



**Legislative Committee  
Meeting Notice  
Tuesday, October 29, 2024**

**Legislative Committee**

Jake Cattnach, Chair  
Patrick Delaney, Vice-Chair  
Ryan Austin

A meeting of the Legislative Committee will be held on Tuesday, October 29, 2024, at 6:00 p.m. in the THIRD FLOOR CONFERENCE ROOM of City Hall, 444 West Grand Avenue, Wisconsin Rapids.

**Agenda**

1. Call to Order
2. Discussion regarding revisions to the City ordinance providing for matters referred to Committees and the actions of Council, Section 2.04(3) of the Municipal Code
3. Discussion regarding revisions to the City Ordinance regulating chickens, Section 25.03(3) of the Municipal Code
4. Discussion regarding revisions to Chapter 2 – City Administration, including language clean-up and a provision regarding the procedure for filling common council member vacancies.
5. Adjourn

Susan C. Schill  
City Attorney

*The City of Wisconsin Rapids encourages participation from all its citizens. If access to any public meeting is not possible, notification to the City Clerk's office at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. Call the Clerk at (715) 421-8200 to request accommodations.*



## Committee Referral

**Name of Committee:** Legislative

**Date of Request:** 10/03/2024

**Requestor:** Patrick Delaney

**Request/Referral:** Change Language in Ordinance Chapter 2 3(c) for how the council acts on items

**Background information:** The current language is unclear as to how line items are handled by council.

**Options available:**

**Staff recommendation:** \_\_\_\_\_

**Action you are requesting the committee take:** Approve new language to make items handled by council clear.

**How will the item be financed?** N/A

Please attach all supporting documentation.

## **Municipal Code**

### 2.04(3) Common Council Procedures

(c) Matters Referred to Committee. No matter shall be acted upon by the common council except upon the recommendation of the appropriate committee, commission, or board, except that the common council shall have direct authority in regard to matters relating to zoning, the official map, annexation, and matters not directly related to the areas of responsibility of the four standing committees.

## **Municipal Code**

### **25.03 (3) Regulating Chickens. (MC#1182)**

- (a) Definitions: For the purpose of this section, the following terms have the meaning indicated:
- (1) Abutting Property. All property that abuts an applicant's property at 1 or more points, except public streets.
  - (2) Backyard. That portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersected with an imaginary line established by the rear of the single family structure and extending to the 2 side lot lines.
  - (3) Chicken. A female hen of any age, including chicks. This definition does not include other kinds of fowl including but not limited to ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus, or ostriches.
  - (4) Coop. An enclosed structure, building or pen within which chickens roost or are housed.
- (b) Keeping of chickens. Chickens may be kept or maintained upon the following:
- (1) Up to 4 chickens may be raised within a lot zoned R-1 residential (one-family) or a lot zoned R2 residential (one- and two-family), provided there is a use as a single-family or two-family; upon notification of all abutting property owners, and upon application and permit.
  - (2) Rental tenants of a single family dwelling or a one-two family dwelling that is zoned R-1 or R-2 shall obtain written approval from the landlord prior to the keeping or maintaining of chickens on the rental premise. The landlord's written approval must accompany the applicant's permit application.
  - (3) Educational facilities may keep chickens for educational purposes only.
  - (4) Chickens may be temporarily allowed for special purposes such as a public picnic and other special events upon approval of the planning and economic development department.
  - (5) Chickens may be allowed in the local veterinarian's office for the purpose of observation or treatment.
  - (6) In addition to 4 adult chickens, new born chickens (chicks) up to the age of 3 weeks may be kept in a residence or outbuilding.
- (c) Chickens are not allowed. Chickens are not allowed to be kept or maintained upon the following:
- (1) Mobile home parks.

- (2) Vacant lots unless the person requesting the permit resides on the abutting property.
  - (3) Any property not zoned as provided for in (3)(b)(1) above.
  - (4) Condominiums.
- (d) Permit required.
- (1) No owner or tenant shall own, keep or maintain chickens within the corporate limits of the city without first obtaining a permit.
  - (2) [repealed]
  - (3) The permit year shall commence on January 1, and shall end on the following December 31, and shall be renewed annually.
  - (4) A permit granted shall not transfer to any other property or successor owners of permitted property. A new permit must be applied for.
  - (5) Proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade, and Consumer Protection must be provided prior to the permit being issued.
  - (6) The annual fee for keeping and maintaining up to 4 chickens shall be as set by the common council by resolution, and must be paid to the planning and economic development department at the time of application. This fee shall not be prorated.
  - (7) All renewal permits are due and payable to the city no later than January 31 of the permit year. Any lapse in permitting shall require the applicant to meet all of the initial permit requirements as set forth above.
  - (8) Initial permits are due and payable within 15 days of acquiring the chickens.
- (e) Property and Coop Requirements.
- (1) A coop and any attached enclosure shall be located in the backyard of the permit holder's residence and shall meet all applicable setback requirements for accessory buildings as set forth in the Municipal Code. A drawing of the coop and any attached enclosure and their locations shall be submitted with the permit application. A separate building permit shall be required for any new coop and enclosures.
  - (2) A coop and any attached enclosure shall not be closer than 25 feet to a residential dwelling on adjacent lot.
  - (3) All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable state and local requirements.
  - (4) All coops, including an attached coop enclosure, shall be enclosed with wire netting or equivalent material that will prevent chickens from escaping the coop or the

attached enclosure. The ability to utilize wire netting or equivalent materials shall only be for the limited purpose of the coop and coop enclosure; wire netting is not to be used as a boundary fence. All other fencing must adhere to the fencing regulations found elsewhere within the Municipal Code.

- (5) The coop structural floor shall allow at least 4 square feet per chicken, and the height of the coop shall not exceed 6 feet above ground level.
  - (6) The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab.
- (f) Further Chicken Regulations. Any person keeping chickens:
- (1) Shall keep or maintain chickens within a coop or attached coop enclosure at all times.
  - (2) Shall not keep or maintain any roosters.
  - (3) Shall not sell any eggs.
  - (4) Shall not slaughter any chickens on the premises.
  - (5) Shall ensure that chickens are provided with access to feed and clean water at all times.
  - (6) Shall consult with a veterinarian regarding chickens that appear ill, or on the occasion of a sudden death. If a disease that would be contagious to humans is diagnosed, recommendations to insure prevention or transmission of a disease must be followed as recommended by the veterinarian.
- (g) Sanitation.
- (1) Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential premise or dwelling, except as provided in subsection (3)(b)(6) above.
  - (2) Chicken feed shall be stored and kept in containers, which make the feed inaccessible to rodents, vermin, wild birds, and other predators.
  - (3) All coops and backyards where chickens are kept or maintained shall be reasonably free from chicken manure and other substances, such that the air or environment around the chickens does not become noxious or offensive or create a condition that would reasonably promote the breeding of flies, mosquitoes, or other insects, or provide a habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.
  - (4) Inspection. The city shall have the power, whenever it may deem reasonably necessary, to enter a building, structure, or property where chickens are kept to ascertain whether the keeper is in compliance with this ordinance. The police department and the planning and economic development department may issue

compliance orders and citations pursuant to the provisions of this section, and state law.

- (5) Enforcement. The city may revoke a permit in the event that there have been 3 or more violations of this ordinance within any 6-month period, or 4 or more in any 12-month period.
- (6) Restricted covenants. This section is not intended to interfere with any restrictive covenants otherwise applicable to certain properties in the city.



## Committee Referral

**Name of Committee:** Legislative Committee

**Date of Request:** Friday, May 03, 2024

**Requestor:** Madalyn Palmquist

**Request/Referral:** Revision to Chapter 2 of the Municipal Code – City Administration  
([https://www.wirapids.org/uploads/1/0/3/3/103347874/chapter\\_02.city\\_administration.pdf](https://www.wirapids.org/uploads/1/0/3/3/103347874/chapter_02.city_administration.pdf))

**Background information:** Each time there is a vacancy in the common council, the council deliberates what to do with the seat. Typically, the council comes to the same conclusion that if there is less than ½ the regular term the council elects a successor, and more than ½ a term results in a special election. While revising the code, pronouns used should be updated to remove gender identity (i.e., they/their vs he or he/she). Additionally, the Historic Preservation Committee is missing from the code (section 2.09) and the Police and Fire Commission as well as the Park and Recreation Commissions are listed twice. Last, while making changes spelling and grammatical errors should be updated.

**Options available:** (1) Leave the code as is: resulting in an inaccurate representation of section 2.09 and leaving additional discussion and delays in appointing or filling council seats. (2) Revise the code to reflect government proceedings accurately and completely.

**Staff recommendation:**

**Action you are requesting the committee take:** Revise the code to reflect government proceedings accurately and completely.

**How will the item be financed?** N/A. Current city budgeting includes staff time to perform job duties such as drafting ordinances which would include revisions.

**Supporting documentation:** Redlined version of Chapter 2 of the Municipal Code – City Administration.



- 2.01 Form of Government; General Structure
- 2.02 Mayor
- 2.03 Number of Alderpersons
- 2.04 Common Council
- 2.05 Duties of the Treasurer
- 2.06 Duties of the Clerk
- 2.07 Duties of the Attorney
- 2.08 Other City Officers
- 2.09 Other Committees, Commissions and Boards
- 2.10 Health Department
- 2.11 Emergency Government
- 2.12 Municipal Reserve Fund-Charter Ordinance 105
- 2.13 Vacancy in Offices
- 2.14 Public Construction by the City
- 2.15 Maintenance and Destruction of and Access to City Records
- 2.16 Disposal of Abandoned Property
- 2.17 Citations Authorized
- 2.18 General Property Tax Collection
- 2.19 Hotel/Motel Room Tax
- 2.20 Municipal Court
- 2.21 Financial Procedure; Alternative System of Approving Claims
- 2.22 Underpayments and Overpayments
- 2.23 Franchise Fee
- 2.24 Collection of Arrearages ~~For for~~ Delinquent Utility Services
- 2.25 Responsible Bidder for Public Construction

## 2.01 FORM OF GOVERNMENT; GENERAL STRUCTURE. (Charter Ordinance #1143)

The corporate authority of the City of Wisconsin Rapids is vested in its mayor and common council, in accordance with its founding charter ordinances and Chapters 62 and 66 of Wisconsin Statutes, as appropriate. Officers are and shall be a mayor, a finance director (who shall also perform the statutory duties of treasurer), clerk, attorney, engineer, assessor, board of police and fire commissioners, chief of police, chief of the fire department, an alderperson from each aldermanic district, and such other officers or boards as are created by law or by the council. The mayor is elected for a two-year term. The clerk, attorney, and municipal judge are elected for four-year terms. Alderpersons are elected for two-year terms. Other officers are appointed as provided by law. (Charter Ordinance #1192) Whenever three (3) or more candidates file nomination papers for a city office, a primary to nominate candidates for the office shall be held.

