District Classification								
Map Ref #	Parcel Number	Street Address	Owner	Acreage	Land	Imp	PP	Total	Equalized Value Ratio	Land	Imp	PP	Total	Industrial (Zoned and Suitable)	Commercial/Business	Existing Residential	Newly Platted Residential	Agricultural	Institutional/Other	Suitable for Mixed Use
1	18-4515-0	SAND LAKE ROAD	ELMWOOD PARTNERS LIMITED PARTNERSHIP	37.56	38,600	0		38,600	100.00%	38,600	0	0	38,600		1.1		20.23		16.17	21.33
2	18-4516-0	1500 SAND LAKE RD	ELMWOOD PARTNERS LIMITED PARTNERSHIP	39.76	128,400	0		128,400	100.00%	128,400	0	0	128,400		8.48		7.52		23.72	16.00
3	18-4520-100	SAND LAKE ROAD	CITY OF ONALASKA	4.82	0	0		0	100.00%	0	0	0	0						4.82	0.00
4	18-5790-0	1150 STREBLOW ST	JKS HOLDINGS LLC	1.27	300,100	0		300,100	100.00%	300,100	0	0	300,100		1.27					1.27
5	18-4521-0	SAND LAKE ROAD	ELMWOOD PARTNERS LIMITED PARTNERSHIP	0.32	100	0		100	100.00%	100	0	0	100		0.32					0.32
6	15-4523-0	1480 SAND LAKE ROAD	SLVC PROPERTY LLC; C/O VCA ANTECH INC.	1.41	342,800	208,200		551,000	100.00%	342,800	208,200	0	551,000		1.41					1.41
7	18-4522-0	SAND LAKE ROAD	THOMAS J RICHTER TRUST; JANE A. RICHTER TRUST	3.90	800	0		800	100.00%	800	0	0	800		3.9					3.90
8	18-4525-0	US HIGHWAY 53	STATE OF WISCONSIN DOT	7.07	0	0		0	100.00%	0	0	0	0						7.07	0.00
9	18-4520-102	SAND LAKE ROAD	CITY OF ONALASKA	2.08	0	0		0	100.00%	0	0	0	0						2.08	0.00
10	18-4523-25	COUNTY ROAD S	MENARD INC	1.99	433,400	0		433,400	100.00%	433,400	0	0	433,400		1.99					1.99
11	18-4523-26	1301 SAND LAKE ROAD; 902 RIDERS CLUB ROAD	MENARD INC	19.98	4,067,200	7,015,000		11,082,200	100.00%	4,067,200	7,015,000	0	11,082,200		19.98					19.98
12	18-4523-27	1301 SAND LAKE ROAD	MENARD INC	3.84	713,500	0		713,500	100.00%	713,500	0	0	713,500		3.84					3.84
13	18-4523-28	902 RIDERS CLUB ROAD	MENARD INC	1.16	160,000	0		160,000	100.00%	160,000	0	0	160,000		1.16					1.16
14	18-4523-14	252 RIDERS CLUB ROAD	CITY OF ONALASKA	1.69	0	0		0	100.00%	0	0	0	0						1.69	0.00
<b>Total Acreage</b>				<b>126.85</b>	<b>6,184,900</b>	<b>7,223,200</b>	<b>0</b>	<b>13,408,100</b>		<b>6,184,900</b>	<b>7,223,200</b>	<b>0</b>	<b>13,408,100</b>	<b>0</b>	<b>43.45</b>	<b>0</b>	<b>27.75</b>	<b>0</b>	<b>55.553</b>	<b>71.20</b>
														<b>0.00%</b>	<b>34.25%</b>	<b>0.00%</b>	<b>21.88%</b>	<b>0.00%</b>	<b>43.79%</b>	<b>56.13%</b>



## SECTION 5:

### Equalized Value Test

The following calculations demonstrate that the City expects to be in compliance with Wis. Stat. § 66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property in the proposed District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the City.

The equalized value of the increment of existing tax incremental districts within the City, plus the base value of the proposed District, totals \$16,523,400. This value is less than the maximum of \$260,295,780 in equalized value that is permitted for the City.

City of Onalaska, WI				
Tax Increment District # 6				
Valuation Test Compliance Calculation				
District Creation Date	9/1/2020			
	Valuation Data	Dollar	Percent	Valuation Data
	Currently Available	Charge	Change	Est. Creation Date
	2020			
Total EV (TID In)	2,169,131,500			2,169,131,500
12% Test	260,295,780			260,295,780
Increment of Existing TIDs				
TID #5	3,115,300			3,115,300
				0
				0
				0
				0
				0
Total Existing Increment	3,115,300			3,115,300
Projected Base of New or Amended District	13,408,100			13,408,100
Less Value of Any Underlying TID Parcels	0			0
Total Value Subject to 12% Test	16,523,400			16,523,400
Compliance	PASS			PASS

## **SECTION 6: Statement Listing the Kind, Number and Location of All Proposed Public Works or Improvements Within the District**

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Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred as outlined in this Plan. Project Costs will be diminished by any income, special assessments or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received in connection with the implementation of the Plan. If Project Costs incurred benefit territory outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning, design and construction is completed.

With all Project Costs, the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating City ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs.

The following is a list of public works and other tax incremental financing eligible Project Costs that the City expects to make, or may need to make, in conjunction with the implementation of the District's Plan. The map found in Section 7 of this Plan along with the Detailed List of Project Costs found in Section 8 provide additional information as to the kind, number and location of potential Project Costs.

### **Property, Right-of-Way and Easement Acquisition**

#### **Property Acquisition for Development**

To promote and facilitate development the City may acquire property within the District. The cost of property acquired, and any costs associated with the transaction, are eligible Project Costs. Following acquisition, other Project Costs within the categories detailed in this Section may be incurred to make the property suitable for development. Any revenue received by the City from the sale of property acquired pursuant to the execution of this Plan will be used to reduce the total project costs of the District. If total Project Costs incurred by the City to acquire property and make it suitable for development exceed the revenues or other consideration received from the sale or lease of that property, the net amount shall be considered "real property assembly costs" as

defined in Wis. Stat. § 66.1105(2)(f)1.c., and subject to recovery as an eligible Project Cost.

### **Property Acquisition for Conservancy**

To promote the objectives of this Plan, the City may acquire property within the District that it will designate for conservancy. These conservancy objectives include: preserving historic resources or sensitive natural features; protection of scenic and historic views; maintaining habitat for wildlife; maintaining adequate open space; reduction of erosion and sedimentation by preserving existing vegetation; and providing adequate areas for management of stormwater. The cost of property acquired for conservancy, and any costs associated with the transaction, are eligible Project Costs.

### **Acquisition of Rights-of-Way**

The City may need to acquire property to allow for installation of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire rights-of-way are eligible Project Costs.

### **Acquisition of Easements**

The City may need to acquire temporary or permanent easements to allow for installation and maintenance of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire easement rights are eligible Project Costs.

### **Relocation Costs**

If relocation expenses are incurred in conjunction with the acquisition of property, those expenses are eligible Project Costs. These costs may include, but are not limited to: preparation of a relocation plan; allocations of staff time; legal fees; publication of notices; obtaining appraisals; and payment of relocation benefits as required by Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

## **Site Preparation Activities**

### **Environmental Audits and Remediation**

If it becomes necessary to evaluate any land or improvement within the District, any cost incurred by the City related to environmental audits, testing, and remediation are eligible Project Costs.

### **Demolition**

To make sites suitable for development, the City may incur costs related to demolition and removal of structures or other land improvements, to include abandonment of wells or other existing utility services.

### **Site Grading**

Land within the District may require grading to make it suitable for development, to provide access, and to control stormwater runoff. The City may need to remove and dispose of excess material, or bring in fill material to provide for proper site elevations. Expenses incurred by the City for site grading are eligible Project Costs.

### **Utilities**

#### **Sanitary Sewer System Improvements**

To allow development to occur, the City may need to construct, alter, rebuild or expand sanitary sewer infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: collection mains; manholes and cleanouts; service laterals; force mains; interceptor sewers; pumping stations; lift stations; wastewater treatment facilities; and all related appurtenances. To the extent sanitary sewer projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand sanitary sewer infrastructure located outside of the District. That portion of the costs of sanitary sewer system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs. The improvements to the wastewater treatment facilities, although not within the ½ mile radius, is an eligible project cost under Wis. Stat. § 66.1105(2)(f)1 k.

#### **Water System Improvements**

To allow development to occur, the City may need to construct, alter, rebuild or expand water system infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: distribution mains; manholes and valves; hydrants; service laterals; pumping stations; wells; water treatment facilities; storage tanks and reservoirs; and all related appurtenances. To the extent water system projects undertaken within the District provide direct benefit to land outside of the District, the City will

make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand water system infrastructure located outside of the District. That portion of the costs of water system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

### **Stormwater Management System Improvements**

Development within the District will cause stormwater runoff. To manage this stormwater runoff, the City may need to construct, alter, rebuild or expand stormwater management infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: stormwater collection mains; inlets, manholes and valves; service laterals; ditches; culvert pipes; box culverts; bridges; stabilization of stream and river banks; and infiltration, filtration and detention Best Management Practices (BMP's). To the extent stormwater management system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand stormwater management infrastructure located outside of the District. That portion of the costs of stormwater management system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

### **Electric Service**

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade electric services. Relocation may require abandonment and removal of existing poles or towers, installation of new poles or towers, or burying of overhead electric lines. Costs incurred by the City to undertake this work are eligible Project Costs.

### **Gas Service**

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade gas mains and services. Costs incurred by the City to undertake this work are eligible Project Costs.

## **Communications Infrastructure**

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade infrastructure required for voice and data communications, including, but not limited to: telephone lines, cable lines and fiber optic cable. Costs incurred by the City to undertake this work are eligible Project Costs.

## **Streets and Streetscape**

### **Street Improvements**

To allow development to occur, the City may need to construct or reconstruct streets, highways, alleys, access drives and parking areas. Eligible Project Costs include, but are not limited to: excavation; removal or placement of fill; construction of road base; asphalt or concrete paving or repaving; installation of curb and gutter; installation of sidewalks and bicycle lanes; installation of culverts, box culverts and bridges; rail crossings and signals; utility relocation, to include burying overhead utility lines; street lighting; installation of traffic control signage and traffic signals; pavement marking; right-of-way restoration; installation of retaining walls; and installation of fences, berms, and landscaping.

### **Streetscaping and Landscaping**

To attract development consistent with the objectives of this Plan, the City may install amenities to enhance development sites, rights-of-way and other public spaces. These amenities include, but are not limited to: landscaping; lighting of streets, sidewalks, parking areas and public areas; installation of planters, benches, clocks, tree rings, trash receptacles and similar items; and installation of brick or other decorative walks, terraces and street crossings. These and any other similar amenities installed by the City are eligible Project Costs.

## **Community Development**

### **Cash Grants (Development Incentives)**

The City may enter into agreements with property owners, lessees, or developers of land located within the District for sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover Project Costs. No cash grants will be provided until the City executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the City are eligible Project Costs.

### **Contribution to Community Development Authority (CDA)**

As provided for in Wis. Stat. § 66.1105(2)(f)1.h and Wis. Stat. § 66.1333(13), the City may provide funds to its CDA to be used for administration, planning operations, and capital costs, including but not limited to real property

acquisition, related to the purposes for which it was established in furtherance of any redevelopment or urban renewal project. Funds provided to the CDA for this purpose are eligible Project Costs.

**Revolving Loan/Grant Program (Development Incentives)**

To encourage private development consistent with the objectives of this Plan, the City, through its CDA, may provide loans or grants to eligible property owners in the District. Eligible improvements will be those that are likely to improve the value of the property, enhance the visual appearance of the property and surrounding area, correct safety deficiencies, or as otherwise specified by the CDA in the program manual. Any funds returned to the CDA from the repayment of loans made are not considered revenues to the District, and will not be used to offset District Project Costs. Instead, these funds may be placed into a revolving fund and will continue to be used for the program purposes stated above. Any funds provided to the CDA for purposes of implementing this program are considered eligible Project Costs.

**Miscellaneous**

**Rail Spur**

To allow for development, the City may incur costs for installation of a rail spur or other railway improvements to serve development sites located within the District.

**Projects Outside the Tax Increment District**

Pursuant to Wis. Stat. § 66.1105(2)(f)1.n, the City may undertake projects within territory located within one-half mile of the boundary of the District provided that: 1) the project area is located within the City’s corporate boundaries; and 2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible project costs, and may include any project cost that would otherwise be eligible if undertaken within the District. **The City expects the stormwater improvements and the traffic roundabout will be constructed partially or entirely outside the boundaries of proposed Tax Increment District No. 6.**

**Professional Service and Organizational Costs**

The costs of professional services rendered, and other costs incurred, in relation to the creation, administration and termination of the District, and the undertaking of the projects contained within this Plan, are eligible Project Costs. Professional services include but are not limited to: architectural; environmental; planning; engineering; legal; audit; financial; and the costs of

informing the public with respect to the creation of the District and the implementation of the Plan.

**Administrative Costs**

The City may charge to the District as eligible Project Costs reasonable allocations of administrative costs, including, but not limited to, employee salaries. Costs allocated will bear a direct connection to the time spent by City employees relating to the implementation of the Plan.

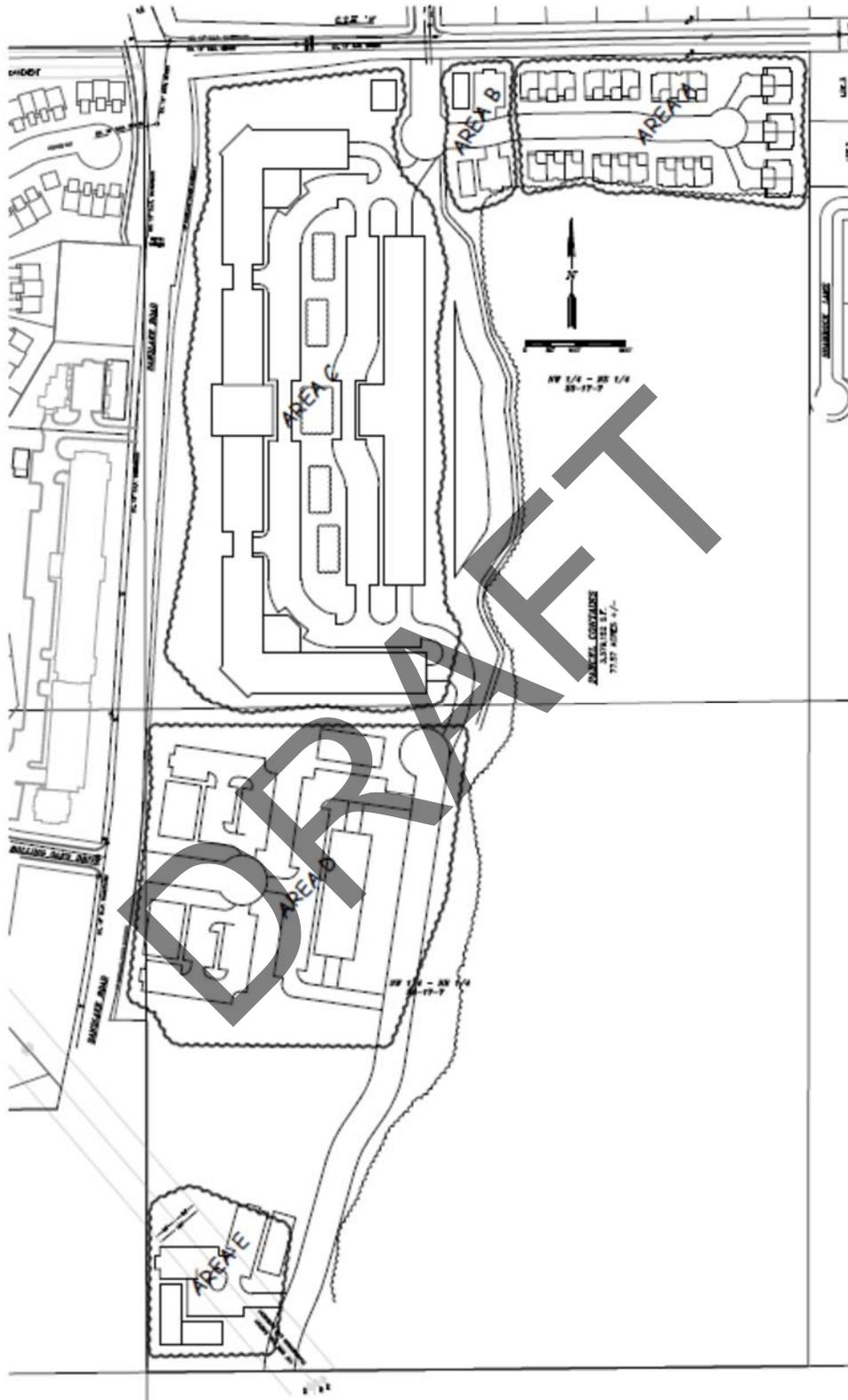
**Financing Costs**

Interest expense, debt issuance expenses, redemption premiums, and any other fees and costs incurred in conjunction with obtaining financing for projects undertaken under this Plan are eligible Project Costs.