## 2.02 MAYOR

- (1) The mayor shall be the chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.
- (2) The mayor shall give information and make recommendations that the mayor deems advantageous to the city, and, when present, shall preside at the meetings of the common council.
- (3) The mayor shall have veto power, ~~pursuant to the provisions of Section 62.09(8) in accord with statutes.~~
- (4) The mayor shall be the head of the fire and police departments, ~~pursuant to the provisions of Section (xx.xx)(x) in accord with appropriate state statutes.~~

## 2.03 NUMBER OF ALDERPERSONS (CHARTER ORDINANCE #880)

- (1) The City of Wisconsin Rapids hereby elects, pursuant to the provisions of Section 62.09(1)(b) of

the Wisconsin Statutes to change the number of alderpersons in the City of Wisconsin Rapids as hereinafter provided in this ordinance.

- (2) There shall be one alderperson from each of the eight (8) aldermanic districts in the City of Wisconsin Rapids. The eight (8) aldermanic districts shall be determined by the Common Council during the reapportionment process following the decennial census.
- (3) The first four (4) vacancies in the office of alderperson shall be filled in the Spring Election of 2002 when alderpersons from even-numbered districts shall be elected for a term of two years. Thereafter, four (4) alderpersons from odd-numbered districts shall be elected in the odd-numbered years for terms of two years, and four (4) alderpersons from even-numbered districts shall be elected in even-numbered years for terms of two years and until their successors are elected and qualified.
- (4) This is a Charter Ordinance and shall take effect upon publication, unless, within 60 days after its passage and publication, a referendum election, as provided by Section 66.01 of the Wisconsin Statutes, shall be filed; in which event this ordinance shall not take effect until it shall have the electors voting thereon.

#### 2.04 COMMON COUNCIL (MC#918)

##### (1) Meetings.

- (a) Regular and Special. Regular meetings of the common council shall ordinarily be held on the third Tuesday of each month at 6:00 p.m. The council president may schedule the regular meeting at another date and/or time if a quorum cannot be obtained or if the interests of the City require it. Following a regular city election, the new council shall first meet on the third Tuesday in April. The council shall not meet on the date of a legal ~~holiday, but~~ holiday but shall meet as close as practicable to that time, as scheduled and called by the council president. The council may adjourn from time to time. The mayor may call a special meeting at any time by notifying members in a manner likely to give each member notice of the meeting and providing the notice at least six hours before the time set for the meeting. Such notice shall specify the object of the meeting and the business to be transacted, and no business may be transacted at a special meeting except that for which said meeting was called. (MC #1229)
- (b) Presiding Officer; Order of Business. The mayor shall preside at all meetings, when present, and in ~~his~~ their absence, the council president shall preside. In case of the absence of the mayor and the council president, the clerk shall call the council to order and thereupon the council shall elect one of its own council members president ~~pro tem~~. The presiding officer shall call the meeting to order at the appointed time. The order of business shall be fixed by the council, in accord with adopted rules of order.
- (c) Appointment of Committee, Commission, and Board Members. ~~All committees, All~~ committees shall be appointed by the mayor, unless otherwise directed by the Wisconsin Statutes, and all standing committees shall be appointed annually at the reorganization meeting after the election. Committee members shall elect their own chairperson and secretary. All special committee, commission, and board members shall be appointed by the mayor, subject to confirmation by the common council, unless otherwise provided. The names of all prospective appointees to special committees, commissions, and boards shall be presented to the alderpersons at least three days before the common council action, approval, or confirmation. The rule shall be subject to suspension as provided by Section 2.03(4).

~~(d)(a) Election by Council. In elections by the common council, the candidate receiving a majority of the votes cast shall be elected.~~

~~(e)~~ (d) Remote attendance at meetings permitted.

- (1) Upon at least 24 hours' notice to the Clerk (or a lesser amount of time if unforeseen circumstances arise), a member of the Council or a Standing Committee who desires to appear at a Common Council meeting or a Standing Committee meeting by telephone, video conference, or other remote method of participation shall be entitled to participate by such

method and shall be entitled to vote to the fullest extent possible.

- (2) Upon approval of the Mayor and upon notice to the Clerk, city staff may appear at a Standing Committee meeting or Common Council meeting by telephone, video conference, or other remote method of participation or access.
- (3) Upon 24 hours' notice to the Clerk, presenters or persons with items on the agenda may appear at a meeting by telephone, video conference, or other remote method of participation or access.
- (4) A notice shall be placed in all Common Council and Standing Committee meeting notices which advises that members of the public may request to remotely access via audioconference the meeting. This request to the Clerk must be made at least 24 ~~hours'~~hours prior to the meeting.
- (5) *Quorum.* A member who appears remotely pursuant to this section shall count towards a quorum during said appearance.
- (6) *Proper equipment.* Appropriate equipment shall be used so that the attending public can readily observe or hear such person's participation in the meeting.
- (7) *Availability of Remote Methods.* Appearance at or access to meetings via telephone, video conference, or other remote methods is dependent upon the availability and logistics of such methods for each meeting. ~~—~~The type of remote method, if any, shall be determined by the presiding officer of the meeting, in consultation with the IT Department (font format: not italic).(MC1329)

(2) Committees of the Common Council.

(a) Standing Committees; Matters Referred. The standing committees of the common council are:

- (1) Public Works Committee
- (2) Finance and Property Committee
- (3) Human Resources Committee
- (4) Legislative Committee

Each council member shall be on at least one committee, to be assigned by the mayor at the reorganization meeting. Each committee shall have three members. Each committee shall elect its own chairperson and ~~vicechairperson~~vice chairperson/secretary. The Legislative Committee shall be comprised of the chairpersons of the other three standing committees. (MC #1101)

(b) Standing Committee Responsibilities. The areas of responsibility of the three standing committees are:

- (1) Finance and Property Committee: Responsible for overall policy relating to city finances and city-owned property. Deals with taxation, budgeting, accounting, borrowing, claims, grants, licensing, insurance, real estate, buildings, equipment, materials, purchasing, and special events on public property.
- (2) Human Resources Committee: Responsible for overall policy relating to the city's employees. Deals with wage/salary and benefit plans, labor negotiations, employee grievances, review of disciplinary actions, personnel policies, organizational structure, staffing levels, and safety.
- (3) Public Works Committee: Responsible for overall policy relating to public works programs and projects and city rights of way. Deals with water and sewer projects, street- and sidewalk-related projects, sewer, street and sidewalk maintenance programs, garbage and recycling matters, dedications and

vacations of rights of way, special assessments, street names, parking and traffic control, and street lighting.

- (4) Legislative Committee: Responsible for general legislative recommendations which are not directly related to the areas of responsibility of the other three standing committees.
  - (c) Time of Committee Meetings. Committee meetings shall be held when necessary but must be held at Public Works Committee, Finance and Property Committee, and Human Resources Committee meetings must meet least once per month.
  - (d) Substitution of Alderpersons. An alderperson may appoint another alderperson to take ~~their~~ ~~his/her~~ place at any committee meeting subject to the committee chairperson's approval for which the substitution is made.
- (3) Common Council Procedures
- (a) Two-thirds of the alderpersons shall be a quorum, unless otherwise set by state law.
  - (b) Matters Considered to be in Writing. All matters, except motions, presented to the common council for its consideration must be in writing. All reports, before being presented to the common council, shall have thereon a file number to be assigned by the clerk.
  - (c) Matters Referred to Committee. No matter shall be acted upon by the common council except upon the recommendation of the appropriate committee, commission, or board, except that the common council shall have direct authority ~~in regard to~~ regarding matters relating to zoning, the official map, annexation, and matters not directly related to the areas of responsibility of the four standing committees.
  - (d) Reading and Passage of Ordinances. All ordinances shall have one reading. A majority vote of all the members of the common council shall be necessary for the passage of an ordinance. (MC#967)(MC1354)
  - (e) Suspension of Rules. A vote of two-thirds of the members voting will suspend any rule of the common council except the rules established by subsections (c) and (d) above.
  - (f) Parliamentary Procedure
    - (1) The rules of parliamentary practice comprised in Roberts Rules of Order shall govern the parliamentary procedure in the conduct of all common council meetings for the City of Wisconsin Rapids and the city attorney, or other designated person, shall act as parliamentarian.
    - (2) In the event of a question on parliamentary procedure, action on the issue before the common council shall be held in abeyance until the matter is clarified with a quotation from Roberts Rules of Order by the parliamentarian.
    - (3) Abstentions are not counted when determining a quorum.
  - (g) Amendment of Rules. These rules may be amended or altered, or new rules adopted by a majority of all the members elected at any meeting of the common council on the report of a committee to which the subject has been referred at a previous meeting.

#### 2.05 DUTIES OF THE TREASURER

- (1) The treasurer shall collect all appropriate taxes and receive and pay out city monies according to law.
- (2) The treasurer shall maintain suitable books, open to public inspection and file verified reports to the common council of monies received and disbursed and of the condition of the treasury.
- (3) The treasurer shall take no compensation except the salary fixed by council and shall deposit immediately upon receipt the funds of the city in the public depository designated by the Common council.
- (4) The treasurer may appoint a deputy, who shall receive compensation as determined by the council.
- (5) The City elects not to require the bond on the City Treasurer provided for by Wis. Stats, 70.67(1).
- (6) Pursuant to Wis. Stats. 70.67(2), the City shall be obligated to pay, if the City Treasurer shall fail to do ~~so~~, all

state and county taxes required by law to be paid by the City Treasurer to the County Treasurer.