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# General Development Plan



## SECTION 8: Detailed List of Estimated Project Costs

The following list identifies the Project Costs that the City currently expects to incur in implementing the District’s Plan. All projects identified and related costs reflect the best estimates available as of the date of preparation of this Plan. All costs are preliminary estimates and may increase or decrease. Certain Project Costs listed may become unnecessary, and other Project Costs not currently identified may need to be made. (Section 6 details the general categories of eligible Project Costs). Changes in Project Cost totals or the types of Project Costs to be incurred will not require that this Plan be amended. This Plan is not meant to be a budget nor an appropriation of funds for specific Project Costs, but a framework within which to manage Project Costs.

City of Onalaska, WI						
Tax Increment District # 6						
Estimated Project List						
Project ID	Project Name/Type	Phase I 2022	Phase II 2025	Phase III 2027	Phase IV 2030	Total (Note 1)
1	Streetlights and Engineering	355,000				355,000
2	Roundabout		1,807,500			1,807,500
3	Sewer, Water, Stormwater utilities			3,153,750		3,153,750
4	Temporary Roadway				400,000	400,000
						0
Total Projects		<u>355,000</u>	<u>1,807,500</u>	<u>3,153,750</u>	<u>400,000</u>	<u>5,716,250</u>
Notes:						
Note 1 Project costs are estimates and are subject to modification						

## **SECTION 9: Economic Feasibility Study, Description of the Methods of Financing Estimated Project Costs and the Time When Related Costs or Monetary Obligations are to be Incurred**

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This Section includes a forecast of the valuation increases expected within the District, the associated tax increment collections, a summary of how Project Costs would be financed, and a projected cash flow demonstrating that the District is economically feasible.

### **Key Assumptions**

The Project Costs the City plans to make are expected to create \$62,600,000 million in incremental value by 2032. Estimated valuations and timing for construction of the Project are included in **Table 1**. Assuming the City's current equalized TID Interim tax rate of \$19.72 per thousand of equalized value, and no economic appreciation or depreciation, the Project would generate \$17,961,834 in incremental tax revenue over the 20-year term of the District as shown in Table 2.

DRAFT

**Table 1 - Development Assumptions**

City of Onalaska, WI									
Tax Increment District # 6									
Development Assumptions									
Construction Year		Actual	Area A	Area B	Area C	Area D	Annual Total	Construction Year	
1	2020						0	2020	1
2	2021						0	2021	2
3	2022		3,500,000	1,600,000	8,000,000		13,100,000	2022	3
4	2023						0	2023	4
5	2024				8,000,000		8,000,000	2024	5
6	2025				8,000,000	8,500,000	16,500,000	2025	6
7	2026						0	2026	7
8	2027				8,000,000	8,500,000	16,500,000	2027	8
9	2028						0	2028	9
10	2029						0	2029	10
11	2030					8,500,000	8,500,000	2030	11
12	2031						0	2031	12
13	2032						0	2032	13
14	2033						0	2033	14
15	2034						0	2034	15
16	2035						0	2035	16
17	2036						0	2036	17
18	2037						0	2037	18
19	2038						0	2038	19
20	2039						0	2039	20
Totals		0	3,500,000	1,600,000	32,000,000	25,500,000	62,600,000		

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**Table 2 – Tax Increment Projection Worksheet**

City of Onalaska, WI										
Tax Increment District # 6										
Tax Increment Projection Worksheet										
Type of District	Mixed Use		Base Value	13,408,100						
District Creation Date	September 8, 2020		Appreciation Factor	0.00%		Apply to Base Value				
Valuation Date	Jan 1,	2020	Base Tax Rate	\$19.72						
Max Life (Years)	20		Rate Adjustment Factor							
Expenditure Period/Termination	15	9/8/2035	Tax Exempt Discount Rate							
Revenue Periods/Final Year	20	2041	Taxable Discount Rate	0.00%						
Extension Eligibility/Years	Yes	3								
Eligible Recipient District	No									

Construction Year	Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment	Tax Exempt NPV Calculation	Taxable NPV Calculation
1	2020	0	0	2022	\$19.72	0	0	0
2	2021	0	0	2023	\$19.72	0	0	0
3	2022	13,100,000	0	2024	\$19.72	258,344	258,344	258,344
4	2023	0	0	2025	\$19.72	258,344	516,689	516,689
5	2024	8,000,000	0	2026	\$19.72	416,112	932,801	932,801
6	2025	16,500,000	0	2027	\$19.72	741,507	1,674,308	1,674,308
7	2026	0	0	2028	\$19.72	741,507	2,415,815	2,415,815
8	2027	16,500,000	0	2029	\$19.72	1,066,903	3,482,718	3,482,718
9	2028	0	0	2030	\$19.72	1,066,903	4,549,621	4,549,621
10	2029	0	0	2031	\$19.72	1,066,903	5,616,524	5,616,524
11	2030	8,500,000	0	2032	\$19.72	1,234,531	6,851,055	6,851,055
12	2031	0	0	2033	\$19.72	1,234,531	8,085,586	8,085,586
13	2032	0	0	2034	\$19.72	1,234,531	9,320,117	9,320,117
14	2033	0	0	2035	\$19.72	1,234,531	10,554,648	10,554,648
15	2034	0	0	2036	\$19.72	1,234,531	11,789,179	11,789,179
16	2035	0	0	2037	\$19.72	1,234,531	13,023,710	13,023,710
17	2036	0	0	2038	\$19.72	1,234,531	14,258,241	14,258,241
18	2037	0	0	2039	\$19.72	1,234,531	15,492,772	15,492,772
19	2038	0	0	2040	\$19.72	1,234,531	16,727,303	16,727,303
20	2039	0	0	2041	\$19.72	1,234,531	17,961,834	17,961,834
<b>Totals</b>	<b>62,600,000</b>	<b>0</b>	<b>0</b>	<b>Future Value of Increment</b>	<b>17,961,834</b>			

Notes:  
 Actual results will vary depending on development, inflation of overall tax rates.  
 NPV calculations represent estimated amount of funds that could be borrowed (including project cost, capitalized interest and issuance costs).

## **Financing and Implementation**

The City expects to allocate approximately \$5.7 million for infrastructure improvements in the District. Beginning in 2022, the City will construct new streetlighting and begin engineering work for infrastructure to be constructed in coming years. The cost of the new streetlights and engineering work is approximately \$355,000 and is projected to be financed through a State Trust Fund Loan issued by the State of Wisconsin Board of Commissioners of Public Lands. In 2025, the City plans to construct a new traffic roundabout in order to improve vehicle flow in the District. The cost of this project is anticipated to be \$1,807,500 and will be financed with a general obligation bond. In 2025, the City will construct new utilities projects in the District including sewers, watermains, and storm sewer infrastructure. The combined cost of these projects is currently estimated at \$3,153,750 and will be financed through a general obligation bond. Finally, the City will construct a new temporary roadway in 2030. The estimated cost of this project is \$400,000 and is expected to be financed with a State Trust Fund Loan. **Table 3** provides a summary of the District's financing plan.

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**Table 3 - Financing Plan**

City of Onalaska, WI					
Tax Increment District # 6					
Estimated Financing Plan					
	State Trust Fund Loan 2022	G.O. Bond 2025	G.O. Bond 2027	State Trust Fund Loan 2030	Totals
Projects					
Phase I	355,000				355,000
Phase II		1,807,500			1,807,500
Phase III			3,153,750		3,153,750
Phase IV				400,000	400,000
<b>Total Project Funds</b>	<b>355,000</b>	<b>1,807,500</b>	<b>3,153,750</b>	<b>400,000</b>	<b>5,716,250</b>
Estimated Finance Related Expenses					
Municipal Advisor	10,000	18,000	25,000	10,000	
Bond Counsel		10,000	12,500		
Rating Agency Fee		10,000	12,500		
Paying Agent					
Underwriter Discount		12.00	10.00		
Debt Service Reserve		22,440	32,400		
Capitalized Interest					
<b>Total Financing Required</b>	<b>365,000</b>	<b>1,867,940</b>	<b>3,236,150</b>	<b>410,000</b>	
Rounding		2,060	3,850		
<b>Net Issue Size</b>	<b>365,000</b>	<b>1,870,000</b>	<b>3,240,000</b>	<b>410,000</b>	<b>5,885,000</b>

Based on the Project Cost expenditures as included within the cash flow exhibit (Table 4), the District is projected to accumulate sufficient funds by the year 2033 to pay off all Project cost liabilities and obligations. The projected closure is based on the various assumptions noted in this Plan and will vary dependent on actual Project Costs incurred and the actual amount of tax increments collected.

**Table 4 - Cash Flow**

City of Onalaska, WI																				
Tax Increment District # 6																				
Cash Flow Projection																				
Year	Projected Revenues		Expenditures												Balances			Year		
	Tax Increments	Total Revenues	State Trust Fund Loan 365,000			G.O. Bond 1,870,000			G.O. Bond 3,240,000			State Trust Fund Loan 410,000			Admin.	Total Expenditures	Annual		Cumulative	Principal Outstanding
		Dated Date:	Est. Rate	Interest	Dated Date:	Est. Rate	Interest	Dated Date:	Est. Rate	Interest	Dated Date:	Est. Rate	Interest							
2020	-	-												15,000	15,000	(15,000)	(15,000)	5,885,000	2020	
2021	-	-												5,000	5,000	(5,000)	(20,000)	5,885,000	2021	
2022	-	-	19,313	4.50%	8,145									5,000	32,458	(32,458)	(52,458)	5,865,687	2022	
2023	-	-	11,902	4.50%	15,556									5,000	32,458	(32,458)	(84,915)	5,853,786	2023	
2024	258,344	258,344	12,396	4.50%	15,062									5,000	32,458	225,887	140,972	5,841,390	2024	
2025	258,344	258,344	12,995	4.50%	14,463	90,000	1.85%	51,016	12,995	2.10%	93,624			5,000	173,473	84,871	225,843	5,738,395	2025	
2026	416,112	416,112	13,580	4.50%	13,878	95,000	1.90%	47,180	13,580	2.15%	85,965			5,000	174,638	241,474	467,317	5,629,815	2026	
2027	741,507	741,507	14,191	4.50%	13,267	95,000	1.95%	45,375	14,191	2.20%	81,988			5,000	441,457	300,051	767,368	5,345,624	2027	
2028	741,507	741,507	14,795	4.50%	12,663	95,000	2.05%	43,523	14,795	2.30%	77,808			5,000	441,945	299,562	1,066,930	5,050,829	2028	
2029	1,066,903	1,066,903	15,495	4.50%	11,962	100,000	2.15%	41,575	15,495	2.40%	73,323			5,000	446,020	620,883	1,687,813	4,745,334	2029	
2030	1,066,903	1,066,903	16,193	4.50%	11,265	100,000	2.30%	39,425	16,193	2.50%	68,523	35,148	5.50%	11,182	5,000	491,021	575,882	2,263,695	4,398,993	2030
2031	1,066,903	1,066,903	16,921	4.50%	10,536	105,000	2.40%	37,125	16,921	2.60%	63,423	25,714	5.50%	20,617	5,000	494,236	572,667	2,836,363	4,051,358	2031
2032	1,234,531	1,234,531	17,656	4.50%	9,802	105,000	2.50%	34,605	17,656	2.70%	29,120	27,075	5.50%	19,255	5,000	486,916	747,615	3,583,978	3,701,627	2032
2033	1,234,531	1,234,531	18,477	4.50%	8,980	110,000	2.60%	31,980	18,477	2.85%	26,150	28,617	5.50%	17,713	5,000	489,191	745,340	4,329,318	3,339,533	2033
2034	1,234,531	1,234,531	19,309	4.50%	8,149	110,000	2.70%	29,120	19,309	2.95%	22,930	30,191	5.50%	16,140	5,000	490,898	743,633	5,072,951	2,965,033	2034
2035	1,234,531	1,234,531	20,178	4.50%	7,280	115,000	2.80%	26,150	20,178	3.05%	19,653	31,852	5.50%	14,479	5,000	492,016	742,515	5,815,466	2,578,004	2035
2036	1,234,531	1,234,531	21,068	4.50%	6,390	115,000	2.85%	22,930	21,068	3.10%	16,173	33,569	5.50%	12,762	5,000	487,526	747,005	6,562,472	2,183,367	2036
2037	1,234,531	1,234,531	22,034	4.50%	5,424	120,000	2.90%	19,653	22,034	3.15%	12,423	35,450	5.50%	10,881	5,000	487,611	746,920	7,309,392	1,775,884	2037
2038	1,234,531	1,234,531	23,025	4.50%	4,432	125,000	3.00%	16,173	23,025	3.20%	8,548	37,399	5.50%	8,931	5,000	492,116	742,415	8,051,807	1,350,459	2038
2039	1,234,531	1,234,531	24,061	4.50%	3,396	125,000	3.10%	12,423	24,061	3.25%	4,888	39,456	5.50%	6,874	5,000	485,926	748,605	8,800,413	916,942	2039
2040	1,234,531	1,234,531	25,138	4.50%	2,320	130,000	3.20%	8,548	25,138	3.35%	8,710	41,614	5.50%	4,717	5,000	489,333	745,198	9,545,610	465,190	2040
2041	1,234,531	1,234,531	26,275	4.50%	1,182	135,000	3.25%	4,888	26,275			43,915	5.50%	2,415	5,000	486,886	747,645	10,293,256	(0)	2041
Total	17,961,834	17,961,834	365,000		184,151	1,870,000		511,186	3,240,000		822,274	410,000		145,967	120,000	7,668,578				Total

Notes: Projected TID Closure

## **SECTION 10:**

### **Annexed Property**

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A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. None of the property within the proposed District boundary was annexed during the past three years.

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## **SECTION 11: Estimate of Property to Be Devoted to Retail Business**

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Pursuant to Wis. Stat. § 66.1105(5)(b), the City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period.

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## **SECTION 12: Proposed Changes of Zoning Ordinances, Master Plan, Map, Building Codes and City Ordinances**

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### **Zoning Ordinances**

The proposed Plan is in general conformance with the City's current zoning ordinances. Individual properties may require rezoning at the time of development.

### **Master (Comprehensive) Plan and Map**

The proposed Plan is in general conformance with the City's Comprehensive Plan identifying the area as appropriate for Mixed-Use Development.

### **Building Codes and Ordinances**

Development within the District will be required to conform to State Building Codes and will be subject to the City's permitting and inspection procedures. The proposed Plan conforms to all relevant State and local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

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**SECTION 13:**  
**Statement of the Proposed Method for the Relocation of any Persons to be Displaced**

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Should implementation of this Plan require relocation of individuals or business operations, relocations will be handled in compliance with Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

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**SECTION 14:**  
**How Creation of the Tax Incremental District  
Promotes the Orderly Development of the City**

---

Creation of the District and the implementation of the projects in its Plan will promote the orderly development of the City by creating opportunities for mixed use development and providing necessary public infrastructure improvements. Through use of tax increment financing, the City can attract new investment that results in increased tax base. Development will occur in an orderly fashion in accordance with approved plans so that the Projects will be compatible with adjacent land uses. Development of new uses in the District will add to the tax base and will generate positive secondary impacts in the community such as increased employment opportunities and housing options.

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## **SECTION 15:**

### **List of Estimated Non-Project Costs**

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Non-project costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

No improvements to be made within the District will benefit property outside the District. Furthermore, there will be no improvements made outside the District that will only partially benefit the District.

**SECTION 16:  
Legal Opinion Advising Whether the Plan is  
Complete and Complies with Wis. Stat. §  
66.1105(4)(f)**

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Legal Opinion Found on Following Page.

DRAFT

SAMPLE

Mayor  
City of Onalaska  
415 Main St  
Onalaska, Wisconsin 54650

**RE: Project Plan for Tax Incremental District No. 6**

Dear Mayor:

Wisconsin Statute 66.1105(4)(f) requires that a project plan for a tax incremental financing district include an opinion provided by the City Attorney advising as to whether the plan is complete and complies with Wisconsin Statute 66.1105.

As City Attorney for the City of Onalaska, I have been asked to review the above-referenced project plan for compliance with the applicable statutory requirements. Based upon my review, in my opinion, the Project Plan for the City of Onalaska Tax Incremental District No. 6 is complete and complies with the provisions of Wisconsin Statute 66.1105.

Sincerely,

City Attorney

# SECTION 17: Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions

The following projection is provided to meet the requirements of Wis. Stat. § 66.1105(4)(i)4.