## 2.06 DUTIES OF THE CLERK

- (1) It shall be the duty of the clerk, in addition to ~~their~~ ~~his~~ other duties, to be present at and to keep correct minutes of the proceedings of each meeting of the common council; make a correct record of same and furnish the mayor and alderpersons with copies; engross all ordinances and bylaws and record the same in a book of ordinances; furnish the committees with copies of resolutions and other matters that may be referred to them; and to do such other clerical duties as may be prescribed by the common council.
- (2) The clerk shall publish the substance of every official action of the common council at every general or special meeting thereof in a newspaper published and of general circulation in the city.
- (3) The clerk shall draw and sign all orders upon the treasury and preserve all receipts as prescribed by statute and shall keep a full account thereof in appropriate books.
- (4) The clerk shall publish appropriate notices as prescribed by law and keep all records and papers in the clerk's office open to inspection at reasonable hours.
- (5) The clerk shall keep a record of licenses and permits granted and record all bonds, in appropriate books.
- (6) The clerk may appoint a deputy, who is to be compensated as the council shall provide.

## 2.07 DUTIES OF THE ATTORNEY

- (1) The attorney shall conduct all the law business in which the city is interested, and shall, when requested by city officers, give written legal opinions, which shall be filed with the clerk.
- (2) The attorney shall draft ordinances, bonds and other instruments as may be required by city officers.
- (3) The attorney shall examine the tax and assessment rolls and other tax ~~proceedings,~~ ~~and proceedings and~~ advise the proper city officers in regard thereto.
- (4) The attorney may appoint an assistant, who shall be compensated according to city ordinance.
- (5) The common council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

## 2.08 OTHER CITY OFFICERS

- (1) Comptroller and street commissioner; offices dispensed with.
  - (a) The City of Wisconsin Rapids hereby elects, pursuant to the provisions of Section 62.09(1)(b) of the Wisconsin Statutes, to dispense with the offices of the comptroller and street commissioner.
  - (b) Comptroller Duties Performed by Mayor. The mayor of Wisconsin Rapids shall perform the duties designated by the statutes of the State of Wisconsin to be performed by the comptroller.
- (2) Assessor (Charter Ordinance 113)
  - (a) The City of Wisconsin Rapids hereby elects, pursuant to the provisions of Section 62.09(3)(b) of the Wisconsin Statutes, that the manner of selection of the assessor shall be as hereinafter provided in this ordinance.
  - (b) The assessor shall be elected by the affirmative vote of two-thirds of all the members of the common council from an eligible list, after examination.
  - (c) The assessor so selected shall hold office for an indefinite term, subject to termination at any time, as provided in Section 17.12(1)(c) of the Wisconsin Statutes.
  - (d) This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days, a referendum petition, as provided by Section 66.01 of the Wisconsin Statutes shall be filed; in which event, this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon. (Passed November 6, 1945)

- (3) City Engineer (MC#125)
  - (a) One of the engineers hired by the common council shall be appointed as city engineer by the common council upon the joint recommendation of the mayor and the Human Resources Committee. (MC#920)
  - (b) The city engineer so appointed shall hold office for an indefinite term, subject to termination at any time at the pleasure of the common council.
  - (c) The city engineer shall perform ~~all of all the~~ duties required of him as set forth in the Wisconsin Statutes, together with such other duties as shall be required by the common council and the director of public works. (MC#813)
  - (d) The city engineer shall participate on committees, commissions, and boards, as directed by this code. (MC#813)
- (4) Fire Chief. The chief of the fire department shall have command of the fire department of the city under the direction of the ~~mayor, and mayor and~~ shall obey all lawful written orders of the mayor or common council.
- (5) Police Chief. The chief of police shall have command of the police force of the city under the direction of the ~~mayor, and mayor and~~ shall obey all lawful written orders of the mayor or common council.
- (6) Purchasing Agent - REPEALED by MC#920
- (7) Director of Public Works (MC#813)
  - (a) The director of public works shall be appointed by the common council upon the recommendation of the mayor and Human Resources Committee. (MC#920)
  - (b) The director of public works shall be a registered professional engineer in the State of Wisconsin.
  - (c) The director of public works shall be responsible for maintaining and improving the city's infrastructure and facilities, and for the direction of the public works department, including:
    - (1) the engineering division
    - (2) the park, recreation, and forestry division
    - (3) the street division
    - (4) the ~~waste water~~wastewater treatment division
  - (d) The director of public works shall participate on committees, commissions, and boards, as directed by this code, except that the director may appoint staff members to various committees, commissions, and boards to serve as full members, with membership, privileges, and responsibilities equal to those of the ~~director~~director.

2.09 OTHER COMMITTEES, COMMISSIONS AND BOARDS

- (1) Annexation Committee - REPEALED by MC#920
- (2) Board of Electrical Examiners - REPEALED by MC#926  
Board of Building Appeals – REPEALED BY MC#1286
- (3) Board of Public Works. The duties prescribed in Section 62.14 of the Wisconsin Statutes shall be performed, as applicable, by the Public Works Committee and the Finance and Property Committee of the Wisconsin Rapids Common Council. (MC#920)
- (4) Board of Review.
  - (a) Membership. The board of review of the City of Wisconsin Rapids, Wisconsin, shall be made up of five residents of the city, none of whom shall occupy any public office or be publicly employed. (102)
  - (b) Appointment and Terms of Office. Said members shall be appointed by the mayor of said city with the approval of the common council and shall hold office as members of said board for five years and until their successors are appointed and qualified, the first appointments to be for one, two, three, four, and five years respectively.
  - (c) Full Length Terms. Every year hereafter, one member of said board shall be appointed for a five-year term at the regular April meeting of the common council, said term to begin May 1st and shall expire five years later on May 1. (MC#469)
  - (d) Alternate Members. There shall be three alternate members of the Board of Review, to serve on board as needs arise. Said alternate members shall be appointed by the mayor with the approval of the common council for five-year terms, except that the first three

alternates shall be appointed for respective three-, four-, and five-year terms beginning May 1, 2004. (MC#987)

- (e) Vacancies to be filled. Any vacancy that might occur on said board shall be filled at the following council meeting. Said appointment to be made for the unexpired term of said vacated member.
- (f) Work Schedule. The work schedule for the board of review of the City of Wisconsin Rapids shall be a minimum of two hours or as otherwise required by Wisconsin Statutes. The first session of the board shall begin at 8:30 a.m. Subsequent sessions shall be scheduled, as necessary, by the board. (MC#865)
- (g) The rate of pay for the board of review members shall be \$25.00 for each four-hour period, or portion thereof, not to exceed \$75.00 per day (three periods), or actual wages lost, whichever is greater. (MC#865)

Board of Housing Appeals – REPEALED BY MC#1286

- (5) Board of Zoning Appeals. There shall be a zoning board of appeals as set forth in Chapter 11 of the Municipal Code.
- (6) Circus and Carnival Licensing Board - REPEALED by MC#920
- (7) Code Review Committee - REPEALED by MC #926
- (8) Ethics Board. There shall be an ethics board as set forth in Chapter 26 of the Municipal Code.
- (9) Housing Authority. There shall be a housing authority as established by appropriate federal and state regulations to administer public and subsidized housing in Wisconsin Rapids. Housing Authority Commissioners shall be City residents and shall be appointed by the Mayor and confirmed by the Council.

~~(10)~~ Historic Preservation Committee. All details here.

~~(10)~~(11) Library Board (MC#605)

- (a) Chapter 43 of the Wisconsin Statutes, entitled "Libraries", is hereby incorporated by reference as said chapter relates to municipal libraries.
- (b) The mayor shall appoint to the library board as one of its nine members an alderperson to serve during ~~their his/her~~ term of office or until another alderperson is appointed to replace the alderperson member. Said appointment shall be confirmed by the common council.
- (c) The Council shall appoint a school district administrator, or the administrator's representative, as a member.
- (d) Except as provided in (d) herein, all other members shall be City residents and shall be appointed by the Mayor and confirmed by the Council.
- (e) The County Chairperson may appoint additional members above the nine members provided above, pursuant to 43.60(30)(a), Wis. Stats (MC# 1286)

~~(11)~~(12) Municipal Board of Canvassers. A municipal board of canvassers is hereby created pursuant to the provisions of Section 7.53(2)(a) of the Wisconsin Statutes, to canvass publicly the returns of every local election in accordance with the provisions of Section 7.53 of the Wisconsin Statutes. The board shall be composed of the city clerk and two members of the city hall staff or other qualified electors appointed by the city clerk. If the clerk's office is vacant, if the clerk cannot perform ~~their his or her~~ duties, or if the clerk is a candidate at an election being canvassed, an alderperson shall substitute as a third qualified elector on the board. (MC#1023)

~~(12)~~(13) Industrial Development Commission – REPEALED (MC #1273)

~~(13)~~(14) Municipal Parking Board - REPEALED by MC#926

~~(14)~~ ~~Police and Fire Commission. The city's police and fire commission shall operate under the provisions of Section 62.13 of the Wisconsin Statutes, without the optional powers as set forth in 62.13(6). All members of the Commission shall be residents of the City of Wisconsin Rapids. (MC#1286)~~

~~(15)~~ ~~Park and Recreation Commission.~~

~~(a)~~ ~~Creation and Membership. There is hereby re-created in the City of Wisconsin Rapids, a~~

| ~~park and recreation commission consisting of nine members, six of whom shall be~~



~~appointed by the mayor subject to confirmation by the common council. The term of office of each member shall be as hereinafter provided and shall expire April 30 of each year, except as otherwise provided. The membership of the commission shall consist of the following:~~