City of Onalaska, WI						
Tax Increment District #6						
Estimated portion of taxes that owners of taxable property in each taxing jurisdiction overlying district would pay by jurisdiction.						
Statement of Taxes Data Year:				2019		
					Percentage	
	County			7,752,323	31.79%	
	Technical College			3,034,693	12.45%	
	Municipality			11,691,080	47.95%	
	School District of Holmen			1,905,453	7.81%	
	<b>Total</b>			<b>24,383,549</b>		
Revenue Year	County	Technical College	Municipality	School District of Holmen	Total	Revenue Year
2022	0	0	0	0	0	2022
2023	0	0	0	0	0	2023
2024	82,136	32,153	123,867	20,188	258,344	2024
2025	82,136	32,153	123,867	20,188	258,344	2025
2026	132,295	51,788	199,511	32,517	416,112	2026
2027	235,749	92,285	355,528	57,945	741,507	2027
2028	235,749	92,285	355,528	57,945	741,507	2028
2029	339,203	132,783	511,544	83,373	1,066,903	2029
2030	339,203	132,783	511,544	83,373	1,066,903	2030
2031	339,203	132,783	511,544	83,373	1,066,903	2031
2032	392,498	153,645	591,915	96,472	1,234,531	2032
2033	392,498	153,645	591,915	96,472	1,234,531	2033
2034	392,498	153,645	591,915	96,472	1,234,531	2034
2035	392,498	153,645	591,915	96,472	1,234,531	2035
2036	392,498	153,645	591,915	96,472	1,234,531	2036
2037	392,498	153,645	591,915	96,472	1,234,531	2037
2038	392,498	153,645	591,915	96,472	1,234,531	2038
2039	392,498	153,645	591,915	96,472	1,234,531	2039
2040	392,498	153,645	591,915	96,472	1,234,531	2040
2041	392,498	153,645	591,915	96,472	1,234,531	2041
	<b>5,710,651</b>	<b>2,235,468</b>	<b>8,612,087</b>	<b>1,403,628</b>	<b>17,961,834</b>	

Notes:  
The projection shown above is provided to meet the requirements of Wisconsin Statute 66.1105(4)(i)4.



**City of Onalaska, WI**  
Creation of Tax Increment District  
(TID) No. 6

September 8, 2020



# Tax Increment Financing

How can we fund the necessary incentives and infrastructure to develop this site to meet the City's goals and vision?

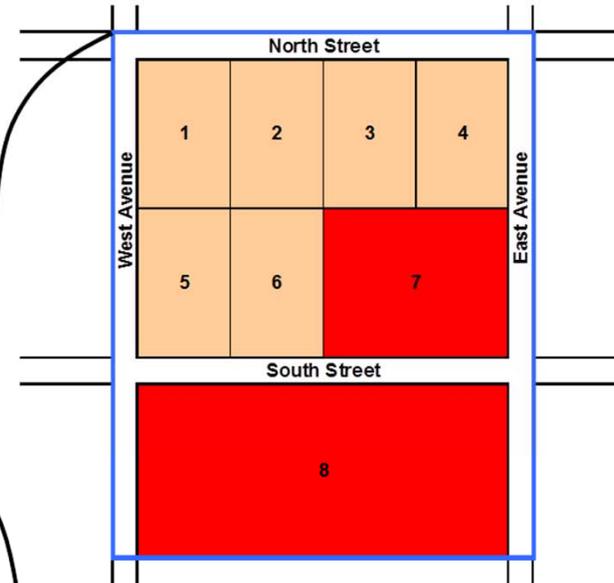
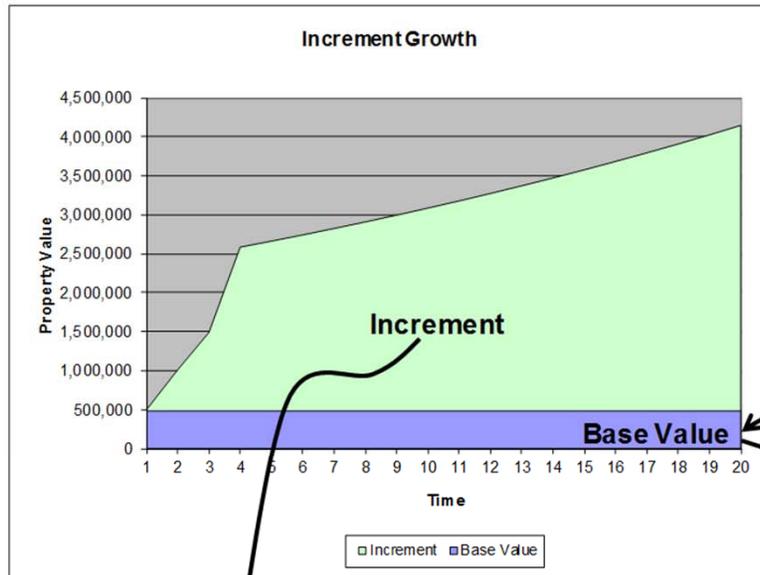
Tax Increment Financing captures tax revenue from new construction to create a funding source for incentives and infrastructure for development.



Current Site



# How does TIF work?



	Mill Rate
TID	20.00
<b>Total</b>	<b>20.00</b>

The TID receives taxes on the increment value at the combined rate of all taxing entities

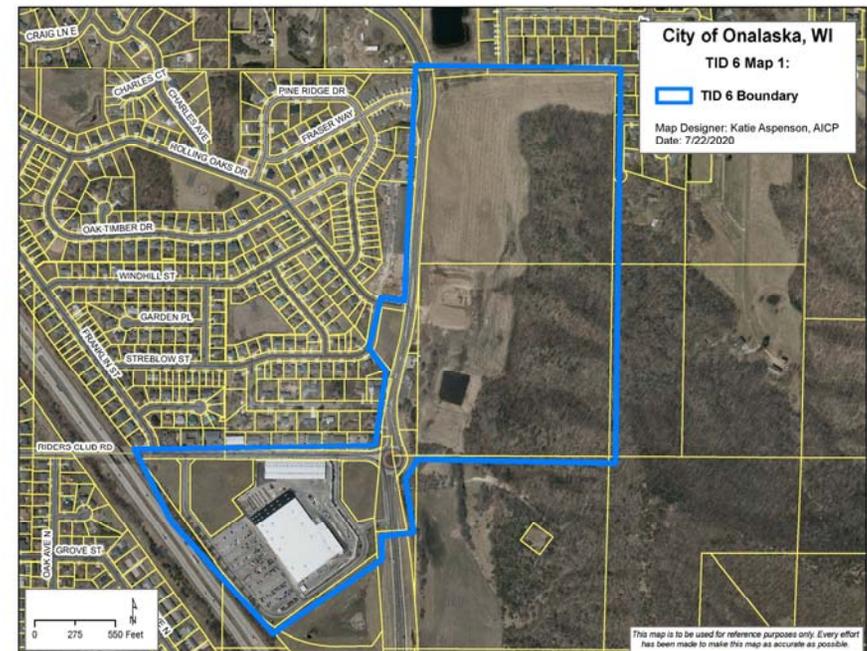
	Mill Rate
Local	6.50
County	4.00
School	7.50
VTAE	2.00
<b>Total</b>	<b>20.00</b>

All taxing jurisdictions continue to receive their share of the tax levy on the base value of the TID



## TID No. 6

- **Purpose:** Create a mixed-use district to provide a variety of housing and commercial uses.
- **Goal:** Expand residential and commercial activity in Onalaska.
- **Required Finding:** Not less than 50% by area of the real property within the District is suitable for mixed-use.
- **Preliminary Projects:**
  - ✓ Streetlights and engineering services
  - ✓ Traffic roundabout
  - ✓ Sewer, water, and stormwater utilities
  - ✓ Temporary roadway
- Projects will be approved individually by the City after approval of the TID.





# TID No. 6 – Preliminary Development & Increment Assumptions

City of Onalaska, WI										
Tax Increment District # 6										
Tax Increment Projection Worksheet										
Type of District	Mixed Use		Base Value	13,408,100						
District Creation Date	September 8, 2020		Appreciation Factor	0.00%		Apply to Base Value				
Valuation Date	Jan 1,	2020	Base Tax Rate	\$19.72						
Max Life (Years)	20		Rate Adjustment Factor							
Expenditure Period/Termination	15	9/8/2035	Tax Exempt Discount Rate							
Revenue Periods/Final Year	20	2041	Taxable Discount Rate	0.00%						
Extension Eligibility/Years	Yes	3								
Eligible Recipient District	No									

Construction Year	Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment	Tax Exempt NPV Calculation	Taxable NPV Calculation	
1 2020	0	0	0	2022	\$19.72	0	0	0	
2 2021	0	0	0	2023	\$19.72	0	0	0	
3 2022	13,100,000	0	13,100,000	2024	\$19.72	258,344	258,344	258,344	
4 2023	0	0	13,100,000	2025	\$19.72	258,344	516,689	516,689	
5 2024	8,000,000	0	21,100,000	2026	\$19.72	416,112	932,801	932,801	
6 2025	16,500,000	0	37,600,000	2027	\$19.72	741,507	1,674,308	1,674,308	
7 2026	0	0	37,600,000	2028	\$19.72	741,507	2,415,815	2,415,815	
8 2027	16,500,000	0	54,100,000	2029	\$19.72	1,066,903	3,482,718	3,482,718	
9 2028	0	0	54,100,000	2030	\$19.72	1,066,903	4,549,621	4,549,621	
10 2029	0	0	54,100,000	2031	\$19.72	1,066,903	5,616,524	5,616,524	
11 2030	8,500,000	0	62,600,000	2032	\$19.72	1,234,531	6,851,055	6,851,055	
12 2031	0	0	62,600,000	2033	\$19.72	1,234,531	8,085,586	8,085,586	
13 2032	0	0	62,600,000	2034	\$19.72	1,234,531	9,320,117	9,320,117	
14 2033	0	0	62,600,000	2035	\$19.72	1,234,531	10,554,648	10,554,648	
15 2034	0	0	62,600,000	2036	\$19.72	1,234,531	11,789,179	11,789,179	
16 2035	0	0	62,600,000	2037	\$19.72	1,234,531	13,023,710	13,023,710	
17 2036	0	0	62,600,000	2038	\$19.72	1,234,531	14,258,241	14,258,241	
18 2037	0	0	62,600,000	2039	\$19.72	1,234,531	15,492,772	15,492,772	
19 2038	0	0	62,600,000	2040	\$19.72	1,234,531	16,727,303	16,727,303	
20 2039	0	0	62,600,000	2041	\$19.72	1,234,531	17,961,834	17,961,834	
<b>Totals</b>	<b>62,600,000</b>	<b>0</b>	<b>Future Value of Increment</b>	<b>17,961,834</b>					

Notes:  
 Actual results will vary depending on development, inflation of overall tax rates.  
 NPV calculations represent estimated amount of funds that could be borrowed (including project cost, capitalized interest and issuance costs).

- Construction of housing and commercial development to occur in phases starting in 2022.
- Estimated \$62.6 million in new value tax increment being created by 2030.
- Total tax increment revenue is projected to be approximately \$17.9 million through the life of the TID.
- No inflation is projected.



# Tax Increment District No. 6 – Preliminary Cash Flow

Tax Increment District # 6																						
Cash Flow Projection																						
Year	Projected Revenues		Expenditures																Balances			Year
	Tax Increments	Total Revenues	State Trust Fund Loan 365,000			G.O. Bond 1,870,000			G.O. Bond 3,240,000			State Trust Fund Loan 410,000			Admin.	Total Expenditures	Annual	Cumulative	Principal Outstanding			
			Dated Date:	2022	Interest	Dated Date:	2025	Interest	Dated Date:	2027	Interest	Dated Date:	2030	Interest								
			Principal	Est. Rate		Principal	Est. Rate		Principal	Est. Rate		Principal	Est. Rate									
2020		-													15,000	15,000	(15,000)	(15,000)	5,885,000	2020		
2021		-													5,000	5,000	(5,000)	(20,000)	5,885,000	2021		
2022		-	19,313	4.50%	8,145										5,000	32,458	(32,458)	(52,458)	5,865,687	2022		
2023		-	11,902	4.50%	15,556										5,000	32,458	(32,458)	(84,915)	5,853,786	2023		
2024	258,344	258,344	12,396	4.50%	15,062										5,000	32,458	225,887	140,972	5,841,390	2024		
2025	258,344	258,344	12,995	4.50%	14,463	90,000	1.85%	51,016							5,000	173,473	84,871	225,843	5,738,395	2025		
2026	416,112	416,112	13,580	4.50%	13,878	95,000	1.90%	47,180							5,000	174,638	241,474	467,317	5,629,815	2026		
2027	741,507	741,507	14,191	4.50%	13,267	95,000	1.95%	45,375	175,000	2.10%	93,624				5,000	441,457	300,051	767,368	5,345,624	2027		
2028	741,507	741,507	14,795	4.50%	12,663	95,000	2.05%	43,523	185,000	2.15%	85,965				5,000	441,945	299,562	1,066,930	5,050,829	2028		
2029	1,066,903	1,066,903	15,495	4.50%	11,962	100,000	2.15%	41,575	190,000	2.20%	81,988				5,000	446,020	620,883	1,687,813	4,745,334	2029		
2030	1,066,903	1,066,903	16,193	4.50%	11,265	100,000	2.30%	39,425	195,000	2.30%	77,808	35,148	5.50%	11,182	5,000	491,021	575,882	2,263,695	4,398,993	2030		
2031	1,066,903	1,066,903	16,921	4.50%	10,536	105,000	2.40%	37,125	200,000	2.40%	73,323	25,714	5.50%	20,617	5,000	494,236	572,667	2,836,363	4,051,358	2031		
2032	1,234,531	1,234,531	17,656	4.50%	9,802	105,000	2.50%	34,605	200,000	2.55%	68,523	27,075	5.50%	19,255	5,000	486,916	747,615	3,583,978	3,701,627	2032		
2033	1,234,531	1,234,531	18,477	4.50%	8,980	110,000	2.60%	31,980	205,000	2.65%	63,423	28,617	5.50%	17,713	5,000	489,191	745,340	4,329,318	3,339,533	2033		
2034	1,234,531	1,234,531	19,309	4.50%	8,149	110,000	2.70%	29,120	215,000	2.75%	57,990	30,191	5.50%	16,140	5,000	490,898	743,633	5,072,951	2,965,033	2034		
2035	1,234,531	1,234,531	20,178	4.50%	7,280	115,000	2.80%	26,150	220,000	2.85%	52,078	31,852	5.50%	14,479	5,000	492,016	742,515	5,815,466	2,578,004	2035		
2036	1,234,531	1,234,531	21,068	4.50%	6,390	115,000	2.85%	22,930	225,000	2.95%	45,808	33,569	5.50%	12,762	5,000	487,526	747,005	6,562,472	2,183,367	2036		
2037	1,234,531	1,234,531	22,034	4.50%	5,424	120,000	2.90%	19,653	230,000	3.05%	39,170	35,450	5.50%	10,881	5,000	487,611	746,920	7,309,392	1,775,884	2037		
2038	1,234,531	1,234,531	23,025	4.50%	4,432	125,000	3.00%	16,173	240,000	3.10%	32,155	37,399	5.50%	8,931	5,000	492,116	742,415	8,051,807	1,350,459	2038		
2039	1,234,531	1,234,531	24,061	4.50%	3,396	125,000	3.10%	12,423	245,000	3.15%	24,715	39,456	5.50%	6,874	5,000	485,926	748,605	8,800,413	916,942	2039		
2040	1,234,531	1,234,531	25,138	4.50%	2,320	130,000	3.20%	8,548	255,000	3.25%	16,998	41,614	5.50%	4,717	5,000	489,333	745,198	9,545,610	465,190	2040		
2041	1,234,531	1,234,531	26,275	4.50%	1,182	135,000	3.25%	4,388	260,000	3.35%	8,710	43,915	5.50%	2,415	5,000	486,886	747,645	10,293,256	(0)	2041		
Total	17,961,834	17,961,834	365,000		184,151	1,870,000		511,186	3,240,000		822,274	410,000		145,967	120,000	7,668,578				Total		

- Total expenditures, including interest, in the District anticipated at approx. \$7.6 million.
- Projects to be funded through City borrowing in phases commencing in 2022.
- District is projects to accumulate sufficient revenue to close in 2033.