- ~~(1) — Two members of the common council for their terms of office. One common council member shall be appointed by the mayor and the other by the common council.~~
- ~~(2) — Five members who are residents of the City of Wisconsin Rapids, for a term of five years each. (MC#1286)~~
- ~~(3) — The mayor and superintendent of schools shall be ex-officio members. All members of this commission shall serve without compensation. The majority of the commission shall constitute a quorum for the transaction of business. (MC#561)~~
- ~~(b) — Organization. The commission shall meet annually as soon after May 1 as possible and selections shall be made from its membership a chairperson and secretary.~~
- ~~(c) — Powers and Duties.
  - ~~(1) — This commission shall have complete charge, supervision, and management of all public parks, municipal swimming pools, recreational buildings and grounds upon which the same are situated and adjacent to, public playgrounds, public ice rinks, public centers, and similar public property and functions as shall be assigned to said commission by the common council for the development, maintenance, and operation of all public recreational facilities and activities as it shall from time to time determine are for the best interest of the city and its inhabitants.~~
  - ~~(2) — The commission shall adopt such rules and regulations to govern the organization and conduct of its work as it shall deem advisable. Whenever possible and practicable, the commission shall utilize city employees, equipment, and facilities.~~
  - ~~(3) — The commission shall have the authority to hire the park superintendent and the recreation director and make recommendations concerning their respective salaries to the Human Resources Committee of the Wisconsin Rapids Common Council. The commission may hire temporary help to assist in its recreation programs. The wages of employees working for the park and recreation department who are members of Local Union 1075 shall be determined by the Human Resources Committee of the common council. (MC#920)~~~~
- ~~(d) — Finances.
  - ~~(1) — All expenditures shall be made by orders of the city clerk, drawn upon the city treasurer to pay bills that have been audited and approved by the commission, and presented to the city clerk. The commission shall not contract any liability in excess of the budget for said commission authorized by the common council and such other income shall be received by the commission.~~
  - ~~(2) — All receipts of any kind and all monies that may be received by the commission as donations, gifts, legacies, bequests, etc., shall, unless otherwise provided by the terms of such donations, gifts, legacies, and bequests, be deposited in the treasury of the city and the city treasurer shall act as treasurer of said commission without additional compensation.~~~~
- ~~(e) — Budget and Report to Council. Prior to October 1 each year, the commission shall submit to the council an estimate of the expenditures during the ensuing year. Such amount, as shall be approved by the common council, shall be included in the city budget. (MC#554)~~

~~(16)~~(15) Police and Fire Commission

- (a) The city's police and fire commission shall operate under the provisions of Section 62.13 of the Wisconsin Statutes, without the optional powers as set forth in 62.13(6). All members of the

Commission shall be residents of the City of Wisconsin Rapids.

~~(17)~~(16) Park and Recreation Commission

- (a) Membership. There shall be in the City of Wisconsin Rapids a Park and Recreation Commission consisting of nine members, six of whom shall be appointed by the mayor subject to confirmation by the common council. The term of office of each member shall be as hereinafter provided and shall expire April 30 of each year, except as otherwise provided. The membership of the commission shall consist of the following:
- (1) Two members of the common council for their terms of office. One common council member shall be appointed by the mayor and the other by the common council.
  - (2) Five members who are residents of the City of Wisconsin Rapids, for a term of five years.
  - (3) The mayor and superintendent of schools, who shall be ex officio members. All members of this commission shall serve without compensation. The majority of the commission shall constitute a quorum for the transaction of business.
- (b) Organization. The commission shall meet annually as soon as after May 1 as ~~possible~~possible, and selections shall be made from ~~its~~ membership a chairperson and a vice-chairperson.
- (c) Powers and Duties.
- (1) Except as limited as provided herein, the commission shall have general management and control of all public parks, municipal swimming pools and aquatic facilities, athletic fields, municipal zoo, recreational buildings and grounds, public playgrounds, public ice rinks, and similar public property and functions as shall be assigned to said commission by the common council for the development, maintenance, and operation of all public recreational facilities and activities as the common council shall from time to time determine are for the best interest of the city and its inhabitants. The commission's general management and control is subject to the common council's authority as specifically provided herein.
  - (2) The commission shall adopt such rules and regulations to govern the organization and conduct of its work as it shall deem advisable. The commission shall make rules and regulations for the government and control of all such places of recreations.
  - (3) The commission shall not be involved in the hiring of supervising of any employees, nor be involved in the daily operations of the Parks and Recreation Department. The Commission shall, however, have a person on the interview committee for the Parks and Building Supervisor position.
  - (4) The commission shall have sole decision-making and final authority over:
    - (a) The acceptance of monetary gifts for park purposes to the City in any amount, the acceptance of personal property for park purposes valued over \$5,000.
    - (b) All City park and recreation programming, including fees charged; hours of operation of parks and park facilities; and admission fees for all parks and parks facilities.
    - (c) The formulation of all policies an general regulations for all city parks, aquatics facilities, athletic fields, recreational buildings and playgrounds. However, any regulations which require a change in ordinance shall be referred to the Legislative Committee and common council for approval; the commission's action will only be advisory regarding ordinance modifications.
    - (d) Strategic planning for all parks and recreation facilities.
    - (e) The approval of non-construction contracts, professional services contracts, and maintenance or service contracts, for park facilities and park purposes, provided the funds for said contracts have been budgeted.
  - (5) The commission shall initially discuss but have only advisory or recommending authority to the Finance and Property Committee and common council regarding:
    - (a) The acceptance of gifts of real estate, or personal property exceeding \$5,000 in value, for park purposes. The commission shall recommend acceptance

and the common council may accept said gift by resolution.

- (b) The purchase or lease of lands in the name of the city for park purposes within or without the city and to sell of exchange property no longer required for its purposes. The city is authorized to acquire by condemnation in the name of the city such lands within or without its corporate boundaries, as it may need for public parks.
- (c) Leases and licenses for the use of all athletic fields and other public park spaces.
- (d) The creation of any new park facilities or park areas in the City.
- (e) Any duty or responsibility that is within the jurisdiction of the Plan Commission pursuant to Chapter 11 of the Municipal Code.
- (f) Except as provided in (4) e. herein, any contracts for the repair, construction, remodeling, improvement and maintenance of any public facility of public grounds shall be approved by the common council after review and recommendation by the commission.

(6) The Finance and Property Committee shall be responsible for all special events applications/permits (even if the events occur in a park), and 4<sup>th</sup> of July fireworks activities.

(d) Finances and Budget

- (1) At the time outlined by the Finance and Property Committee, but no later than October 1 each year, the commission shall submit to the council an estimate of the expenditures during the ensuing year. Such amount, as shall be approved by the common council, shall be included in the city budget(MC#554)
- (2) The commission may not ~~exceed~~ exceed any monies or contract any liability on the part of the city in excess of the amounts appropriated, budgeted and approved by the common council. The commission shall seek approval from the Finance and Property Committee and the common council to exceed monies for items or projects not budgeted.
- (3) The commission shall have the ability to expend \$25,000 each budget year from Park and Recreation outlay for undesignated projects and improvements, without the need for specific common council approval. This shall be a line item in the commission budget.
- (4) The commission may expend room tax revenue for parks purposes, provided the common council has approved such expenditures in the commission budget. (MC1324)

~~(18)~~(17) Planning Commission.

The Planning Commission for the City of Wisconsin Rapids shall be as set forth in Chapter 11 of the Municipal Code. (MC#1286)

~~(19)~~(18) Redevelopment Authority.

- (a) There shall be a redevelopment authority as defined by resolution passed on January 14, 1969 and appropriate federal and state regulations to administer programs designed to stimulate development in areas determined to be populated by persons of low and moderate income.
- (b) The authority shall consist of seven resident freeholders as commissioners of the authority. The commissioners who are first appointed shall be designated by the mayor to serve the following terms: two for one year, two for two years, one for three years, one for four years, and one for five years from the date of their appointment. Thereafter the term of office shall be for five years. A commissioner shall hold ~~their his~~ office until a successor has been appointed and qualified. No more than two of such commissioners shall be officers of the city, and at least one shall be an alderperson who shall serve an ex-officio, ~~for his~~ term in office.
- (c) The commission is hereby authorized to exercise the powers found in Section 66.431 of the Wisconsin Statutes, known as the "Blight Elimination and Slum Clearance Act", and

any and all other statutes applicable.

~~(20)(19)~~ Telecommunications Advisory Commission ~~—~~ REPEALED (MC#1273)

~~(24)(20)~~ Wastewater Treatment Commission.

- (a) Membership. There is hereby created a commission to be known and designated as the Wisconsin Rapids Wastewater Treatment Commission. The commission shall consist of:
- (1) Five members from the City of Wisconsin Rapids, including the chairperson of the Public Works Committee
  - (2) One member from the Village of Biron when it is served by the Wisconsin Rapids wastewater treatment system
  - (3) the city engineer (or ~~their his~~ authorized agent) (MC#962)
- The Village of Biron representative and the city engineer (or ~~their his~~ authorized agent) shall be an ex officio member thereof. The members of said commission, representing the City of Wisconsin Rapids, shall be appointed by the mayor, subject to confirmation of the common council at the regular meeting in May of each year, or at any time thereafter when an appointment shall be required to fill a vacancy. The member from the Village of Biron shall be appointed or elected by the village board of public officials. The chairperson of the public works committee may designate a member of said committee to substitute for him in said commission in case of ~~their his~~ absence. (MC#962)
- (b) Terms of Office. The membership of said commission shall be for a term of five years commencing June 1 of the year in which said appointment is made. Commissioners appointed to fill a vacancy created as a result of resignation, death, or otherwise shall be for the unexpired term of the commissioner being replaced. Each commissioner so appointed thereafter, or now holding over, shall continue to perform the duties of ~~their his~~ office until ~~their his~~ successor has been duly appointed and confirmed by the council.
- (c) Offices of Commission. The members of said commission shall choose a chairperson at their first meeting of each year after June 1, who shall preside at the meetings. The ~~waste waterwastewater~~ treatment superintendent shall act as secretary of the commission and as supervisor of the waste water treatment plant and complete sanitary sewer system of the City of Wisconsin Rapids subject, however, to the supervision and control of said commission. (MC#962)
- (d) Compensation. Members of said commission shall receive compensation as authorized and approved by the Human Resources Committee and the common council, excepting alderpersons serving on the commission who are not entitled to compensation. Membership thereon may be from either the common council or from the general citizenry of the City of Wisconsin Rapids. Non-alderperson members of said commission shall receive said compensation for all duly authorized meetings conducted during the month. The member of the commission from the Village of Biron shall receive compensation as authorized and paid by the Village of Biron. (MC#920)
- (e) Duties of Commission. Said commission shall have the entire charge, management, operation, and maintenance responsibility of the ~~waste waterwastewater~~ treatment plant, lift stations, and sanitary waste water system in the City of Wisconsin Rapids, including monitoring of the sewer use program. In addition hereto, the commission shall have charge of employing and supervising the necessary personnel for the operation of the waste water treatment plant, lift stations, sanitary waste water system, all subject, however, to the general control and direction of the common council. (MC#962)
- (f) Rules and Regulations of Personnel. Said wastewater treatment commission shall formulate rules and regulations for all personnel under the supervision and control of the commission and shall make such additions or corrections thereto from time to time as they deem advisable.
- (g) Collection of Sewer Use Fee. The commission shall employ the services of the water works and lighting department for the billing and collecting of the sewer use fee and shall compensate said department an amount not to exceed the actual cost of billing and collecting.
- (h) Handling of Funds. All receipts from the sewer use fee, other receipts of any kinds, and

all monies that may be received by the commission shall be deposited in the sewer use fee account with the treasurer of the City of Wisconsin Rapids.

- (i) Budget and Report to the Council. Prior to October 1 of each year, the commission shall subject to the council an estimate of the expenditures during the ensuing year. An amount equal to the revenue derived through the sewer use fee, as approved by the common council, shall be included in the operation budget of the wastewater treatment commission. The commission shall make reports to the common council from time to time on the operation and maintenance of the wastewater treatment plant and complete sanitary sewer system, and shall at least twice a year, at the regular meeting of the common council, in June and December, make and file a written report fully setting forth all facts of the operation and financial condition of the sewer use fee account.
- (j) Revising Sewer Use Fee. The commission shall review the sewer use fee ordinance yearly to determine proper rate structure and other changes deemed necessary to comply with state and federal laws and regulations. Changes to said ordinance shall be recommended and submitted to the common council for review and approval by the governing body. (MC#256)

~~(22)~~(21) Water Works and Lighting Commission (MC#680)

- (a) There is hereby created a board of commissioners as provided in section 66.0805 of the Wisconsin Statutes parts of which are incorporated herein. The board shall consist of five commissioners, four of whom shall be elected by the common council for a term beginning on the first day of October. These four commissioners shall be appointed for a five-year term. The fifth commissioner shall be an Alderperson who is selected by the Common Council at the organizational meeting, for that Alderperson's term in office. All commissioners shall be residents of the City of Wisconsin Rapids. The compensation of commissioners shall be determined by the common ~~council~~ council; however, a commissioner may not receive any increase during ~~their his or her~~ term in which the increase was granted. (MC#1287)
- (c) The board of commissioners shall choose from among their number a president and a secretary. They may request the services of the director of public works (or ~~t-heir his~~ authorized agent) and human resources director, may employ and fix the compensation of such subordinates as shall be necessary. They may make rules for their own proceedings and for the government of their department providing such rules are not in conflict with state statutes or city ordinances. (MC#920)
- (d) The board of commissioners shall take charge and management of the utility, to appoint a manager and fix compensation of same, and to supervise the operation of the utility under the general control and supervision of the common council.
- (e) The powers and duties of the water works and lighting commission shall be as prescribed by Section 66.068 of the Wisconsin Statutes, together with acts amendatory thereof and supplementary thereto, and in conformance with this ordinance together with such directives of the common council as may from time to time be issued.
- (f) The commission shall have such general powers in construction, extension, improvements and operation of the utility as may be designated. Actual construction of watermains and extensions shall be under the supervision of the public works committee of the common council.
- (g) The board of commissioners shall submit its budget estimates for the succeeding year to the common council prior to the first day of October of each year. The finance committee shall review the estimates and report its findings to the common council. The council shall adopt an operating budget for the Water Works and Lighting Commission prior to the last day of November.
- (h) The board of commissioners may make expenditures in accordance with the approved budget without reference to the common council unless such expenditure exceeds budgeted amounts in any account or is for a purpose other than that for which said funds were budgeted. In all such cases, except where an emergency exists or where immediate payment is otherwise required by law, the board of commissioners shall

request of the common council authority to reallocate funds for the stated purpose indicated. It shall require a two-thirds vote of the common council to approve such actions. (Wisconsin Statutes Section 65.90)

- (i) Departmental expenditures if approved by the commission shall be paid by the city treasurer as provided under Wisconsin Statute Section 66.042. Utility receipts are to be turned over to the city treasurer at least once a month.
- (j) The board of commissioners shall submit to the common council a semi-annual report in writing of the financial condition of their department, said report to be submitted to the common council at its regular meetings in January and July of each year.

~~(23)~~(22) Other committees, boards, commissions, and subcommittees may be formed as required by law or necessity to accomplish a public purpose not contrary to any provision of this Municipal Code. (MC#1273)

~~(24)~~(23) ADA Advisory Subcommittee - (MC686) REPEALED (MC #1273)

~~(25)~~(24) Mayor's Youth Council – REPEALED (MC #1274)

## 2.10 HEALTH DEPARTMENT

- (1) The City of Wisconsin Rapids shall operate its health department under the provisions of Chapter 141 of the Wisconsin Statutes.
- (2) The powers and duties thereof shall be vested in a health officer to be appointed by the mayor.
  - (a) The mayor shall appoint the health officer of the City of Wisconsin Rapids for a two year term, as provided by Chapter 141 of the Wisconsin Statutes, subject to the approval of the common council, and ~~their his~~ duties shall be as designated in accordance with local ordinance, state statutes, and the administrative rules of the state board of health and shall receive such compensation as the council may fix.
- (3) The mayor shall appoint a deputy health officer subject to confirmation by the common council and shall receive such compensation as the common council may fix including actual and necessary expenses.
  - (a) The deputy may ~~perform do all of the~~ acts required to be done by the health officer and ~~he they~~ shall, in case of vacancy, the sickness, or absence of the health officer, act in ~~their his~~ place.
  - (b) Duties. The deputy health officer, under the direction of the health officer and/or the mayor shall:
    - (1) Make an annual sanitary survey and maintain continuous sanitary supervision over the city
    - (2) Make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance thereof
    - (3) Promote the spread of information as to the causes, nature, and prevention of prevalent diseases and the preservation and improvement of health
    - (4) Enforce the health laws and the rules of city related thereto
    - (5) Keep and deliver to a successor a record of all official acts
    - (6) Report to the health officer, mayor, and common council as required. A monthly report of activities shall be reported to the common council.
    - (7) Shall provide supportive services to the chief housing official in the administration and enforcement of Chapter 9, the Municipal Housing Code.
    - (8) Shall provide services as provided for in Chapter 20 of the Municipal Code concerning licenses, permits, and business regulations.
    - (9) Shall provide services as provided for in Chapter 21 of the Municipal Code concerning nuisances.
    - (10) Shall provide services as provided for in Chapter 22 of the Municipal Code concerning fermented malt beverages.
    - (11) Shall provide services as provided for in Chapter 23 of the Municipal Code concerning intoxicating liquor.
    - (12) Shall provide services as provided for in Chapter 24 of the Municipal Code concerning mobile homes and mobile home parks.
    - (13) Shall provide services as provided for in Chapter 25 of the Municipal Code concerning offenses against public welfare, safety, morals, and peace.

- (14) The deputy health officer shall have all authority reasonably required to ~~insure~~ensure compliance with those areas of the municipal code defined to be within the jurisdiction of the health officer and/or deputy health officer.

## 2.11 EMERGENCY GOVERNMENT

### (1) Policy and Purpose.

- (a) To ensure that the City of Wisconsin Rapids will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from natural disasters, an emergency government organization is created to carry out the purpose set out in the Wisconsin Statutes.
- (b) Definitions. As used in this ordinance:
  - (1) Enemy Action means any hostile action taken by a foreign power which threatens the security of the State of Wisconsin.
  - (2) Emergency Government means all those activities and measures designed or undertaken:
    - (a) to minimize the effects upon the civilian population caused by enemy action;
    - (b) to deal with the immediate emergency conditions which could be created by such enemy action; and
    - (c) to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such enemy action
  - (3) Natural Disaster means extraordinary misfortunes affecting the city, natural or man-made, not included in the term "enemy action".

### (2) City Emergency Government Committee.

- (a) There is hereby an emergency government committee composed of as many members as may be determined by the common council, by resolution, who shall be appointed by the mayor, subject to the confirmation of the common council, and who shall serve without compensation. The chairperson shall be elected by the committee annually at its first meeting after the council reorganization meeting, and the deputy emergency government director shall serve as secretary of the committee.
- (b) Duties of City Emergency Government Committee. The city emergency government committee shall be an advisory and planning group and shall advise the city emergency government director and the common council on all matters pertaining to civil defense. It shall meet upon call of the chairperson.
- (c) The city's emergency government committee shall implement this ordinance by entering into agreements with the county and other participating municipalities as hereinafter defined.

### (3) County Municipal Emergency Government Director and Deputy.

- (a) Joint Director. There is hereby created an office of city emergency government director. The county emergency government director shall also hold the office of emergency government director of the City of Wisconsin Rapids, and in addition to ~~their~~ ~~his~~ duties as county emergency government director, ~~he~~ ~~they~~ shall have the additional duties and responsibilities of a municipal emergency government director as set out in the Wisconsin Statutes and such other duties as may be given him by the emergency government committees of the county, City of Wisconsin Rapids, and other participating municipalities.
- (b) Appointment. The director shall be nominated by the county emergency government committee and the emergency government committees of each of the participating municipalities acting jointly. ~~They~~ ~~He~~ shall be appointed by the county board and the governing body of each participating municipality. The county/municipal emergency government director shall be a full-time position and ~~he~~ ~~they~~ shall hold office at the pleasure of the county board and the governing body of each municipality.
- (c) The county/municipal emergency government director shall be considered ~~to be~~ an employee of the county not under civil service and ~~they~~ shall be entitled to all the rights,