# Preliminary Timeline

## August 25, 2020 (Completed):

- Initial Joint Review Board meeting
- Planning Commission public hearing
- Approval of resolution recommending TID 6 creation to City Council

## September 8, 2020:

- City Council meeting with TID 6 creation resolution on agenda

## September 16, 2020:

- JRB convenes to vote on creation of TID 6
-



## Questions?

Sean Lentz  
Senior Municipal Advisor  
(651) 697-8509  
[slentz@ehlers-inc.com](mailto:slentz@ehlers-inc.com)

Josh Low  
Municipal Advisor  
(651) 697-8596  
[jlow@ehlers-inc.com](mailto:jlow@ehlers-inc.com)



**#11-A**



# PROPOSAL

**Design & Integration by Tierney**

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| **THANK YOU**  
**FOR CONSIDERING US!**

Tierney has been in the business of helping our partners improve their communication and tell their unique stories for over forty years. The only way to accomplish this is to listen to our customers needs, provide consultation based on our experience, and deliver on our promise. We strive to be a valued and trusted partner to your organization, not simply a supplier.

On behalf of our entire team at Tierney, we truly appreciate the opportunity to work with you on delivering your vision and supporting you each step of the way. Our success is dependent on your success.

**Robert T. Gag**  
**CEO**



Tuesday, September 01, 2020

Nils Housker  
City of Onalaska

**Proposal for Audio-Visual Service**

**RE:** Council Chambers Update

**Opportunity Number:** 26877 R1

**Scope of Integration Services**

Summary of Work to be completed by Tierney at **415 Main Street Onalaska, WI 54650.**

(Please initial if address is correct or provide correct address. \_\_\_\_\_ )

Tierney has provide quotes for the AV updates at several rooms at three different locations (City Hall, the Omni Center, and the Public Works).

Two of the Rooms (Council Chambers and Room 112 at the City Hall) each have two quotes. The owner would choose one or the other for both rooms as they allow for different microphone options.

**A1 - Council Chambers with a new Camera and new Wired Microphones**

Tierney shall remove the existing fixed camera at the back of the room and replace it with a new 4K capable Pan Tilt Zoom (PTZ) camera. The camera will be connected to a new scaler that will provide the best image possible to be inputted into the system in the same manner as the old camera had been.

The PTZ features will allow the camera to be used for different type and scale of meetings more effectively.

The twelve (12) existing gooseneck microphones will be remove from the system and given to the owner to be used elsewhere or as back-up.

Tierney shall provide twelve (12) new 12" gooseneck microphones that will now be permanently installed into the dais and tables on new shock mounts. The new microphones also allow the person at the microphone to mute/unmute the microphone with LED indicators on the microphones showing their status.

The control program will be updated as such:

- The touch screen control of the microphones will not change
- The touch screen will now control the PTZ functions of the camera as well as four (4) presets
- The Touchscreen will have a VoIP Dialing Page for audio only conference calls

**A2 - Council Chambers with a new Camera and new Wireless Microphones**

Tierney shall remove the existing fixed camera at the back of the room and replace it with a new 4K capable Pan Tilt Zoom (PTZ) camera. The camera will be connected to a new scaler that will provide the best image possible to be inputted into the system in the same manner as the old camera had been.

The PTZ features will allow the camera to be used for different type and scale of meetings more effectively.

The twelve (12) existing gooseneck microphones will be removed from the system and given to the owner to be used elsewhere or as back-up.

Tierney shall provide twelve (12) new wireless 10" gooseneck rechargeable microphones that will allow the owner to place them at any location in the room. The new microphones also provide the person at the microphone to mute/unmute the microphone with LED indicators on the microphones showing their status.

The control program will be updated as such:

- The touch screen control of the microphones will not change
- The touch screen will now control the PTZ functions of the camera as well as four (4) presets
- The audio configuration will be modified to reduce the chances of feedback in the room in case a person with a wireless microphone places it directly under one of the ceiling speakers.
- The Touchscreen will have a VoIP Dialing Page for audio only conference calls

### **B1 - Room 112 AV Update with Wired Gooseneck Microphones**

Tierney shall provide and install two (2) new 75" non-interactive commercial grade 4K displays. The displays will be mounted on the window wall, one on each side of the window. Each display will have the ability to show either the same content or different.

The inputs to the system shall come from two (2) different locations.

The first will be from an owner furnished laptop located at the table. A new cable cubby will be cut into the owner's table by Tierney. The cubby includes an AC output and both USB-C and USB-A charging ports. There will also be an HDMI cable for the AV and a USB cable for the microphone/camera input to the laptop as noted below. There is an adapter ring included that allows for digital connectivity for owner furnished devices that do not have HDMI.

The cabling from the table will be run to the wall under new Tierney installed ADA compliant over the floor raceway. The owner's electrician will be required to run AC cabling to a decora outlet in the raceway housing under the table.

The second input will be from an owner furnished dedicated PC.

The dedicated PC will be mounted in a new Tierney provided Credenza that will be located on the left side wall. The owner will be required to provide an electrical outlet (if one is not already there), an active VoIP connection, and a minimum of three (3) active LAN connections at the credenza location.

A new audio processor will be installed in the rack. The new processor has the needed echo canceling attributes for conference calls. The processor will also be connected to a new rack mounted amplifier that will power four new ceiling speakers.

Tierney shall provide eight (8) new 12" gooseneck microphones that will be permanently installed into the table on new shock mounts. The new microphones also allow the person at the microphone to mute/unmute the microphone with LED indicators on the microphones showing their status.

A new HD Pan Tilt Zoom (PTZ) camera will be mounted to the wall. The camera will be connected to new devices in the rack that allow the camera image and microphone audio to be connected to both the

PC and Laptop to be used as a web camera in owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc.

A new rack mounted streaming recording device will be installed in the rack. The device can record the presentation audio as well as the camera at the same time. The recordings can then be off loaded to an owner configured server. The device can also do streaming to owner provided platforms such as Facebook Live, YouTube Live, etc. The Tierney technician will assist in the configuration of this device onto the owner's network.

The control of the system will be done using a new Extron 10" color touch panel. The touch panel will be located on top of the credenza. The touch panel's welcome screen will include a QR Code that allows users that the owner has authorized to download an app and have the ability to control the system using their mobile device. This feature requires that the control system be placed on the owner's network and is one of the three (3) LAN connections as noted earlier in the scope.

The touch screen will control:

- Each Display ON/OFF
- Source selection
  - PC
  - Laptop
  - Recorder
- Audio Levels
  - Speaker output
- Microphone levels
  - Each Microphone individually
  - All microphones together
  - All Microphone Mute/Unmute
- Camera Controls
  - Four (4) Presets
  - PTZ functions
- Recording
  - Start
  - Stop
  - Pause
- Audio Call Dialing

## **B2- Room 112 AV Update with Wireless Gooseneck Microphones**

Tierney shall provide and install two (2) new 75" non-interactive commercial grade 4K displays. The displays will be mounted on the window wall, one on each side of the window. Each display will have the ability to show either the same content or different.

The inputs to the system shall come from two (2) different locations.

The first will be from an owner furnished laptop located at the table. A new cable cubby will be cut into the owner's table by Tierney. The cubby includes an AC output and both USB-C and USB-A charging ports. There will also be an HDMI cable for the AV and a USB cable for the microphone/camera input to the laptop as noted below. There is an adapter ring included that allows for digital connectivity for owner furnished devices that do not have HDMI.

The cabling from the table will be run to the wall under new Tierney installed ADA compliant over the floor raceway. The owner's electrician will be required to run AC cabling to a decora outlet in the raceway housing under the table.

The second input will be from an owner furnished dedicated PC.

The dedicated PC will be mounted in a new Tierney provided Credenza that will be located on the left side wall. The owner will be required to provide an electrical outlet (if one is not already there), an active VoIP connection, and a minimum of three (3) active LAN connections at the credenza location.

A new audio processor will be installed in the rack. The new processor has the needed echo canceling attributes for conference calls. The processor will also be connected to a new rack mounted amplifier that will power four new ceiling speakers.

Tierney shall provide eight (8) new 10" wireless rechargeable gooseneck microphones. The new microphones allow the person at the microphone to mute/unmute the microphone with LED indicators on the microphones showing their status. The quote includes a charging base for the microphones to be placed when not in use. The charging base will be installed on a sliding shelf in the rack.

A new HD Pan Tilt Zoom (PTZ) camera will be mounted to the wall. The camera will be connected to new devices in the rack that allow the camera image and microphone audio to be connected to both the PC and Laptop to be used as a web camera in owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc.

A new rack mounted streaming recording device will be installed in the rack. The device can record the presentation audio as well as the camera at the same time. The recordings can then be off loaded to an owner configured server. The device can also do streaming to owner provided platforms such as Facebook Live, YouTube Live, etc. The Tierney technician will assist in the configuration of this device onto the owner's network.

The control of the system will be done using a new Extron 10" color touch panel. The touch panel will be located on top of the credenza. The touch panel's welcome screen will include a QR Code that allows users that the owner has authorized to download an app and have the ability to control the system using their mobile device. This feature requires that the control system be placed on the owner's network and is one of the three (3) LAN connections as noted earlier in the scope.

The touch screen will control:

- Each Display ON/OFF
- Source selection
  - PC
  - Laptop
  - Recorder
- Audio Levels
  - Speaker output
- Microphone levels
  - Each Microphone individually
  - All microphones together
  - All Microphone Mute/Unmute
- Camera Controls
  - Four (4) Presets

- PTZ functions
- Recording
  - Start
  - Stop
  - Pause
- Audio Call Dialing

### **C - Room 140 AV Update**

Tierney shall provide and install a new 75" non-interactive commercial grade 4K display. The display will be mounted on the wall using a new tilt bracket.

The inputs to the system shall come from two (2) different locations.

The first will be from an owner furnished laptop located at the table. A new cable cubby will be cut into the owner's table by Tierney. The cubby includes an AC output and both USB-C and USB-A charging ports. There will also be an HDMI cable for the AV. There is an adapter ring included that allows for digital connectivity for owner furnished devices that do not have HDMI.

The cabling from the table will be run to the wall under new Tierney installed ADA compliant over the floor raceway. The owner's electrician will be required to run AC cabling to a decora outlet in the raceway housing under the table.

The second input will be from a new Poly X50 video bar mounted below the display. This device allows the user to create and join owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc. without the need of a PC. The owner's laptop at the table can be used as content for the call or the owner can connect wirelessly through the owner's network using the Poly application, Apple Airplay, or Miracast.

The control of the system will be done using the included Poly 8" wired touch panel. The touch panel requires an active LAN connection. This touch screen will control the display on/off, the audio level, the microphone levels, and the camera control. The camera will be set-up for auto framing.

### **D - Room 323 AV Update**

Tierney shall provide and install a new 65" CleverTouch interactive commercial grade 4K display. The display will be mounted on the wall using a new tilt bracket.

The inputs to the system shall come from two (2) different locations.

The first will be from an owner furnished laptop located at the table. A new cable cubby will be cut into the owner's table by Tierney. The cubby includes an AC output and both USB-C and USB-A charging ports. There will also be an HDMI cable for the AV. There is an adapter ring included that allows for digital connectivity for owner furnished devices that do not have HDMI.

The cabling from the table will be run to the wall under new Tierney installed ADA compliant over the floor raceway. The owner's electrician will be required to run AC cabling to a decora outlet in the raceway housing under the table.

The second input will be from a new Poly X50 video bar mounted below the display. This device allows the user to create and join owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc. without the need of a PC. The owner's laptop at the table can be used as content for the call or the owner can connect wirelessly through the owner's network using the Poly application, Apple Airplay, or Miracast.

The control of the system will be done using the included Poly 8" wired touch panel. The touch panel requires an active LAN connection. This touch screen will control the display on/off, the audio level, the microphone levels, and the camera control. The camera will be set-up for auto framing.

### **E – Fire 308 AV Update**

Tierney shall provide and install a new 86" CleverTouch interactive commercial grade 4K display. The display will be mounted on the wall.

The inputs to the system shall come from four (4) different sources. All of the sources will be located in or at a new Multi-Functional Desk that will be located at the front of the room. The desk has an integrated 12RU rack on the left side.

An owner furnished dedicated PC will be mounted in the rack. There will be cabling for an owner furnished or guest laptop on top of the desk. The owner will provide a new satellite box that will be located in the rack (the owner will need to provide the active satellite feed to the rack location). A new Blu-Ray player will be mounted in the rack.

The owner will be required to provide an electrical outlet (if one is not already there), an active VoIP connection, and a minimum of three (3) active LAN connections at the desk location.

A new audio processor will be installed in the rack. The new processor has the needed echo canceling attributes for conference calls. The processor will also be connected to a new rack mounted amplifier that will power four new ceiling speakers.

Tierney shall provide two (2) new tri-element ceiling microphone arrays mounted below the drop tile ceiling. These microphones are to be used for web conferencing only and not for voice lift in the room. A new wireless hand held microphone and a new wireless lapel worn microphone are included. These two microphones can be used for both voice lift in the room and for web conferencing.

A new HD Pan Tilt Zoom (PTZ) camera will be mounted to the wall. The camera will be connected to new devices in the rack that allow the camera image and microphone audio to be connected to both the PC and Laptop to be used as a web camera in owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc.

The control of the system will be done using a new Extron 10" color touch panel. The touch panel will be located on top of the desk. The touch panel's welcome screen will include a QR Code that allows users that the owner has authorized to download an app and have the ability to control the system using their mobile device. This feature requires that the control system be placed on the owner's network and is one of the three (3) LAN connections as noted earlier in the scope.

The touch screen will control:

- Display ON/OFF
- Source selection

- PC
- Laptop
- Satellite
- Blu-ray
- Audio Levels
  - Speaker output
- Microphone levels
  - Hand held and Lapel Microphones individually
  - All ceiling microphones together
  - All Microphone Mute/Unmute
- Camera Controls
  - Four (4) Presets
  - PTZ functions
- Blu-ray transport controls
- Satellite Box channel selection
- Audio Call Dialing

## **F – EOC AV Update**

Tierney shall provide and install a new 86" CleverTouch interactive commercial grade 4K display. The display will be mounted on the wall.

This display will work in tandem with the three (3) existing displays that are in the room. The system will allow the displays to show the same thing or different as it is fully matrixed.

The inputs to the system shall come from four (4) different sources. All of the sources will be located in or at a new credenza that will be located at the front of the room. The credenza has an integrated 12RU rack.

An owner furnished dedicated PC will be mounted in the rack. There will be cabling for an owner furnished or guest laptop on top of the desk. The owner will provide a new satellite box that will be located in the rack (the owner will need to provide the active satellite feed to the rack location). A new Blu-Ray player will be mounted in the rack.

The owner will be required to provide an electrical outlet (if one is not already there), an active VoIP connection, and a minimum of three (3) active LAN connections at the rack location.

A new audio processor will be installed in the rack. The new processor has the needed echo canceling attributes for conference calls. The processor will also be connected to a new rack mounted amplifier that will power four new ceiling speakers.

Tierney shall provide two (2) new tri-element ceiling microphone arrays mounted below the drop tile ceiling. These microphones are to be used for web conferencing only and not for voice lift in the room. A new wireless hand held microphone and a new wireless lapel worn microphone are included. These two microphones can be used for both voice lift in the room and for web conferencing.

Two (2) new HD Pan Tilt Zoom (PTZ) cameras will be mounted to the wall, one at the front of the room and one at the rear. The cameras will be connected to new devices in the rack that allow the camera image and microphone audio to be connected to both the PC and Laptop to be used as a web camera in owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc. This

system includes a seamless switch to allow the owner to choose which camera is to be seen on the far side of a call.

The control of the system will be done using a new Extron 10" color touch panel. The touch panel will be located on top of the rack or countertop. The touch panel's welcome screen will include a QR Code that allows users that the owner has authorized to download an app and have the ability to control the system using their mobile device. This feature requires that the control system be placed on the owner's network and is one of the three (3) LAN connections as noted earlier in the scope.

The touch screen will control:

- Display ON/OFF
- Source selection
  - PC
  - Laptop
  - Satellite
  - Blu-ray
- Audio Levels
  - Speaker output
- Microphone levels
  - Hand held and Lapel Microphones individually
  - All ceiling microphones together
  - All Microphone Mute/Unmute
- Camera Controls
  - Camera selection (Front/Rear)
  - Four (4) Presets for each camera
  - PTZ functions for each camera
- Blu-ray transport controls
- Satellite Box channel selection
- Audio Call Dialing

## **G – Police 023 AV Update**

Tierney shall provide and install a new 86" CleverTouch interactive commercial grade 4K display. The display will be mounted on the wall.

This display will work in tandem with the two (2) existing displays and the projector that are in the room. The system will allow the displays and projector to show the same thing or something different as it is fully matrixed.

The inputs to the system shall come from four (4) different sources. All of the sources will be located in or at a new rolling 12RU rack located under the counter top.

An owner furnished dedicated PC will be mounted in the rack. There will be cabling for an owner furnished or guest laptop on top of the desk. The owner will provide a new satellite box that will be located in the rack (the owner will need to provide the active satellite feed to the rack location). A new Blu-Ray player will be mounted in the rack.

The owner will be required to provide an electrical outlet (if one is not already there), an active VoIP connection, and a minimum of three (3) active LAN connections at the credenza location.

A new audio processor will be installed in the rack. The new processor has the needed echo canceling attributes for conference calls. The processor will also be connected to a new rack mounted amplifier that will power four new ceiling speakers.

Tierney shall provide one (1) new tri-element ceiling microphone array mounted below the drop tile ceiling. This microphone is to be used for web conferencing only and not for voice lift in the room. A new wireless hand held microphone and a new wireless lapel worn microphone are included. These two microphones can be used for both voice lift in the room and for web conferencing.

A new HD Pan Tilt Zoom (PTZ) camera will be mounted to the wall. The camera will be connected to new devices in the rack that allow the camera image and microphone audio to be connected to both the PC and Laptop to be used as a web camera in owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc.

The control of the system will be done using a new Extron 10" color touch panel. The touch panel will be located on top of the credenza. The touch panel's welcome screen will include a QR Code that allows users that the owner has authorized to download an app and have the ability to control the system using their mobile device. This feature requires that the control system be placed on the owner's network and is one of the three (3) LAN connections as noted earlier in the scope.

The touch screen will control:

- Display ON/OFF
- Source selection
  - PC
  - Laptop
  - Satellite
  - Blu-ray
- Audio Levels
  - Speaker output
- Microphone levels
  - Hand held and Lapel Microphones individually
  - All ceiling microphones together
  - All Microphone Mute/Unmute
- Camera Controls
  - Four (4) Presets
  - PTZ functions
- Blu-ray transport controls
- Satellite Box channel selection
- Audio Call Dialing

## **H - Board Room at the Ice Rink AV Update**

Tierney shall provide and install a new 65" non-interactive commercial grade 4K display. The display will be mounted on the wall using a new tilt bracket.

The inputs to the system shall come from two (2) different locations.

The first will be from an owner furnished laptop. The connection to the laptop shall be from a wall plate directly below the display. There is an adapter ring included that allows for digital connectivity for owner furnished devices that do not have HDMI.

The second input will be from a new Poly X50 video bar mounted below the display. This device allows the user to create and join owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc. without the need of a PC. The owner's laptop can be used as content for the call or the owner can connect wirelessly through the owner's network using the Poly application, Apple Airplay, or Miracast. This will require an active LAN connection at the display.

The control of the system will be done using the included Poly 8" wired touch panel. The touch panel requires an additional active LAN connection. This touch screen will control the display on/off, the audio level, the microphone levels, and the camera control. The camera will be set-up for auto framing.

### **I – Public Works Conference Room AV Update**

Tierney shall install the owner's existing TCL display on the wall using a new tilt bracket.

The inputs to the system shall come from three (3) different locations.

The system will require three (3) active LAN connections. Two (2) at the display and one (1) for the touch screen.

The first will be from an owner furnished laptop located at the table. A new cable cubby will be cut into the owner's table by Tierney. The cubby includes an AC output and both USB-C and USB-A charging ports. There will also be an HDMI cable for the AV. There is an adapter ring included that allows for digital connectivity for owner furnished devices that do not have HDMI.

The cabling from the table will be run to the wall under new Tierney installed ADA compliant over the floor raceway. The owner's electrician will be required to run AC cabling to a decora outlet in the raceway housing under the table.

The second input will be from a new Poly X50 video bar mounted below the display. This device allows the user to create and join owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc. without the need of a PC. The owner's laptop at the table can be used as content for the call or the owner can connect wirelessly through the owner's network using the Poly application, Apple Airplay, or Miracast.

The third shall be from the owner workstation PC that is mounted on the wall below the display.

The control of the system will be done using the included Poly 8" wired touch panel. The touch panel requires an active LAN connection. This touch screen will control the display on/off, the audio level, the microphone levels, and the camera control. The camera will be set-up for auto framing.

### **J – Public Works Cafeteria AV Update**

Tierney shall install the owner's existing LG display on the wall using a new tilt bracket.

The inputs to the system shall come from three (3) different locations.

The first will be from an owner furnished laptop. The connection to the laptop shall be from a wall plate directly below the display. There is an adapter ring included that allows for digital connectivity for owner furnished devices that do not have HDMI.

The second input will be from a new Poly X50 video bar mounted below the display. This device allows the user to create and join owner configured software based conference calls such as Skype, Teams, Zoom, WebEx, etc. without the need of a PC. The owner's laptop can be used as content for the call or the owner can connect wirelessly through the owner's network using the Poly application, Apple Airplay, or Miracast. This will require an active LAN connection at the display.

The third will be from an owner furnished satellite box that will be mounted behind the display. The owner will be required to provide an active satellite feed to the display location.

The control of the system will be done using the included Poly 8" wired touch panel. The touch panel requires an additional active LAN connection. This touch screen will control the display on/off, the audio level, the microphone levels, and the camera control. The camera will be set-up for auto framing.

### **Customer Expectations:**

The owner is required to provide any needed electrical outlets for the display and/or rack locations. The owner is required to provide all active LAN connections as detailed by the project manager during a pre-installation walk through.

The owner shall provide the satellite boxes and have the active satellite feeds to the locations where the boxes will reside prior to the date of installation.

The owner shall provide all dedicated PC's/Laptops.

The quotes assume that any existing product that is to be reused in the system is in good working order. If it is found that any are defective or not up to specifications, then a billable change order may be needed to replace products. Any added costs will be approved through the owner before the expenses are incurred.

If multiple rooms were quoted, installation pricing for this proposal assumes that all quotes will be signed off on and installed at the same time. If one or more of the quotes in this proposal are not approved, existing quotes will need to be revised to reflect those changes and additional charges may apply.

Equipment locations such as closets, or cabinetry may require additional venting, or in some cases dedicated cooling units to keep equipment operating at standard temperatures.

We appreciate the opportunity to present this proposal. If you have any questions, please do not hesitate to contact us at your convenience at 612-331-5500. Our fax number is 612-331-3424.

Proposal Prepared By:

Sales Representative - Missy Johnson

Systems Engineer - Gary Mansfeldt

(Please initial to acknowledge and authorize the Scope of Integration Services presented here. \_\_\_\_\_ )



# Quote

#190074

1771 Energy Park Drive, Suite 100, St. Paul, MN 55108  
 (612) 331-5500 | (800) 933-7337 | Fax (612) 331-3424  
 www.tierney.com

9/1/2020

**Bill To**  
 Accounts Payable  
 City of Onalaska  
 415 Main Street  
 Onalaska WI 54650

**Ship To**  
 Nils Housker  
 City of Onalaska  
 415 Main Street  
 Onalaska WI 54650

Memo:  
 A2 - w/Wireless Mics R1

Expires	Sales Rep	Contract	Terms
11/30/2020	350 Missy Johnson	State of WI #505ENT-M18-AUDIOVIDEO-04	Net 30

Qty	Item	MFG	Price	Ext. Price
	A2 - Council Chambers Update w/Wireless Gooseneck Microphones R1			
	-----Conferencing Equipment-----			
1	<b>Integration Item</b> CV612HT-4K UHD PTZ HDMI HDBaseT Camera - Black	Marshall Electronics	\$2,857.14	\$2,857.14
1	<b>CV-PTZ-WM</b> Wall mount with wire conceal. BLACK	Marshall Electronics	\$199.99	\$199.99
1	<b>CV620-CABLE-07</b> RS232 (mini-din) to RJ45 Adapter - Camera	Marshall Electronics	\$25.00	\$25.00
1	<b>DM-RMC-4KZ-SCALER-C</b> DigitalMedia 8G+® 4K60 4:4:4 HDR Receiver and Room Controller with Scaler	Crestron	\$900.00	\$900.00
	-----Audio Equipment-----			
12	<b>MXW8=-Z10</b> Desktop Base Transceiver	Shure	\$580.00	\$6,960.00
12	<b>MX410LP/C</b> 10" Shock-Mounted Gooseneck, Cardioid, less Preamplifier	Shure	\$220.80	\$2,649.60
1	<b>MXWAPT8=-Z10</b> 8-Channel Access Point Transceiver -Z10 Frequency (10 MHz) 1920 ÷ 1930 MHz	Shure	\$3,408.00	\$3,408.00



190074



# Quote

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9/1/2020

Qty	Item	MFG	Price	Ext. Price
1	<b>MXWAPT4=Z10</b> 4-Channel Access Point Transceiver -Z10 Frequency (10 MHz) 1920 – 1930 MHz	Shure	\$2,635.20	\$2,635.20
1	<b>Integration Item</b> TesiraCONNECT TC-5D Five 1 Gbps RJ-45 ports, Four ports support PoE+ power (IEEE 802.3at Class 4, 30W) Out-of-the-box compatibility with Biamp AVB products and Dante products	Biamp	\$960.00	\$960.00
3	<b>MXWNC58</b> 8-CH NETWORKED CHARGING STATION  -----Other Equipment and Services-----	Shure	\$1,776.00	\$5,328.00
5	<b>CAT6-7PROBLK</b> Pro AV/IT CAT6 Heavy Duty Snagless Patch Cable - Black 7ft	Comprehensive	\$13.56	\$67.80
200	<b>24-4P-P-L6ASH-BLK</b> Black Category 6A F/UTP EN Series 23 AWG 4 Pair Shielded Cable Reel	Liberty	\$0.83	\$166.00
4	<b>101-005-02 EACH</b> XTP DTP 24 Plug  Shielded RJ-45 Plug Kit for Extron XTP DTP 24 Shielded Twisted Pair Cable  EACH	Extron	\$2.75	\$11.00
1	<b>CBL-HD-6</b> Crestron™ Certified HDMI™ Interface Cable, 6 ft	Crestron	\$25.00	\$25.00
1	<b>System Core and Infrastructure Solution</b> System Core and Infrastructure Solution		\$875.00	\$875.00
1	<b>Services - Integration</b> Integration and Installation Services (Non-Union, Non Prevailing Wage; Normal Business Hours). Union and/or Prevailing Wage rate requirement will result in a change order to the client.		\$3,138.98	\$3,138.98
1	<b>Programming and Configuration</b> Programming and Configuration Completed in the Field or In House - Includes 90-day Programming Warranty; allowing for modifications to be made to the initial functionality within this time frame at no charge. Appointment times determined by Tierney. Changes requested after this time will be billable at standard hourly rates.		\$2,266.30	\$2,266.30
1	<b>EDGE-1YRPM-Service-TBI</b> Tierney Premium Warranty Plan - Coverage for one year with preventative maintenance.		\$1,000.00	\$1,000.00



190074



# Quote

#190074

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(612) 331-5500 | (800) 933-7337 | Fax (612) 331-3424  
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9/1/2020

<b>Subtotal</b>	\$33,473.01
<b>Tax (0%)</b>	\$0.00
<b>Shipping Cost</b>	\$0.00
<b>Total</b>	\$33,473.01

To accept this quotation, sign here : \_\_\_\_\_

If accepting this quote via purchase order please reference this quote number on your PO. To order via credit card please contact customer service at 612-331-5500.

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Pricing Adjustments as it Relates to Tariffs: If/When international tariff changes impact any product(s) included in this quote, Tierney reserves the right to adjust or cancel this quote.

Please inspect product upon delivery. All claims for defective merchandise or errors in shipping must be made within five days after receipt of goods. Clients using their own carriers will be responsible for filing their own freight claims if product is damaged in transit. Returns require an authorization number and must be made within 30 days. Custom orders and "Consumables", such as projector lamps, may not be returned. Returns are subject to restocking fees with the exception of out of box failures and replacements under warranty. Restocking fees varying depending on the product line, expect a minimum charge of 25%.



190074



# Quote

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9/1/2020

**Bill To**  
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 City of Onalaska  
 415 Main Street  
 Onalaska WI 54650

**Ship To**  
 Nils Housker  
 City of Onalaska  
 415 Main Street  
 Onalaska WI 54650

Memo:  
 B2 - with Wireless Microphones R1

Expires	Sales Rep	Contract	Terms
11/30/2020	350 Missy Johnson	State of WI #505ENT-M18-AUDIOVIDEO-04	Net 30

Qty	Item	MFG	Price	Ext. Price
	B2 - Room 112 AV Update with Wireless Microphones R1			
	-----Video Equipment-----			
2	<b>75UT640S0UA</b> 75" Class (74.6" viewable) - UT6400 Series LED TV - 4K UHD (2160p) 3840 x 2160 - edge-lit - black - wifi	LG	\$1,967.50	\$3,935.00
2	<b>XTM1U</b> X-Large Fusion Micro-Adjustable Tilt Wall Mount	Chief	\$230.85	\$461.70
1	<b>60-1493-21</b> DXP 44 HD 4K PLUS 4x4 4K/60 HDMI with 2 Audio Outputs	Extron	\$2,255.00	\$2,255.00
3	<b>60-1271-12</b> HDMI Twisted Pair Extender - Tx	Extron	\$264.00	\$792.00
3	<b>60-1271-13</b> HDMI Twisted Pair Extender - Rx	Extron	\$264.00	\$792.00
2	<b>60-1489-01</b> HDMI to HDMI Scaler	Extron	\$440.00	\$880.00
1	<b>60-1324-02</b> H.264 Streaming Media Processor with 3G-SDI Input	Extron	\$3,294.50	\$3,294.50
	Owner Furnished Product - Dedicated PC mounted in the rack			
	Owner Furnished Product - Laptop at the table			
	-----Conferencing Equipment-----			



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9/1/2020

Qty	Item	MFG	Price	Ext. Price
1	<b>CV620-BK4</b> HD PTZ 20x Optical Zoom Camera (4.7~94mm) (Black) (replaces CV620-BK3)	Marshall Electronics	\$1,428.57	\$1,428.57
1	<b>CV-PTZ-WM</b> Wall mount with wire conceal. BLACK	Marshall Electronics	\$199.99	\$199.99
1	<b>CV620-CABLE-07</b> RS232 (mini-din) to RJ45 Adapter - Camera	Marshall Electronics	\$25.00	\$25.00
1	<b>Integration Item</b> VDA-104-3GS 1 x 4 3G/HD/SD-SDI Reclocking Distribution Amplifier	Marshall Electronics	\$171.43	\$171.43
2	<b>BMD-BDLKWEBPTR</b> Blackmagic Design Web Presenter	Black Magic	\$495.00	\$990.00
2	<b>BMD-CONVNTRM/YA/SMTPN</b> Blackmagic BMD-CONVNTRM/YA/SMTPN Teranex Mini - Smart Panel	Black Magic	\$85.00	\$170.00
1	<b>BMD-CONVNTRM/YA/RSH</b> Blackmagic BMD-CONVNTRM/YA/RSH Teranex Mini - Rack Shelf	Black Magic	\$85.00	\$85.00
	-----Audio Equipment-----			
1	<b>TesiraFORTE DAN VT</b> TesiraFORTE DSP fixed I/O server with 12 analog inputs, 8 analog outputs, 8 channels configurable USB audio, 32 x 32 channels of Dante™, Acoustic Echo Cancellation (AEC) technology (all 12 inputs), 2 channel VoIP and standard FXO telephone interface	Biamp	\$2,518.80	\$2,518.80
1	<b>MXWAPT8--Z10</b> 8-Channel Access Point Transceiver -Z10 Frequency (10 MHz) 1920 ð 1930 MHz	Shure	\$3,408.00	\$3,408.00
8	<b>MXW8--Z10</b> Desktop Base Transceiver	Shure	\$580.00	\$4,640.00
8	<b>MX410LP/C</b> 10" Shock-Mounted Gooseneck, Cardioid, less Preamplifier	Shure	\$220.80	\$1,766.40
2	<b>MXWNC58</b> 8-CH NETWORKED CHARGING STATION	Shure	\$1,776.00	\$3,552.00
2	<b>42-120-13</b> Full-Range Flat Field™ Speakers with 1' x 2' Low Profile Enclosure and 70/100 V Transformer. Ceiling - 1' x 2' Drop-In, Xfmr, Pair	Extron	\$247.50	\$495.00