- privileges, and benefits that county employees have.
- (d) A deputy director of emergency government for the City of Wisconsin Rapids is hereby created. The deputy director shall be appointed by the mayor, subject to confirmation by the common council, and shall receive such salary as may be authorized by the common council. ~~They~~He shall take and file any official oath.
  - (e) Assistant directors may be appointed by the director, subject to the approval of the emergency government committee, as may be deemed necessary, and such appointees shall receive such compensation, if any, as may be determined by the common council.
  - (f) A custodian is hereby appointed for the security use, and maintenance of all surplus property as provided by regulations, said custodian to be the recipient department head, or ~~their his/her~~ successor in office. (MC#76)
- (4) Sharing of Costs. The county board shall provide offices, office furniture, and such stenographic help as may be necessary for the position of county/municipal emergency government director and the cost thereof, including salaries, wages, necessary expenses, and other employee benefits shall be initially borne 100% by Wood County. However, the agreement required by Section 2.18(2)(c) shall provide for the fair share of the costs of this program to be borne by each individual participating municipality to the county.
- (5) Joint Action. Whenever it is deemed necessary, be it either the county emergency government committee or the municipal emergency government committee, a joint meeting shall be held to decide such matters as may arise.
- (6) Duties of the County/Municipal Emergency Government Director.
- (a) The director, in ~~their his~~ capacity as county director, subject to the control and direction of the emergency government committee and under general supervision, shall:
    - (1) Develop and promulgate civil defense plans for the county, consistent with the state plan of emergency government;
    - (2) Coordinate and assist the development of municipal civil defense plans within the county, and integrate such plan with the county plan;
    - (3) Direct the county emergency government program;
    - (4) Direct county-wide emergency government training programs and exercises;
    - (5) Advise the state director of all emergency government planning for the county and render such reports as may be required by the state director.
    - (6) In the case of a state of emergency proclaimed by the governor, direct the county emergency government activities and coordinate the municipal emergency government activities within the county, subject to the coordinating authority of the state director; and
    - (7) Perform such other duties relating to civil defense as may be required by the county board.
  - (b) The director, in ~~their his~~ capacity as city director, subject to the control and directions of the governing body of the participating municipality shall:
    - (1) Direct the city emergency government organization;
    - (2) Develop and promulgate emergency government plans for the city, consistent with the state plan of emergency government and which meet the minimum standards for compliance as required by the state director;
    - (3) Direct city emergency government training programs and exercises;
    - (4) Direct participation of the city in such emergency government training programs and exercises as may be required on the county level or by the state directors.
    - (5) Cause the emergency government plans for the city to be filed with the plans of other municipalities in the county, ~~as well as,~~as well as reports required on the county level;
    - (6) In case of a state of emergency proclaimed by the governor, direct the activities of the city emergency government organization with the participating municipalities.
- (7) Other Emergencies.
- (a) In the event the governor determines that an emergency exists out of natural or man-made disasters, then the county civil defense organization, including the



- county/municipal director may be employed by the county board and the governing body of each participating municipality to cope with the problem of the emergency.
- (b) In the event of an emergency affecting only the County of Wood, when the county board may employ the county emergency government organization, the county/municipal director, the facilities, and other resources of said organizations to cope with the problems of local public emergencies except where restrictions are imposed on property donated by the federal government. No such emergency declaration shall extend beyond 60 days, or the next meeting of the respective county board, city council, or village board, whichever occurs first.
  - (c) In the event of an emergency affecting only the City of Wisconsin Rapids, then the common council or mayor may employ the city emergency government organization, the county emergency government organization, the city director, the facilities, and other resources of said organization to cope with the problems of local public emergencies except where restrictions are imposed on property donated by the federal government.
- (8) Penalties. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency government organization in the enforcement of any order, rules, regulation, or plan issued pursuant to this ordinance, or to do any act forbidden by any order, rule, regulation, or plan issued pursuant to the authority contained in this ordinance. For a violation of any of the provisions of this ordinance, he shall forfeit not less than \$100.00 nor more than \$500.00, and in default of payment thereof, shall be imprisoned in the county jail for a period not exceeding 90 days.
  - (9) Ratification of County Ordinances. A joint action ordinance of the board of supervisors of Wood County providing for a county/municipal joint action emergency government defense plan of organization adopted by said county board, which is similar to this ordinance, is hereby ratified and accepted by the City of Wisconsin Rapids; and this ratification and acceptance of the joint action ordinance shall constitute a mutual agreement between the City of Wisconsin Rapids and the County of Wood, as provided by Section II(C) of said joint action ordinance and Section 2.18(2)(c) of this ordinance.
- 2.12 MUNICIPAL RESERVE FUND (Charter Ordinance 105)
- (1) There is hereby established in the City of Wisconsin Rapids, a fund, separate and distinct from every other fund, and designated as the "Municipal Reserve Fund". The source of said fund shall be such moneys or securities, from any source whatsoever as the common council may, by resolution and by a two-thirds vote, from time to time direct to be paid into said fund.
  - (2) The city treasurer shall keep a separate record, relating to such fund, including an accurate account of the transaction, investments, earnings, and expenditures, and shall make a report annually to the common council at their regular meeting in March of each year.
  - (3) The Finance and Property Committee of the common council shall from time to time recommend to the common council the investment of said fund, or part thereof, as it accrues. Disbursements, investments, sales, or transfers of any securities held in said fund shall be, by resolution of the common council, on checks or city orders, be signed by the mayor, the city clerk, and the city treasurer. (MC#920)
  - (4) All interest or income earned by said fund on its investments shall, when it accrues, be added to said fund to augment the same for the purposes for which the fund is provided, unless otherwise provided by a majority vote of the common council.
  - (5) Said Municipal Reserve Fund, or any part thereof, may be expended for any municipal purpose with the consent of four-fifths of the members of the common council.
  - (6) The city treasurer shall keep all cash on hand, belonging to said reserve fund, in a separate account in one of the depositories in the city and shall be designated by the finance committee of the common council. The said Finance and Property Committee shall also designate a suitable, safe depository wherein the city treasurer shall keep all bonds or other securities in which said fund shall be invested. (MC#920)
  - (7) This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition shall be filed, as provided by Section 66.01 of

the Wisconsin Statutes, in which event, this ordinance shall not take effect until submitted to a referendum, and approved by a majority of the electors voting thereon. (Passed October 6, 1942)

## 2.13 VACANCY IN OFFICES

- (1) Means of Offices Becoming Vacant. Any appointive public office, including membership upon any board, council, or of commissions of the City of Wisconsin Rapids shall become vacant upon the happening of any one of the following events:
- (a) The death of the incumbent.
  - (b) The incumbent's resignation.
  - (c) The incumbent's removal.
  - (d) The incumbent ceasing to be a resident of the City of Wisconsin Rapids.
  - (e) The incumbent's conviction, by a state or United States court, of and sentence for treason, felony, or other crime whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or their his conviction by any such court of and sentence for any offense involving a violation of their his official oath, in either case whether on not sentenced to imprisonment. A vacancy so created shall in no case be affected by a stay or execution of judgment. Reversal of the judgment against such officer shall forthwith restore the person to office, if the term for which he was appointed has not expired, but in any event, shall entitle him to the emoluments of the period for which he was convicted and sentenced; but pardon shall not restore him to office or entitle him to any of the emoluments thereof.
  - (f) The decision of a competent tribunal declaring void their his appointment or adjudging him.
  - (g) The neglect or refusal of any person appointed or reappointed to any office to take and file their his official oath or to execute or renew their his official bond, if required, or to file the same or either thereof in the manner and within the time prescribed by law.
  - (h) The death or declination in writing of any person appointed to fill a vacancy or for a full term before he qualified, or their his death, or such declination before the time when, by law, he should enter upon the duties of their his office to which he was appointed.
  - (i) On the happening of any other event which is declared by any special provision of law to create a vacancy. (199)

### (2) Common Council Vacancies.

- (a) When the remainder of the unexpired term is less than ½ of the regular full-term, the City Clerk will advertise the opening instructing interested applicants will submit a letter of intent and resume to the City Clerk. Upon receiving application materials, the council will interview candidates at the first available regular council meeting. At this meeting candidates will be interviewed, and a successor will be appointed, by majority vote, to serve the remainder of the term.
- (b) When the remainder of the unexpired term is greater than ½ of the regular full-term, a special election will be held, pursuant with Wisconsin Statutes 8.50.  
Election by Council. In elections by the common council, the candidate receiving a majority of the votes cast shall be elected.

## 2.14 PUBLIC CONSTRUCTION BY THE CITY (MC #1234)

- (1) The common council may provide that any class of public construction, or any part thereof, may be done directly by the city without submitting the same for bids. This ordinance is drafted to incorporate the provisions of Section 62.15(1) of the Wisconsin Statutes. (MC#119)
- (2) Special Assessment Procedures are defined as follows:
- (a) In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this ordinance.
  - (b) Whenever the governing body shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied

under this ordinance, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessments will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.

- (c) The provisions of §66.0703, Stats., shall apply to special assessments levied under this ordinance except that, when the governing body determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by §66.0703(4), Stats., shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

- (d) Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed by §66.0703(7) and (8)(d), Stats.
- (e) Any person against whose property a special assessment is levied under this ordinance may appeal therefrom in the manner prescribed by §66.0703(12), Stats, within 40 days of the date of the final determination of the governing body.

2.15 MAINTENANCE AND DESTRUCTION OF AND ACCESS TO CITY RECORDS (MC#294)

(1) Definitions.

- (a) Authority means any of the following city entities having custody of a city record: an office, elected official, agency, board, commission, committee, council, department, or public body corporate and politic created by constitution, law, ordinance, rule, or order; or a formally constituted sub-unit of the foregoing.
  - (b) Custodian means that officer, department head, division head, or employee of the city designated under subsection (3) or otherwise responsible by law to keep and preserve any city records or file, deposit or keep such records in ~~their his or her~~ office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
  - (c) Record means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by any authority. "Record" includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relations to ~~their his or her~~ office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.
- (2) Duty to Maintain Records.
- (a) Except as provided under subsection (7), each officer and employee of the city shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited, or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
  - (b) Upon the expiration of an officer's term of office, or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to ~~their his or her~~ successor all records then in ~~their his or her~~ custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the city clerk. If a vacancy occurs before the successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.
- (3) Legal Custodians.
- (a) Each elected official is the legal custodian of ~~their his or her~~ records and the records of ~~their his or her~~ office, but the official may designate an employee of ~~their his or her~~ staff to act as the legal custodian.
  - (b) Unless otherwise prohibited by law, the city clerk or the clerk's designee shall act as legal custodian for the common council and for any committees, commission, boards, or other authorities created by ordinance or resolution of the common council.
  - (c) For every authority not specified in subsection (a) of (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of ~~their his or her~~ staff to act as the legal custodian.