# Quote

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9/1/2020

Qty	Item	MFG	Price	Ext. Price
1	<b>60-850-01</b> Power Amplifier  -----Control System-----	Extron	\$385.00	\$385.00
1	<b>60-1565-02</b> TLP Pro 1025T 10" Tabletop TouchLink Pro Touchpanel - Black	Extron	\$1,534.50	\$1,534.50
1	<b>60-1417-01</b> IP Link Pro Control Processor  -----A/V Furniture and Rack(s)-----	Extron	\$984.50	\$984.50
1	<b>CR2000EX-EBT</b> 2 Bay Credenza Each bay with 12U rack rails, exhaust fan & heavy duty casters. Finished in resistant thermowrap in your choice of color.  **Finish: Ebony - EBT**	VFI	\$1,416.35	\$1,416.35
2	<b>TIERNE-RHIM-RDRJ</b> Rack Header-Image Series1 Rack-Logo	Liberty	\$19.20	\$38.40
2	<b>60-190-10</b> RSU 126 1U 6" Deep Universal Rack Shelf Kit	Extron	\$77.00	\$154.00
1	<b>PDU1215</b> Tripp Lite PDU Single Phase Basic 120V Outlets 13 5-15R 5-15P 15ft cord 1U RM - 13 x NEMA 5-15R - 15 - 1U 19" Rack-mountable NEMA 13 5-15R 5-15P 15FT CORD	Tripp Lite	\$94.05	\$94.05
2	<b>UTR1</b> Half/Third Rack Universal Shelf	Middle Atlantic	\$27.00	\$54.00
4	<b>EB1</b> Rack Blank Panel 1Ru,1.75" Black, Mid Atlantic	Middle Atlantic	\$7.20	\$28.80
4	<b>EB2</b> EB2 Rack Blank Panel 2RU, 3.5" Black	Middle Atlantic	\$9.60	\$38.40
1	<b>SSL</b> LAMINATED SLIDING SHELF 1 RU	Middle Atlantic	\$87.00	\$87.00
1	<b>HP-Screws</b> HP Box of 100 PCS 10-32 Screws Black	Middle Atlantic	\$19.20	\$19.20



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# Quote

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9/1/2020

Qty	Item	MFG	Price	Ext. Price
1	<b>60-1022-01</b> PS 124 Multiple Output 12 Volt DC Power Supply  -----Other Equipment and Services-----	Extron	\$324.50	\$324.50
1	<b>OFRBC-8R</b> OFR Series Overfloor Raceway Base & Cover - 8 Foot Section	Wiremold	\$316.23	\$316.23
1	<b>OFR10IW</b> OFR Series In-Wall Entrance End Fitting	Wiremold	\$100.88	\$100.88
2	<b>OFR47-R</b> Wiremold OFR Series Decorator Device Plate	Wiremold	\$25.27	\$50.54
1	<b>Integration Item</b> OFR48-2, Overfloor Raceway 2-Gang Box	Wiremold	\$126.76	\$126.76
1	<b>70-1184-02</b> Series/2 Cable Access Enclosure for AV Connectivity and AC Power  Black-AC Module Not Included	Extron	\$220.00	\$220.00
1	<b>60-1782-01</b> AC+USB 311 US, Cord US (2) AC, (1) USBC, & (1) USBA Outlets Black-with US AC Power Module	Extron	\$247.50	\$247.50
2	<b>USB2-AB-6ST</b> USB 2.0 A Male To B Male Cable 6ft.	Comprehensive	\$2.63	\$5.26
1	<b>CAT6S-10PROBLK **DISCONTINUED USE</b> <b>CAT6SH-10BLK</b> Pro AV/IT CAT6 Shielded Heavy Duty Snagless Patch Cable - Black 10ft	Comprehensive	\$17.99	\$17.99
1,000	<b>22-2C-PSH-BLK</b> Black Audio and control 22 AWG 1 pair shielded plenum	Liberty	\$0.13	\$130.00
500	<b>24-4P-P-L6ASH-BLK</b> Black Category 6A F/UTP EN Series 23 AWG 4 Pair Shielded Cable Reel	Liberty	\$0.83	\$415.00
2	<b>101-005-02</b> XTP DTP 24 Plug  Shielded RJ-45 Plug Kit for Extron XTP DTP 24 Shielded Twisted Pair Cable  Package of 10	Extron	\$27.50	\$55.00



190075

Qty	Item	MFG	Price	Ext. Price
4	<b>MHD18G-18INPROBLK</b> MicroFlex Pro AV/IT Certified 4K60 18G High Speed HDMI Cable with ProGrip Jet Black 1.5ft	Comprehensive	\$10.79	\$43.16
6	<b>MHD18G-3PROBLK</b> MicroFlex Pro AV/IT Certified 4K60 18G High Speed HDMI Cable with ProGrip Jet Black 3ft	Comprehensive	\$14.99	\$89.94
6	<b>MHD18G-6PROBLK</b> MicroFlex Pro AV/IT Certified 4K60 18G High Speed HDMI Cable with ProGrip Jet Black 6ft	Comprehensive	\$20.99	\$125.94
4	<b>CAT6-7PROBLK</b> Pro AV/IT CAT6 Heavy Duty Snagless Patch Cable - Black 7ft	Comprehensive	\$13.56	\$54.24
100	<b>18-2C-PSH-BLK</b> Black Commercial Grade General Purpose 18 AWG 2 Conductor Plenum Shielded Cable Reel	Liberty	\$0.18	\$18.00
200	<b>18-2C-P-BLK</b> 18/02C STR BC CL3P Plenum Control Cable Black	Liberty	\$0.16	\$32.00
200	<b>22-6C-P-BLK</b> Black Commercial grade general purpose 22 AWG 6 conductor plenum cable	Liberty	\$0.23	\$46.00
2	<b>BB-C-3GSDI-3</b> High Definition 3G-SDI BNC to BNC Cable 3ft	Comprehensive	\$10.79	\$21.58
200	<b>20-CMP-VID-COAX-BLK</b> Black Serial digital RG59 dual shield 4.5 GHz plenum coaxial cable	Liberty	\$0.60	\$120.00
10	<b>CM-RG59M-BNC</b> BNC Plug, RG59 Universal C-Tec2 C-Tec2 Universal Connector line  **Comes in bag of 25, priced as each	Liberty	\$2.45	\$24.50
1	<b>DL-ARDA</b> 1 Adapter Cable DisplayPort male to HDMI female 5 inches long (AR-DPM-HDF) AR-MDPM-HDF 1 Adapter Cable Mini-DisplayPort male to HDMI female 5 inches long (AR-MDPM-HDF) MD826AM/A 1 Apple Certified Adapter Lightning (M) to HDMI (F) and Lightning (F) to power device (MD826AM/A) MJ1K2AM/A 1 Apple Certified Adapter USB C to HDMI w/USB A Port (MJ1K2AM/A) AR-UCM-HDF 1 Adapter Cable USB "C" male to HDMI female 9 inches long (AR-UCM-HDF) DL-AP2 Security clamp to attach Apple Adapters to DL-AR system (DL-AP)	Liberty	\$271.74	\$271.74





# Quote

#190075

1771 Energy Park Drive, Suite 100, St. Paul, MN 55108  
 (612) 331-5500 | (800) 933-7337 | Fax (612) 331-3424  
 www.tierney.com

9/1/2020

Qty	Item	MFG	Price	Ext. Price
1	<b>System Core and Infrastructure Solution</b> System Core and Infrastructure Solution		\$1,274.00	\$1,274.00
1	<b>Services - Integration</b> Integration and Installation Services (Non-Union, Non Prevailing Wage; Normal Business Hours). Union and/or Prevailing Wage rate requirement will result in a change order to the client.		\$6,140.98	\$6,140.98
1	<b>Programming and Configuration</b> Programming and Configuration Completed in the Field or In House - Includes 90-day Programming Warranty; allowing for modifications to be made to the initial functionality within this time frame at no charge. Appointment times determined by Tierney. Changes requested after this time will be billable at standard hourly rates.		\$3,376.30	\$3,376.30
1	<b>EDGE-1YRPM-Service-TBI</b> Tierney Premium Warranty Plan - Coverage for one year with preventative maintenance.		\$1,200.00	\$1,200.00

**Subtotal** \$51,542.63

**Tax (0%)** \$0.00

**Shipping Cost** \$0.00

**Total** \$51,542.63

To accept this quotation, sign here : \_\_\_\_\_

If accepting this quote via purchase order please reference this quote number on your PO. To order via credit card please contact customer service at 612-331-5500.

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190075



# Quote

#190061

1771 Energy Park Drive, Suite 100, St. Paul, MN 55108  
 (612) 331-5500 | (800) 933-7337 | Fax (612) 331-3424  
 www.tierney.com

9/1/2020

**Bill To**  
 Accounts Payable  
 City of Onalaska  
 415 Main Street  
 Onalaska WI 54650

**Ship To**  
 Nils Housker  
 City of Onalaska  
 415 Main Street  
 Onalaska WI 54650

Memo:  
 E - Fire 308 AV Update R1

Expires	Sales Rep	Contract	Terms
11/30/2020	350 Missy Johnson	State of WI #505ENT-M18-AUDIOVIDEO-04	Net 30

Qty	Item	MFG	Price	Ext. Price
	E - Fire 308 AV Update R1  -----Video Equipment-----			
1	<b>CTPro4K-86</b> 86" Clevertouch UX PRO Series - 4K, High Precision Touch Display - Including 3 Year Warranty, software, mount and mount accessories, hardware, and end user training.  Enhance the manufacturer warranty by including Tierney Warranty Enhancement. Tierney will handle any issue with your display throughout the manufacturer warranty period.  Click this link for more information: <a href="https://goo.gl/GnAiol">https://goo.gl/GnAiol</a>		\$4,292.01	\$4,292.01
1	<b>XTM1U</b> X-Large Fusion Micro-Adjustable Tilt Wall Mount	Chief	\$230.85	\$230.85
1	<b>60-1495-21</b> 4K/60 HDMI Matrix Switchers with Audio De-Embedding Version: 8x8 4K/60 HDMI with 2 Audio Outputs	Extron	\$3,294.50	\$3,294.50
1	<b>60-1271-12</b> HDMI Twisted Pair Extender - Tx	Extron	\$264.00	\$264.00
1	<b>60-1271-13</b> HDMI Twisted Pair Extender - Rx	Extron	\$264.00	\$264.00
	Owner Furnished Product - Dedicated PC mounted in the rack			
	Owner Furnished Product - Satellite Box			
1	<b>DN-500BDMKII</b> 1RU Blu-Ray Disc Player	Denon	\$399.00	\$399.00



190061

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9/1/2020

Qty	Item	MFG	Price	Ext. Price
	-----Conferencing Equipment-----			
1	<b>CV620-BK4</b> HD PTZ 20x Optical Zoom Camera (4.7~94mm) (Black) (replaces CV620-BK3)	Marshall Electronics	\$1,428.57	\$1,428.57
1	<b>CV-PTZ-WM</b> Wall mount with wire conceal. BLACK	Marshall Electronics	\$199.99	\$199.99
1	<b>CV620-CABLE-07</b> RS232 (mini-din) to RJ45 Adapter - Camera	Marshall Electronics	\$25.00	\$25.00
1	<b>Integration Item</b> VDA-104-3GS 1 x 4 3G/HD/SD-SDI Reclocking Distribution Amplifier	Marshall Electronics	\$171.43	\$171.43
2	<b>BMD-BDLKWEBPTR</b> Blackmagic Design Web Presenter	Black Magic	\$495.00	\$990.00
2	<b>BMD-CONVNTRM/YA/SMTPN</b> Blackmagic BMD-CONVNTRM/YA/SMTPN Teranex Mini - Smart Panel	Black Magic	\$85.00	\$170.00
1	<b>BMD-CONVNTRM/YA/RSH</b> Blackmagic BMD-CONVNTRM/YA/RSH Teranex Mini - Rack Shelf	Black Magic	\$85.00	\$85.00
	-----Audio Equipment-----			
1	<b>TesiraFORTE DAN VT</b> TesiraFORTE DSP fixed I/O server with 12 analog inputs, 8 analog outputs, 8 channels configurable USB audio, 32 x 32 channels of Dante™, Acoustic Echo Cancellation (AEC) technology (all 12 inputs), 2 channel VoIP and standard FXO telephone interface	Biamp	\$2,518.80	\$2,518.80
2	<b>Integration Item</b> M3WDK Audix M3 tri-element hanging ceiling microphone with the Audix DN43 Dante - White	Audix	\$1,259.30	\$2,518.60
1	<b>MXWAPT2=-Z10</b> 2-CH ACCESS POINT TRANSCEIVER	Shure	\$1,300.00	\$1,300.00
1	<b>MXW1/O=-Z10</b> BODYPACK TRANSCEIVER W/OMNI MIC Bodypack Transmitter with Integrated Omnidirectional Microphone and 4-Pin Mini Connector (TA4M) (Includes one SB901 Battery) Freq Z10	Shure	\$558.40	\$558.40





# Quote

#190061

1771 Energy Park Drive, Suite 100, St. Paul, MN 55108  
 (612) 331-5500 | (800) 933-7337 | Fax (612) 331-3424  
 www.tierney.com

9/1/2020

Qty	Item	MFG	Price	Ext. Price
1	<b>WL183</b> Pro Omni Lavalier Mic	Shure	\$84.80	\$84.80
1	<b>MXW2/SM58--Z10</b> Handheld Transmitter with SM58" Microphone (Includes one SB902 Battery)	Shure	\$572.80	\$572.80
1	<b>MXWNCS2</b> 2-CH NETWORKED CHARGING STATION	Shure	\$580.00	\$580.00
2	<b>42-120-13</b> Full-Range Flat Field" Speakers with 1' x 2' Low Profile Enclosure and 70/100 V Transformer. Ceiling - 1' x 2' Drop-In, Xfmr, Pair	Extron	\$247.50	\$495.00
1	<b>60-850-01</b> Power Amplifier  -----Control System-----	Extron	\$385.00	\$385.00
1	<b>60-1565-02</b> TLP Pro 1025T 10" Tabletop TouchLink Pro Touchpanel - Black	Extron	\$1,534.50	\$1,534.50
1	<b>60-1417-01</b> IP Link Pro Control Processor	Extron	\$984.50	\$984.50
1	<b>AMS-1208P</b> Luxul AV Series 12Port/8PoE+ Giga Switch  -----A/V Furniture and Rack(s)-----	Luxul	\$394.56	\$394.56
1	<b>Integration Item</b> DSYZ6030RK-L-BKL Multi-Functional Desk, 12RU Rack on Left Side, Black	VFI	\$857.35	\$857.35
1	<b>TIERNE-RHIM-RDRJ</b> Rack Header-Image Series1 Rack-Logo	Liberty	\$19.20	\$19.20
1	<b>60-190-10</b> RSU 126 1U 6" Deep Universal Rack Shelf Kit	Extron	\$77.00	\$77.00
1	<b>PDU1215</b> Tripp Lite PDU Single Phase Basic 120V Outlets 13 5-15R 5-15P 15ft cord 1U RM - 13 x NEMA 5-15R - 15 - 1U 19" Rack-mountable NEMA 13 5-15R 5-15P 15FT CORD	Tripp Lite	\$94.05	\$94.05
1	<b>UTR1</b> Half/Third Rack Universal Shelf	Middle Atlantic	\$27.00	\$27.00



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9/1/2020

Qty	Item	MFG	Price	Ext. Price
2	<b>EB1</b> Rack Blank Panel 1Ru,1.75" Black, Mid Atlantic	Middle Atlantic	\$7.20	\$14.40
1	<b>SSL</b> LAMINATED SLIDING SHELF 1 RU	Middle Atlantic	\$87.00	\$87.00
1	<b>HP-Screws</b> HP Box of 100 PCS 10-32 Screws Black	Middle Atlantic	\$19.20	\$19.20
	-----Other Equipment and Services-----			
2	<b>USB2-AB-6ST</b> USB 2.0 A Male To B Male Cable 6ft.	Comprehensive	\$2.63	\$5.26
1	<b>CAT6S-10PROBLK **DISCONTINUED USE</b> <b>CAT6SH-10BLK</b> Pro AV/IT CAT6 Shielded Heavy Duty Snagless Patch Cable - Black 10ft	Comprehensive	\$17.99	\$17.99
100	<b>22-2C-PSH-BLK</b> Black Audio and control 22 AWG 1 pair shielded plenum	Liberty	\$0.13	\$13.00
200	<b>24-4P-PL6-EN-BLK</b> Plenum CAT6 1000ft reel	Liberty	\$0.34	\$68.00
100	<b>24-4P-P-L6ASH-BLK</b> Black Category 6A F/UTP EN Series 23 AWG 4 Pair Shielded Cable Reel	Liberty	\$0.83	\$83.00
4	<b>101-005-02 EACH</b> XTP DTP 24 Plug  Shielded RJ-45 Plug Kit for Extron XTP DTP 24 Shielded Twisted Pair Cable  EACH	Extron	\$2.75	\$11.00
4	<b>MHD18G-18INPROBLK</b> MicroFlex Pro AV/IT Certified 4K60 18G High Speed HDMI Cable with ProGrip Jet Black 1.5ft	Comprehensive	\$10.79	\$43.16
4	<b>MHD18G-3PROBLK</b> MicroFlex Pro AV/IT Certified 4K60 18G High Speed HDMI Cable with ProGrip Jet Black 3ft	Comprehensive	\$14.99	\$59.96
2	<b>MHD18G-6PROBLK</b> MicroFlex Pro AV/IT Certified 4K60 18G High Speed HDMI Cable with ProGrip Jet Black 6ft	Comprehensive	\$20.99	\$41.98
2	<b>CAT6-7PROBLK</b> Pro AV/IT CAT6 Heavy Duty Snagless Patch Cable - Black 7ft	Comprehensive	\$13.56	\$27.12



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9/1/2020

Qty	Item	MFG	Price	Ext. Price
100	<b>18-2C-PSH-BLK</b> Black Commercial Grade General Purpose 18 AWG 2 Conductor Plenum Shielded Cable Reel	Liberty	\$0.18	\$18.00
200	<b>18-2C-P-BLK</b> 18/02C STR BC CL3P Plenum Control Cable Black	Liberty	\$0.16	\$32.00
200	<b>22-6C-P-BLK</b> Black Commercial grade general purpose 22 AWG 6 conductor plenum cable	Liberty	\$0.23	\$46.00
2	<b>BB-C-3GSDI-3</b> High Definition 3G-SDI BNC to BNC Cable 3ft	Comprehensive	\$10.79	\$21.58
200	<b>20-CMP-VID-COAX-BLK</b> Black Serial digital RG59 dual shield 4.5 GHz plenum coaxial cable	Liberty	\$0.60	\$120.00
10	<b>CM-RG59M-BNC</b> BNC Plug, RG59 Universal C-Tec2 C-Tec2 Universal Connector line  **Comes in bag of 25, priced as each	Liberty	\$2.45	\$24.50
1	<b>DL-ARDA</b> 1 Adapter Cable DisplayPort male to HDMI female 5 inches long (AR-DPM-HDF) AR-MDPM-HDF 1 Adapter Cable Mini-DisplayPort male to HDMI female 5 inches long (AR-MDPM-HDF) MD826AM/A 1 Apple Certified Adapter Lightning (M) to HDMI (F) and Lightning (F) to power device (MD826AM/A) MJ1K2AM/A 1 Apple Certified Adapter USB C to HDMI w/USB A Port (MJ1K2AM/A) AR-UCM-HDF 1 Adapter Cable USB "C" male to HDMI female 9 inches long (AR-UCM-HDF) DL-AP2 Security clamp to attach Apple Adapters to DL-AR system (DL-AP)	Liberty	\$271.74	\$271.74
1	<b>System Core and Infrastructure Solution</b> System Core and Infrastructure Solution		\$909.00	\$909.00
1	<b>Services - Integration</b> Integration and Installation Services (Non-Union, Non Prevailing Wage; Normal Business Hours). Union and/or Prevailing Wage rate requirement will result in a change order to the client.		\$5,553.98	\$5,553.98
1	<b>Programming and Configuration</b> Programming and Configuration Completed in the Field or In House - Includes 90-day Programming Warranty; allowing for modifications to be made to the initial functionality within this time frame at no charge. Appointment times determined by Tierney. Changes requested after this time will be billable at standard hourly rates.		\$3,186.30	\$3,186.30





# Quote

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9/1/2020

Qty	Item	MFG	Price	Ext. Price
1	<b>EDGE-1YRPM-Service-TBI</b> Tierney Premium Warranty Plan - Coverage for one year with preventative maintenance.		\$1,000.00	\$1,000.00

**Subtotal** \$36,490.08

**Tax (0%)** \$0.00

**Shipping Cost** \$0.00

**Total** \$36,490.08

To accept this quotation, sign here : \_\_\_\_\_

If accepting this quote via purchase order please reference this quote number on your PO. To order via credit card please contact customer service at 612-331-5500.

This document is subject to the terms and conditions found here: [www.tierneybrothers.com/SOTC](http://www.tierneybrothers.com/SOTC)

Pricing Adjustments as it Relates to Tariffs: If/When international tariff changes impact any product(s) included in this quote, Tierney reserves the right to adjust or cancel this quote.

Please inspect product upon delivery. All claims for defective merchandise or errors in shipping must be made within five days after receipt of goods. Clients using their own carriers will be responsible for filing their own freight claims if product is damaged in transit. Returns require an authorization number and must be made within 30 days. Custom orders and "Consumables", such as projector lamps, may not be returned. Returns are subject to restocking fees with the exception of out of box failures and replacements under warranty. Restocking fees varying depending on the product line, expect a minimum charge of 25%.



190061



1771 Energy Park Dr. #100, St. Paul, MN 55108  
800.933.7337 | info@tierney.com | www.tierney.com

**Tierney Premium Warranty Program  
Designed for:  
City of Onalaska**

**Terms and Conditions**

Tierney offers a Premium Warranty on the installation you have purchased. Tierney will provide all labor needed to correct any defects in the system. All manufacturer warranties will be honored under this warranty and if equipment is out of warranty Tierney will facilitate all repairs through the manufacturer. Also included in the Premium Warranty the customer will receive:

- Unlimited Phone Support
- On-site service
- Preventative Maintenance Check

Preventative Maintenance Check will be completed toward the end of the Premium warranty period or annually for multi-year Premium warranty contracts. The warranty period commences at the end of the original installation warranty.

During the warranty period, Tierney will first work to resolve any problems by troubleshooting over the phone. If Tierney Support Specialists determine that the issue cannot be resolved over the phone, a Technician will be dispatched to your location(s) within 24-48 hours (if necessary) of the original call (Monday through Friday 8:00am – 5:00pm, excluding national holidays). Customers outside of a 100-mile radius of Tierney are subject to mileage and trip charges. If service is required after the Premium warranty period has expired, the customer will be billed at Tierney current labor rates.

**Obtaining Warranty Service**

To obtain warranty service, please use your custom support portal (support.tierney.com) and contact us via chat, phone, or email:

<https://support.tierney.com/>

Click here for a short video explaining how to log in to your support portal your first time:

<http://content.jwplatform.com/players/TpGSX21s-kaM9q1Ga.html>

If you have any questions, please email [support@tierney.com](mailto:support@tierney.com) or call us at 800-933-7337. You can also call our advanced support line, 855-612-7762.

**Obtaining Your Preventative Maintenance Check**

Tierney will send out an email 60 days prior to the completion of each year requesting the customer to contact a Support Specialist at 612-331-5500 or by email at support@tierney.com to schedule a Preventative Maintenance Check. Customer may call to schedule Preventative Maintenance Check prior to the 60 day period if they require it done at an earlier date. Preventative Maintenance Checks are done Monday through Friday 8:00am – 5:00pm. Customer is responsible for providing access for up to 2 hours per room for Preventative Maintenance Check.

**Limitations of coverage**

*The following items are excluded from coverage under the warranty:*

- Damage or other equipment failure due to causes beyond our control including, but not limited to, operator negligence, the failure to maintain the equipment according to the owner's manual instructions, abuse, vandalism, theft, fire, flood, wind, freezing, power failure, inadequate power supply, acts of war or acts of God.
- Any utilization of equipment that is inconsistent with either the design of the equipment or the way the manufacturer intended the equipment to be used.
- Premium Warranty covers all hardware related failures. Network or software related failures are not covered under Tierney Premium Warranty.
- Operational or mechanical failure which is not reported prior to expiration of this contract.
- If programming is needed and Tierney doesn't have access to the program then customer will be billed current programming rates.
- Programming changes or updates are not covered under maintenance agreement, all requested changes will be billed at current programming rates.
- Contract does not cover equipment that has been added or altered within the system during the contract period.
- Equipment where the serial plate attached to the equipment is removed, defaced or made illegible.
- Damage resulting from unauthorized repair, software virus, improper electrical wiring and connections.
- Existing Owner Furnished equipment.
- Lift and Scaffolding rental is not included.

This maintenance contract refers to:

**Council Chambers Update  
26877 R1**

I have read, understand and agree to the above terms and conditions per the plan elected.

Authorized Signature: \_\_\_\_\_

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



1771 Energy Park Dr. #100, St. Paul, MN 55108  
 800.933.7337 | info@tierney.com | www.tierney.com

City of Onalaska  
 Council Chambers Update  
 26877 R1

**Proposal Summary**

*Please Initial to Accept or Decline  
 Please Acknowledge All Proposals  
 Accept Decline*

<b><u>A2 - Council Chambers Update w/Wireless Mics R1</u></b>	Proposal Total:	\$	33,473.01	_____	_____
<b><u>B2 - Room 112 AV Update with Wireless Microphones R1</u></b>	Proposal Total:	\$	51,542.63	_____	_____
<b><u>E - Fire 308 AV Update R1</u></b>	Proposal Total:	\$	36,490.08	_____	_____
<b><u>G - Police 023 AV Update R1</u></b>	Proposal Total:	\$	42,438.24	_____	_____
<b>Project Total:</b>		<b>\$</b>	<b>163,943.96</b>		

The undersigned authorizes Tierney to proceed in accordance with the proposal including options elected and agrees as a representative of the client to be responsible for payment.

By signing below, the client has read and understands the scope of services and agrees to the client responsibilities and conditions.

Client's Name: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Client Email Address: \_\_\_\_\_

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

**Tierney Intellectual Property Notice**

All information in this proposal; including but not limited to Equipment Lists, Drawings, Scopes of Work; is considered confidential, and the intellectual property of Tierney Inc.

Tierney authorizes the Client notated on this quote to use the information provided for internal use only. This information is not authorized to be shared outside of the Client's organization without written consent from Tierney. The information is considered confidential, and only to be used within the Client's organization.

If the Client would like to share this information outside of their organization, or for the purposes of soliciting additional bids on the work, Tierney reserves the right to refuse that request, and/or charge for the time and materials it has taken to complete the work before authorizing the release of the information.

# PROJECT PROPOSAL

# CONTENTS

**SECTION 1** | **BECOMING YOUR PARTNER**

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**SECTION 2** | **WE DESIGN YOUR WORLD**

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**SECTION 3** | **SIMPLE FACTS ABOUT US**

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**SECTION 4** | **STEP BY STEP**

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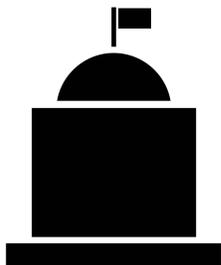
**SECTION 5** | **HELLO WE WOULD LOVE TO MEET**

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**SECTION 6** | **PROJECTS**

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**SECTION 7** | **TERMS & CONDITIONS**



# OUR MISSION

Provide our customers with the most suitable, reliable and advanced interactive solutions to inspire collaboration and improve performance.

# 1 | BECOMING YOUR PARTNER

## IT'S WHAT WE ARE HERE FOR

Our years of experience across all vertical markets has developed our insights into trends, best practices, and best in class solutions for your technology initiatives.



**Earn  
Your Trust**



**Provide  
Solutions**



**Ongoing  
Support**

Our goal is to be a trust partner, viewed as an experienced and valuable member of your team.

# WHY WORK WITH AN INTEGRATOR

## STRATEGY

- Consultation with your team to determine vision
- Establish your organizations design standards
- Create a solution that is scalable and forward thinking

## DESIGN

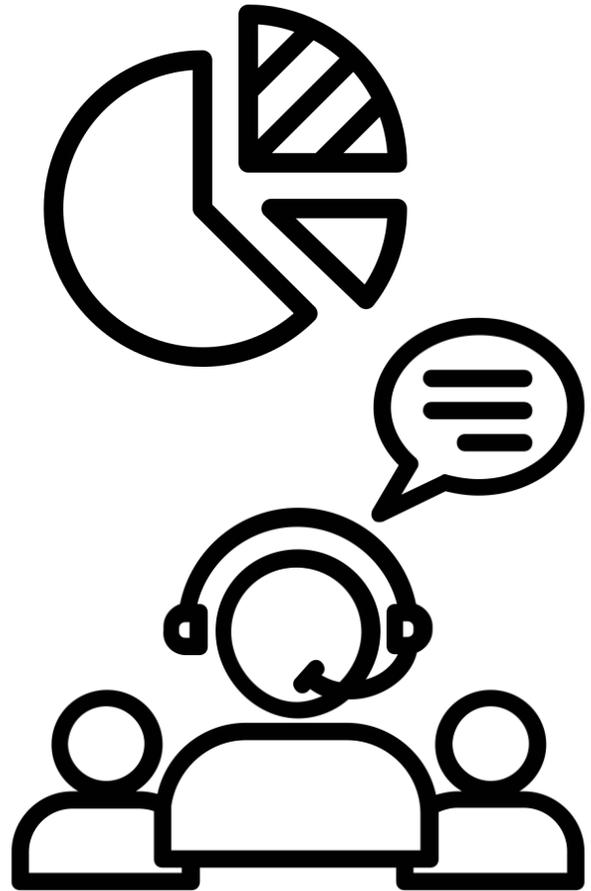
- We employ industry certified design engineers
- The design engineer is part of your team, working with your Account Executive
- A solution based on your desired scope will be created using industry leading manufacturers and practices

## INTEGRATION

- Our teams of industry and state certified installers will ensure a professional installation
- A dedicated project manager will be assigned to your project to oversee the implementation from start to finish
- Upon completion of the project you will receive a full set of schematic drawings and any programming source code that was used

## TECH SUPPORT

- Tierney provides unrivaled support with our easy to access helpdesk
- We utilize industry leading software to manage our service and support
- Our dedicated service team is the largest in the market and maintains their industry certifications to enable quick resolution to any service needs



---

We are driven by creating experiences that deliver results for your business, your employees, or your students.

2

# WE DESIGN YOUR WORLD

... WITH BEST PRACTICES IN MIND

## INTEGRATION IS OUR PLAYGROUND

Tierney's vast years of experience designing technology solutions for every market has shaped our award winning design philosophy. We use industry leading manufacturers and design with the future in mind. We listen to your current needs and design a system that allows for growth to the next logical step in your users technology growth. We also design to keep the user experience consistent from room to room and location to location.

# SHORT PRESENTATION OF OUR SERVICES

And we can do more!

As a true collaborative partner to you and your organization, we not only work hard to understand your needs but also to change with you and develop services that can help fill gaps with in your organization.



## STRATEGY

We are committed to developing and maintaining long-term partnerships with our customers and suppliers leading to solutions that are responsive to our customers' needs



## MANUFACTURERS

Tierney is committed to actively pursuing new products or services to best serve our customers.



## SYSTEMS

Tierney offers full systems installation and integration of all the products we offer. We have made it our goal to be the most qualified, full service integration team in the Midwest.



## TECH SUPPORT

Service is a core value at Tierney. That's why we do repairs in our service center rather than shipping them to the manufacturer.



## AV SOLUTIONS

Tierney offers full system design, installation and integration.



## PROFESSIONAL DEVELOPMENT

Ongoing professional development is key to successful tech integration. Our PD team has the resources and experience to support your schools.



We are driven by creating experiences that deliver results for your business, your employees, or your students.

# SIMPLE FACTS ABOUT US

## WE ARE FULLY CAPABLE OF HANDLING YOUR NEEDS



Whether we are designing a small huddle space in your local office, a classroom or learning environment, or designing your new corporate headquarters somewhere around the country, we have you covered. From sales and design to implementation and ongoing support, our team of 175+ professionals value your partnership and work diligently to maintain your trust.

## OUR COMPANY IN NUMBERS

175+ 

wonderful people working as a team

43 

beautiful years of achievements

10,000+ 

successful projects completed

## RECENT AWARDS



**AVIXA Certification**  
AV Provider of Excellence

**WINNER / 2017 & 2016**  
**BEST A/V Company**  
TCB Magazine

**WINNER / 2018**  
**FAST 50 AWARD**  
Twin Cities Business Journal

# 4 | STEP BY STEP

**FROM START TO FINISH, WE TAKE YOUR IDEAS AND TURN THEM INTO REALITY**

## OUR APPROACH

Nobody knows your business better than you. You have goals and a vision, and our role is to listen, consult, and make that vision come to life.

.....

Tierney has over forty years experience to draw from in the technology space. We pride ourselves on our comprehensive approach to make sure that we have taken all of the "unknowns" into account.

## WHAT IS IMPORTANT

- Budget
- Timeline
- How do you currently work vs. how you would like to work
- Reliability and ease of use

# NECESSARY STEPS TO PERFECTION

This walk we will do together!

## PROJECT DEFINITION



We will sit down with your stakeholders to consult and develop your strategic goals for your investment.

## STRATEGY & STRUCTURE



We will listen and develop an appropriate technology plan to meet current needs while allowing for future growth.

## DESIGN



Tierney industry certified design engineers will research and build a solution to reliably achieve your project goals.

## ONSITE DEVELOPMENT



Tierney project managers will work with you or your contractors to ensure the site is ready for installation and can support your newly integrated technology.

## TESTING



Our installation professionals will build and test your system (many times this can be done in our production facility) to ensure a reliable performance.

## LAUNCH



When the time is right to launch your new technology to your organization, Tierney will assist in training and providing materials to ease your staff into a more productive workplace.