- (d) Each legal custodian shall name a person to act as legal custodian in ~~their his or her~~ absence or the absence of ~~their his or her~~ designee.
  - (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Section 19.11, Wisconsin Statutes, and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.
- (4) Public Access to Records.
- (a) Except as provided in subsection (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in Section 19.35(1), Wisconsin Statutes.
  - (b) Records will be available for inspection and copying during all regular office hours.
  - (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice or intent to inspect or copy.
  - (d) A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy, or abstract a record.
  - (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
  - (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
    - (1) The cost of photocopying shall be \$.25 per page. Said cost has been calculated not to exceed the actual, necessary, and direct cost of reproducing.
    - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
    - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts, and audio or video tapes, shall be charged.
    - (4) If mailing or shipping is necessary, the actual cost thereof shall be charged.
    - (5) There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
    - (6) ~~If estimates exceed \$5.00, the~~ legal custodian shall estimate the cost of all applicable fees and may require a cash deposit to assure ~~payment, if payment, - such estimate exceed \$5.00.~~ payment, if payment.
    - (7) Elected and appointed officials of the City of Wisconsin Rapids shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
    - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
  - (g) Pursuant to Section 19.34, Wisconsin Statutes, and the guidelines therein listed, each authority shall adopt, prominently display, and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established time and places at which the legal custodian, from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of subsection (4) through (6) of this ordinance. This subsection does not apply to members of the common council.
- (5) Access Procedures.
- (a) A request to inspect a copy of a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a

sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.35, Wisconsin Statutes. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of the fee is required under subsection (4)(f)(.6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

- (b) Each custodian, upon request for any record, shall as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the city attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
  - (c) A request for a record may be denied, as provided in subsection (6). If a request is made orally, the request may be denied orally, unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review, upon petition for a writ of mandamus under Section 19.37(1), Wisconsin Statutes, or upon application to the attorney general or a district attorney.
- (6) Limitations on Right to Access.
- (a) As provided in Section 19.36, Wisconsin Statutes, the following records are exempt from inspection under this section:
    - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
    - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
    - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
    - (4) A record or any portion of a record containing information qualifying as a common law trade secret.
    - (5) Income and expense information pursuant to Section 70.47(7)(af), Wisconsin Statutes, or any successor statute thereto, except that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties; or pursuant to order of a court. Income and expense information provided to the assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wisconsin Statutes. (MC#868)
  - (b) As provided in Section 43.30, Wisconsin Statutes, public library circulation records are exempt from inspection under this section.
  - (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the city attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

- (1) Records obtained under official pledges of confidentiality which were necessary and given ~~in order to~~ obtain the information contained in them.
  - (2) Records of current deliberations after a quasi-judicial hearing.
  - (3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any city officer or employee, or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure.
  - (4) Records concerning current strategy for crime detection or prevention.
  - (5) Records of current deliberations or negotiations on the purchase of city property, investing of city funds, and other city business whenever competitive or bargaining reasons require nondisclosure.
  - (6) Financial, medical, social, or personal histories or disciplinary data of specific persons which, if disclosed, would like ~~have to have~~ a substantial adverse effect upon the reputation of any person referred to in such history or data.
  - (7) Communications between legal counsel for the city and any officer, agent, or employee of the city, when advice is being rendered concerning strategy with respect to current litigation in which the city or any of its officers, agents, or employees is or is likely to become involved, or communications which are privileged under Section 905.03, Wisconsin Statutes.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the city attorney prior to releasing any such record and shall follow the guidance of the city attorney when separating out the exempt material. If in the judgment of the custodian and the city attorney there is no feasible way to separate the exempt material from the non-exempt material without unreasonable jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.
- (7) Destruction of Records. (MC#647)
- (a) City officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442, Wisconsin Statutes, but no less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Section 16.61(3)(e) and then after such shorter period:
    - (1) Payment statements, deposit books, slips, and stubs.
    - (2) Bonds and coupons after maturity.
    - (3) Canceled checks, duplicates, and check stubs.
    - (4) License and permit applications, stubs, and duplications.
    - (5) Payroll and other time and employment records of personnel included under the Wisconsin Retirement Fund.
    - (6) Receipt forms.
    - (7) Special assessment records.
    - (8) Vouchers, requisitions, purchase orders, and all other supporting documents pertaining thereto.
  - (b) City officers may destroy the following utility records of which they are legal custodians and which are considered obsolete after completion of any required audit of the bureau of municipal audit or an auditor licensed under Chapter 442, Wisconsin Statutes, subject to state public service commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state public records board pursuant to Section 16.61(3)(a), Wisconsin Statutes, and then after such a shorter period, except that water stubs, receipts of current billings, and customers' ledgers may be destroyed after two years.
    - (1) Assessment rolls and related records including board of review minutes.

- (2) Contracts and papers relating thereto.
  - (3) Correspondence and communications.
  - (4) Financial reports other than annual financial reports.
  - (5) Insurance policies.
  - (6) Justice dockets.
  - (7) Oaths of office.
  - (8) Reports of boards, commissions, committees, and officials duplicated in the official common council minutes.
  - (9) Resolutions and petitions.
  - (10) Voter records.
- (c) City officers may destroy the following police department records of which they are legal ~~custodians~~custodians, and which are considered obsolete, in less than seven years, as approved by the state public records board, pursuant to Section 16.61(3)(e), Wisconsin Statutes. These listed records may be destroyed under the following ~~time table~~time table:
- (1) Officer's electronic taped reports of incident complaints, after they have been reduced to written form.
  - (2) Tapes of statements given to police, six months or when reduced to written form and signed.
  - (3) Tapes of police telephone recordings, six months.
  - (4) Written warning violations, one year.
  - (5) Parking violation tickets and related correspondence, one year.
  - (6) Uniformed traffic citations, one year after disposition.
  - (7) City ordinance citations, one year after disposition.
  - (8) Police teletype messages, one year.
- (d) Destruction After Request for Inspection. No requested record may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Section 19.37, Wisconsin Statutes, the requested record may not be destroyed until a court order is issued and all appeals have been completed. (See Section 19.35(5), Wisconsin Statutes)
- (e) Destruction Pending Litigation. No record subject to pending litigation shall be destroyed until the litigation has been resolved.
- (f) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any records as provided by Section 19.21(4)(a), Wisconsin Statutes. The State Historical Society of Wisconsin (SHSW) has waived the 60-day statutory notice under Section 19.21(5)(d), Wisconsin Statutes, for the records marked "W" which designates "waived notice". The SHSW must be notified prior to destruction of records marked "N" designating "non-waiver". "N/A" indicates that notification is not applicable and applies to all records designated for permanent retention by the office of origin.
- (g) Any tape recordings of a governmental meeting of the city may be destroyed, erased, or reused no sooner than 90 days after the minutes of the meeting have been approved and published if the purpose of the recording was to make minutes of the meeting.
- (h) Limitation. This section shall not be construed to authorize the destruction of any public record prior to the time prescribed by statutes or state administration regulations where such time periods conflict with those stipulated herein.
- (8) Preservation through Microfilm. Any city officers, or the director of any department or division of city government may keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Section 16.61(7)(a) and (b), Wisconsin Statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of subsections (4) through (6) of this ordinance.
- (9) Severability. The provisions of this ordinance are severable. If a section, subsection, paragraph, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid,



the decision shall not affect the validity of this ordinance.

2.16 DISPOSAL OF ABANDONED PROPERTY (MC#739)

- (1) Section 66.28 of the Wisconsin Statutes, entitled "DISPOSAL OF ABANDONED PROPERTY", is hereby incorporated by ~~reference~~reference, and made a part of this code as is fully set forth therein.
- (2) Sections 170.07, 170.08, 170.09, 170.10, and 170.105, pertaining to lost and found chattels, are hereby incorporated by ~~reference~~reference, and are made a part of this code as are fully set forth therein.

2.17 CITATIONS AUTHORIZED (MC#451)

The Common Council of the City of Wisconsin Rapids hereby authorizes the use of citations to be issued for violations of ordinances including ordinances for which a statutory counterpart exists.

2.18 GENERAL PROPERTY TAX COLLECTION (MC#474)

- (1) The provisions of 74.12, Wisconsin Statutes, are adopted and incorporated by reference into this chapter, and real estate taxes, personal property taxes, and special assessments shall be paid accordingly.
  - (a) Special assessments placed in the tax roll shall be paid in full on or before January 31 of each year commencing in 1990.
  - (b) Personal property taxes shall be paid in full on or before January 31 of each year commencing in 1990.
  - (c) Real estate taxes shall be paid in full in three equal installments as follows:
    - (1) 1st installment: on or before January 31 of each year
    - (2) 2nd installment: on or before April 30 of each year
    - (3) 3rd installment: on or before July 31 of each year
  - (d) If the total real property tax is less than \$150.00, it shall be paid in full on or before January 31 of each year.

2.19 HOTEL AND MOTEL ROOM TAX (MC#509)

- (1) Definitions. In this section:
  - (a) Economic Development means the broadening and strengthening of the economy of the city by supporting and assisting private and/or public organizations in their efforts to foster the expansion of existing commercial or industrial enterprises and to initiate efforts to attract new enterprises.
  - (b) Hotel or Motel means a building, or group of buildings, in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins, and any other building or group of buildings in which accommodations are available to the public except accommodations rented for a continuous period of more than one month and by corporations for charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.
  - (c) Gross Receipt has the meaning as defined in Sections 77.51(4)(a), (b), and (c), Wisconsin Statutes, in so far as applicable. (MC#1003)
  - (d) Recreational Purposes shall be interpreted broadly to encompass all leisure activities and pursuits for all people, from the youngest to the oldest, and shall include, but not be limited to, funding for athletic activities, cultural activities, amusements, and pastimes, as well as parks, facilities, and equipment for any of these.
  - (e) Tourism means the promotion of conventions, vacations, festivals, special events, and attractions, either through direct funding or advertising.
  - (f) Transient means any person residing for a continuous period of less than one month in a hotel, motel, or other furnished accommodations available to the public.
- (2) Imposition of Tax. Pursuant to Section 66.0615, Wisconsin Statutes, a tax is hereby

imposed on the privilege and service of furnishing, at retail, of rooms or lodging to

transients by hotelkeepers, motel operators, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations, but such tax shall apply only if such services are subject to the Wisconsin sales tax imposed by Sections 77.52 through 77.62, Wisconsin Statutes. Such tax shall be at the rate of 8% of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Section 77.52(2)(a)(1), Wisconsin Statutes. (MC#1003)

(3) Tax Monies.