5

HELLO!

WE WOULD LOVE TO MEET



For those of you that we have had the opportunity of working with in the past, THANK YOU for your partnership and trust in us. Our entire organization is grateful.

For those of you that are new to Tierney and considering us as a technology partner moving forward, we appreciate the opportunity and invite you to come and meet our wonderful team. Our new offices are a working showroom of some of the latest technologies being installed today, from conferencing to digital communications, interactive to collaborative, and much more.

The following page is a snapshot of “your team”, some of the folks that have been engaged on your project thus far.



# THE BEST IN THEIR BRANCH

You will be amazed

**MISSY  
JOHNSON**



**SALES REP**

Industry certified with 15+ years experience in technology consultation to help you navigate your technology initiative.

**DARRICK  
KNUTSON**



**ENGINEER**

Industry certified with 13 years of audio visual design experience. Providing highly reliable system designs with thoughtful functionality in mind.

\*A dedicated engineer will be assigned to your specific project

**JEFF  
SORENSEN**



**PROJECT MANAGER**

Industry certified with years of experience in site preparation, scheduling, communication, and change management.

\*A dedicated project manager will be assigned to your specific project

**ALYSSA  
MEIERBACHTOL**



**SALES COORDINATOR**

Experienced SC providing a single point of contact for client communication in regards to purchase orders, invoices, deliveries, and project schedules.

**SEVILLA  
ANDERSON**



**TECH SUPPORT**

Industry certified with three years of providing our clients ongoing support of any service, warranty, or preventative maintenance support they may need.

**KYLEEN  
DONAHUE**



**DIGITAL SIGNAGE**

Industry certified with 17 years of technology experience relating to hardware, software, content creation, deployment, and consultation as needed for your digital communication.

6

# PROJECTS

## SOME OF OUR INSPIRED PROJECTS



### Factory Motor Parts

#### WHAT WE DID:

- ✓ Research & Consultation
- ✓ Design
- ✓ Project Management
- ✓ Installation

### FMP

The FMP Partners Network is the independent service centers' connection to all the parts, tools and technology you need to take your shop to the next level. This program is designed exclusively for independent shops.

#### COMMISSIONED: 2018

Research | Design | Programming



# SOME OF OUR INSPIRED PROJECTS

Take a look at our recent work



## McNamara Alumni Center COMPANY INSTALLATION

In continued efforts to maintain its level of bold and beautiful standards the McNamara center partnered with Tierney to install and upgrade the center's digital needs.

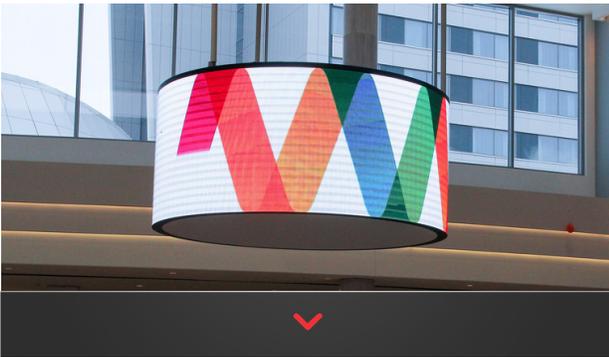
**LINK:** [www.first-project.com](http://www.first-project.com)



## Rihm Kenworth COMPANY INSTALLATION

Tierney partnered with the company to design and implement their Audio Visual systems, as well as a portion of their internal and external signs and graphics for both of their new buildings.

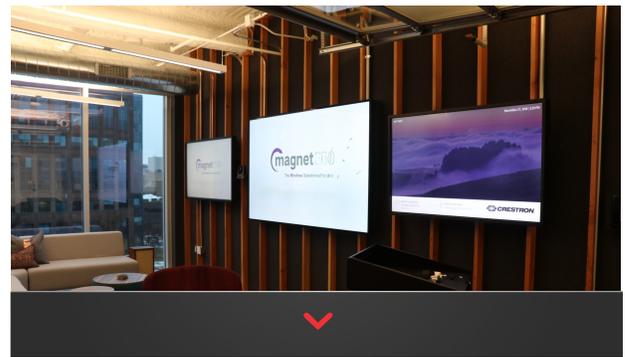
**LINK:** [www.first-project.com](http://www.first-project.com)



## Mall Of America COMPANY INSTALLATION

Tierney helped Mall of America accomplish this goal by providing two NanoLumens NanoWrap hanging "Halo" signage displays in two separate atrium areas within the most recent addition to the space.

**LINK:** [www.first-project.com](http://www.first-project.com)



## Magnet 360 COMPANY INSTALLATION

Working alongside Salesforce for 14 years, Magnet360 has gained deep expertise across all Salesforce products, and uses the knowledge to ensure our customers extract the full potential out of the platform.

**LINK:** [www.first-project.com](http://www.first-project.com)

# MAINTENANCE & SERVICES OPTIONS

In case you want more.

## 01 Support Contracts

- Customized Support Options
- Access to Support Portal
- Preventative Maintenance Check(s)
- Dedicated Support Specialist
- Next Day Onsite Support
- Manufacturer Repair Assistance
- Meeting Support

## 02 Onsite Support

- Six Trained Technicians available for onsite support
- Ten Trained Installers
- Standard and Emergency support available
- Meeting Support
- Preventative Maintenance Check(s)
- Loaner Equipment

## 03 Lifeline and Repair Service

- Unlimited Phone and Email Support
- Six Trained Support Specialists
- In House Warranty Evaluations
- In House Repair Services
- Product Provisioning
- Programming Assistance

Contact your rep for a quote on added maintenance and service options.



PRODUCT  
PROVISIONING



SUPPORT  
PORTAL



PHONE/EMAIL  
SUPPORT



REPAIR  
SERVICES



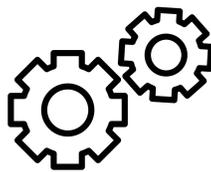
SUPPORT  
CONTRACTS



CUSTOMER  
SATISFACTION  
(NPS)

# TIERNEY TECHNOLOGY NOW

Tierney Technology Now is designed to create the highest level of technology flexibility and protection. Our mission is to provide our customers with technology solutions that solve problems and create communication and collaboration environments that enhance productivity and learning. Technology changes fast and Tierney Technology Now ensures that your team is running at peak performance within a monthly operating budget.



## GET THE RIGHT TECHNOLOGY SOLUTION NOW

- Smarter Cash Flow with Op-Ex vs. Cap-Ex
  - Reduces Risk of depreciating asset
  - Streamline budgeting

## TECHNOLOGY LIFE CYCLE MANGEMENT WITH LESS RISK

- 3 year terms with flexible options (Return/Extend/Refresh)
  - Consistent path to upgrade without capital
- Tierney ensures system reliability and functionality

## PREMIUM SOLUTION SUPPORT

- Lifetime preventative maintenance to predict equipment failures before they happen
  - Lifetime on-site support for faster response time and less business interference
  - Lifetime phone/email support with dedicated technology expert
- Complete access to Zendesk Support Portal for reporting and tracking support tickets

# TERMS & CONDITIONS



## BECAUSE TIME IS MONEY

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1. **Entire Agreement.** These Terms and Conditions apply to the Sales Order (the “Order”) and shall constitute the entire agreement (the “Agreement” or “Terms and Conditions”) of Tierney (“Seller”) and Buyer with respect to the subject matter hereof. These Terms and Conditions are controlling and shall supersede any prior or contemporaneous agreements, understandings or representations, oral or written, relating to the subject matter hereof. These Terms and Conditions shall govern in the event of any conflict between these Terms and Conditions and any provision contained in any subsequent Sales Order or Purchase Order or otherwise, the terms of which, whether conflicting, supplemental or otherwise, are expressly rejected.
2. **Shipment, Title and Risk of Loss.** Unless otherwise agreed in writing, or pursuant to a Buy and Hold transaction, title and risk of loss pass from Seller to Buyer upon receipt of shipment from Seller. Seller is responsible for damage that occurs during shipment to the customer (FOB Destination), unless the customer has arranged the shipping contract with their own provider. If the buyer has arranged their own shipping method, the buyer would assume responsibility and ownership of the goods once the shipment is picked up at the Sellers location (FOB Origin). Unless otherwise agreed in writing, the method of shipment will be at Seller's discretion. Any delivery or shipment date is an estimate only.
3. **Payment.** For accounts where credit has been established, terms are net 30 days following the date of invoice. Amounts not paid in full within 30 days of date of invoice will be subject to a service charge of 1% per month on the unpaid balance to be included on each month's statement until paid in full. Payment options are EFT or check.
4. **Taxes and Other Charges.** In addition to any price provided in this Agreement, Buyer shall be liable for any tax, fee or other charge imposed on Seller at any time upon the sale and/or shipment of the products sold hereunder, now imposed by federal, state, municipal or any other governmental authorities or hereafter becoming effective for or during the period hereof.
5. **Cancellation or Default by Buyer.** This Order may not be cancelled in whole or in part by Buyer except with Seller's written consent. If at any time, in Seller's opinion, Buyer's credit is impaired, or if Buyer shall fail to pay to Seller any amount when due, under this or any other agreement, or if at any time Buyer shall indicate an intention to refuse to perform its obligation hereunder, Seller may at its option terminate this Agreement with respect to further shipments and all obligations of Buyer with respect to shipments previously made shall become immediately due and payable. In the event of such termination, Buyer shall remain liable to Seller for any and all loss or damage sustained due to Buyer's default. The Buyer's Liability, at the time of cancellation would be greater than or equal to 10% of the total of the order.
6. **Customized Goods.** In the event that the Order is for customized products or specially manufactured goods, or for products that Buyer customizes after receipt of the products, the Tierney Customized Product Sales Form shall be completed, attached hereto, and incorporated into these Terms and Conditions.
7. **Bill and Hold Transaction.** In the event Buyer has requested that Seller bill and hold the products pursuant to the Order, the Tierney Bill and Hold Agreement shall be completed, attached hereto, and incorporated into these Terms and Conditions.
8. **Force Majeure.** Seller shall not be liable for any loss, damage, delays, changes in shipment schedules or failure to deliver caused by any event beyond its reasonable control, including, without limitation, accident, fire, actual or threatened strike or riot, explosion, mechanical breakdown (including technological or information systems), plant shutdown, unavailability of or interference with necessary transportation, any raw material or power shortage, compliance with any law, regulation or order, acts of God or public enemy, prior orders from others, or limitations on Seller's or its suppliers' products or marketing activities or any other cause or contingency beyond Seller's control.

**9. Limitation on Warranty and Remedies.** Seller warrants those products manufactured by it against defects caused solely by faulty assembly for 30 days after delivery. All other products, and the components and materials utilized in any assembled or customized products, are covered by, and subject to, the terms, conditions and limitations of the manufacturer's standard warranty, which warranty is expressly in lieu of any other warranty, express or implied, of or by Tierney or the manufacturer. Buyer's exclusive remedy, if any, under these warranties is limited, at Tierney's election, to any one of (a) refund of Buyer's purchase price or (b) replacement of any such product. Buyer acknowledges that except as specifically set forth or referenced in this paragraph, THERE ARE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND (INCLUDING, WITHOUT LIMITATION, IN ADVERTISING MATERIALS, BROCHURES, OR OTHER DESCRIPTIVE LITERATURE) BY SELLER OR ANY OTHER PERSON, EXPRESS OR IMPLIED, AS TO THE CONDITION OR PERFORMANCE OF ANY PRODUCTS, THEIR MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE, OR OTHERWISE. SELLER ASSUMES NO RESPONSIBILITY OR LIABILITY WHATSOEVER FOR MANUFACTURER'S PRODUCT SPECIFICATIONS OR THE PERFORMANCE OR ADEQUACY OF ANY DESIGN OR SPECIFICATION PROVIDED TO SELLER BY OR ON BEHALF OF BUYER. NO WAIVER, ALTERATION, ADDITION OR MODIFICATION OF THE FOREGOING CONDITIONS SHALL BE VALID UNLESS MADE IN WRITING AND SIGNED BY AN OFFICER OF SELLER. SELLER SHALL UNDER NO CIRCUMSTANCES, WHETHER FOR A FAILURE OF ITS LIMITED REMEDY OR OTHERWISE, BE LIABLE TO BUYER OR OTHERWISE FOR SPECIAL, INCIDENTAL, DIRECT, PUNITIVE, OR CONSEQUENTIAL DAMAGES.

**10. Software License.** Title to any software installed with the products sold to Buyer remains with the applicable licensor(s). All software is subject to the applicable license agreement that is included with the products. Buyer agrees to be bound by the license agreement once the software is opened, the package is opened or its seal is broken. Warranty for any software shall be in accordance with the license agreement. Seller does not warrant any software under this Agreement.

**11. Limitation of Actions.** Products are deemed accepted by Buyer unless Buyer notifies Seller in writing within 10 days after receipt of products, if for quantity, or within 30 days after receipt of products, if for quality, loss of or damage to products, and the products must be held available at Buyer's place of business for Seller's inspection. Any action for breach of this Agreement, other than for non-payment, must be commenced within one year of the date of shipment, or due date of delivery in the event of non-delivery, of the particular shipment upon which such claim is based. No claim may in any event be made after products have in any way been used or processed by the Buyer. Buyer's remedies set forth herein are exclusive and the total liability of Seller for damages with respect to this Agreement, or anything done in connection therewith, shall be limited to the purchase price of the particular shipment with respect to which such damages are claimed.

**12. Returns.** No products may be returned to Seller without Seller's written consent. Products returned without Seller's prior written consent will be refused.

**13. Indemnification.** Buyer shall indemnify and hold Seller harmless from and against any and all claims, actions, suits, proceedings, costs, demands, damages and liabilities of any nature, relating to or in any way arising out of the delivery, rejection, installation, possession, use, operation, control or disposition of the products purchased by Buyer.

**14. Governing Law.** This Agreement shall be exclusively governed by and construed in accordance with the internal laws of the state of Minnesota.

**15. Amendment.** This Agreement shall not be amended except by a writing signed by an officer of the Seller and specifically stating that it is an amendment.

**16. Venue.** Any suit, action or proceeding with respect to this Agreement must be brought exclusively in the courts of the State of Minnesota or in United States courts located in the State of Minnesota, as either party may elect, and Buyer hereby submits to the jurisdiction of such courts for the purpose of any suit, action or proceeding. Buyer irrevocably waives any objections which it may now or hereinafter have to the venue of any suit, action or proceeding arising out of or relating to this Agreement in the courts located in the State of Minnesota and irrevocably waives any claim that any suit, action or proceeding brought in any such court has been brought in an inconvenient forum.

**17. Timeframe for Delivery of Professional Development Services (Training).** Tierney shall deliver any professional development services to the buyer within 12 months after placement of sales order. Tierney shall no longer be liable to provide professional development services after 12 months. Tierney will consider any contract to deliver professional development services fulfilled on the date 12 months after placement of sales order.



# THANK YOU

**FOR YOUR BUSINESS**



1771 Energy Park Dr., Suite 100  
St. Paul, MN 55108  
800.933.7337  
info@tierney.com  
www.tierney.com

**Marcon, JoAnn**

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**From:** DIR Demographic Services <DIR\_Demo@wi.gov>  
**Sent:** Monday, August 10, 2020 11:27 AM  
**To:** Burmaster, Cari  
**Subject:** Preliminary Estimate of the January 1, 2020 Population for the City of Onalaska in La Crosse County

Dear Municipal Clerk:

The Demographic Services Center's preliminary estimate of the January 1, 2020 population for the City of Onalaska in La Crosse County is 19,330. This represents a change of 1,594 persons (8.99%) since the 2010 Census.

Wisconsin's total population is estimated at 5,854,750 which is a change of 130,711 persons and 2.28%.

In response to the housing survey that we sent you earlier this year, your municipality reported a net change of 133 housing units for calendar year 2019. (If we did not receive a survey from you, we estimated your change in housing stock or used other sources.)

If your municipality believes that the above estimate is not a reasonable approximation of its population, please see the challenge form at [https://doa.wi.gov/DIR/Challenge\\_Form\\_MUNI.pdf](https://doa.wi.gov/DIR/Challenge_Form_MUNI.pdf)

Approximately 14,708 of the estimated population for the City of Onalaska are of voting age. This courtesy estimate helps you to comply with Wisconsin Statute 5.66, which requires municipal clerks to approximate the number of electors prior to elections. The voting age population was calculated by applying the census proportion of persons over 18 to the preliminary January 1 estimate, and then multiplying the result by a state-wide factor to account for the general aging of the population. Please note that, if you have an adult correctional facility in your municipality, its population is included in this voting-age estimate.

Demographic Services Center  
Division of Intergovernmental Relations  
WI Dept. of Administration  
<https://doa.wi.gov/demographics>