- (a) Collection of Tax. The city treasurer shall be the administrator of the tax collection. The tax imposed for the months of July, August, and September of 1990, and for each calendar quarter hereafter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the city treasurer by those furnishing, at retail, such rooms and lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the city treasurer deems necessary. Every person required to file such quarterly return shall, with ~~their his~~ first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile, and adjust for errors in the quarterly returns, and shall contain certain such additional information as the city treasurer requires. Such returns shall be made on forms as prescribed by the city treasurer. All such returns shall be signed by the person required to file a return or ~~their - his~~ duly authorized ~~agent, but agent but~~ need not be verified by oath. The city treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.
- (b) Distribution of Tax. Commencing with the calendar year 1991, the room tax collection shall be allocated as follows:
- (1) The monies collected shall go into a special revenue fund to be used for recreational purposes and to promote economic development and tourism as determined by the common council.
- (a) The common council shall evaluate all requests and/or suggestions for specific use of the special revenue fund in any of the categories in Section 2.19(3)(b)(1). (MC#920)
- (b) The common council shall develop such policies as may be necessary to accept such request and/or suggestions. Policies, as derived, shall be submitted to the common council for approval. (MC#920)
- (2) The Finance and Property Committee of the common council shall appropriate money from the special revenue fund for the requests and/or suggestions approved by the common council. (MC#920)
- (c) The monies that have accumulated in the special revenue fund prior to and/or during each calendar quarter shall be allocated during the second month following the end of the calendar quarter, according to the appropriations approved by the common council under procedure allowed in 2.19(3)(b). This allocation may include funds to be used for a future named or unnamed project. The percentages in the three categories listed in Section 2.19(3)(b)(1) shall remain flexible to allow for variation from year to year as determined by the common ~~council, but council but~~ shall not be less than 3% for any one of the three categories. (MC#1003)
- (4) Permit Required. Every person furnishing rooms or lodging under subsection (2) shall file with the city clerk an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the city clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of ~~their his~~ place of business, and such other information as the city clerk requires. The application shall be signed by the owner, if a sole proprietor, and if not a sole proprietor, by the person authorized to act on behalf of such

- sellers. At the time of making an application, the applicant shall pay a one-time fee, to the city treasurer, of \$5.00 for each permit.
- (5) Permit Regulations. After compliance with subsection (4) and subsection (14) by the applicant, the city clerk shall grant and issue to each applicant a separate permit for each place of business within the city. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.
  - (6) Suspension or Revocation of Permits. Whenever any person fails to comply with this section, the city clerk may, upon 10 days' notification and after affording such person the opportunity to show cause why ~~the his~~ permit should not be revoked, revoke or suspend any or ~~all of all~~ the permits held by such person. The city clerk shall give to such person written notice of the suspension or revocation of any of ~~his~~ permits. The city clerk shall not issue a new permit after the revocation of a permit unless he is satisfied that the former holder of the permit will comply with the provisions of this section. A fee of \$10.00 shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.
  - (7) Liability for Tax. If any person liable for any amount of tax under this section sells out ~~his-the~~ business, or stock of goods, or quits the business, ~~his-the~~ successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the city treasurer that he has been paid, or a certificate stating that no amount is due. If a person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.
  - (8) Office Audit. The city treasurer may, by office audit, determine the tax required to be paid to the city or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the city treasurer's possession. One or more such office audit determinations may be made of the amount due for any one or for more than one period.
  - (9) Field Audit. The city treasurer may, by field audit, determine the tax required to be paid to the city or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the city treasurer's possession. The city treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the city treasurer from making a determination of tax at any time.
  - (10) Estimated Assessment. If any person fails to file a return as required by this section, the city treasurer shall make an estimate of the amount of the gross receipts under subsection (2). Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the city treasurer's possession or may come into ~~their~~ ~~his~~ possession. On the basis of this estimate, the city treasurer shall compute and determine the amount required to be paid to the city, adding to this sum a penalty equal to 5% thereof. One or more such determinations may be made for one or more than one period.
  - (11) Interest. All unpaid taxes under this section shall bear interest at the rate of 12% per annum from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the city treasurer. All refunded taxes shall bear interest at 12% per annum from the due date of the return until the first day of the month in which said taxes are refunded. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. If the city treasurer determines that an overpayment of tax has been made intentionally, or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, ~~they~~ shall not allow any interest thereon.
  - (12) Late Filing Fee. Delinquent tax returns shall be subject to a \$10.00 late filing fee. The tax imposed by this section shall become delinquent if not paid:
    - (a) In the case of timely filed return, within 30 days after expiration of an extension period if one has been granted.

- (b) In the case of no return filed or a return filed late, by the due date of the return.
- (13) Non- or Late-filing Penalty. If due to negligence, no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of \$25.00, exclusive of interest or other penalties. If a person fails to file a return when due, or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this section, a penalty of \$25.00 shall be added to the tax required to be paid, exclusive of interest and other penalties.
- (14) Security Required. In the event any person has been guilty of two or more violations of the provisions of subsections (12) or (13) of this section, the city clerk shall require such person to place with the city treasurer security in the amount of \$20.00 per rental unit, but in no case less than \$500.00 total. If any such person fails or refuses to place such security, the city clerk may revoke ~~his-the~~ permit. If any taxpayer is thereafter delinquent in the payment of the taxes imposed by this section, the city treasurer may, upon 10 days' notice, recover the taxes, interest, and penalties from the security placed ~~with the him~~ by such taxpayer. No interest shall be paid by the city to any person for the deposit of such security.
- (15) Records. Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices, and other pertinent papers in such form as the city treasurer requires.
- (16) (a) Confidentiality. ~~All tax returns, schedules, exhibits, writings, or audit reports relating to~~ such returns, on file with the city treasurer, are deemed to be confidential, except the city treasurer may divulge their contents to the following and no other:
- (1) The person who filed the return
  - (2) Officers, agents, or employees of the Federal Internal Revenue Service or the State Department of Revenue
  - (3) The assessor, city attorney, city clerk, mayor, and Finance and Property Committee chairperson. (MC#920)
  - (4) Such other public officials of the City of Wisconsin Rapids as may be deemed necessary by the city treasurer
- (b) No person having an administrative duty under this section shall make known in any ~~any~~ manner, the business affairs, operations, or information obtained by an investigation of records of any person on whom the tax is imposed by this section, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided in subsection (16)(a).
- (17) Tax Collection Fee. Any person, firm, corporation, or association which collects and remits the tax imposed by this section shall be entitled to a collection fee of 2% of the tax so collected. The fee shall be itemized on the tax return and shall be retained from the amount collected and remitted.
- (18) Penalty. Any person who is subject to the tax imposed by this section who fails to obtain a permit as required in subsection (4), or who fails or refuses to permit the inspection of ~~his~~ records by the city treasurer after such inspection has been duly required by the city treasurer, or who fails to file a return as provided in this section, or who violates any other provisions of this section, shall be subject to a forfeiture not to exceed \$250.00 each day, or portion thereof, that such violation continues, and each day in violation is deemed to constitute a separate offense.
- (19) Effective Date. This ordinance shall take effect on July 1, 1990 after passage and publication, pursuant to law.

## 2.20 MUNICIPAL COURT (MC#709)

- (1) Pursuant to Chapter 755 of the Wisconsin Statutes, a municipal court shall be established for the City of Wisconsin Rapids.
- (2) Election. The municipal judge shall be elected at large in the spring election commencing with the 1996 Spring Election and thereafter every two years. The term will begin on May 1 of the year elected.
- (3) Bond; Oath. The municipal court judge shall execute and file with the clerk of the circuit court for

Wood County the oath, as prescribed by Section 256.02 of the Wisconsin Statutes, and a bond in the penal sum of \$2,000, as prescribed by Section 62.09(4) of the Wisconsin Statutes. Notification of compliance shall be provided by the clerk of the circuit court for Wood County to the city clerk of Wisconsin Rapids.

- (4) Municipal Court Staff.
  - (a) The municipal court judge shall be assisted by a municipal court clerk to be selected in accordance with current city procedures, and approval of the municipal court judge. The clerk shall, upon entering the duties of ~~their his/her~~ office, take the oath as prescribed by Section 19.01 of the Wisconsin Statute. Wages, hours, and conditions of employment shall be set by the common council.
  - (b) The municipal judge shall be assisted by a bailiff while the court is in session. The bailiff shall be a serving police officer designated by the chief of police at ~~their his/her~~ discretion.
- (5) Salary. The municipal court judge shall receive an annual salary to be set by the common council. The salary shall be paid commencing on May 1st for each term of office and shall not be raised nor decreased during the term of office. No salary shall be paid to the judge for any time during the term of office for which the judge has not executed and filed ~~their his or her~~ official bond and oath as required in Section 2.20(3) above.
- (6) Jurisdiction.
  - (a) The municipal judge shall have jurisdiction provided by state law, including but not limited to, because of enumeration, that provided by Chapters 755 and 800 of the Wisconsin Statutes and exclusive jurisdiction of violations of City of Wisconsin Rapids ordinances.
  - (b) The municipal judge shall have concurrent jurisdiction with juvenile court of children 12 years of age or over who allegedly violated a municipal ordinance.
  - (c) The municipal judge shall have concurrent jurisdiction with juvenile court of children any age who are alleged to be truant.
  - (d) The municipal judge is hereby authorized to issue orders to the clerk of the municipal court to all witnesses and/or interpreters for required attendance upon trial of cases before the court. The clerk shall cause such warrants to be issued to require attendance before the court.
  - (e) The municipal judge may issue civil warrants to enforce matters which are under the jurisdiction of the municipal court. The municipal judge is also authorized to issue inspection warrants under sub-section 66.122 and 66.123 of the Wisconsin Statutes.
  - (f) The municipal judge may impose such forfeitures as may be enumerated in the Wisconsin Statutes and the City of Wisconsin Rapids ordinances. Court fees, as set by the common council, may also be imposed.
  - (g) Contempt of Court and Penalty. The municipal judge may punish for contempt as provided in Section 800.12 Wisconsin Statutes and may impose forfeiture therefore not to exceed \$50.00 or in default thereof, a jail sentence not to exceed seven days.
  - (h) Chapter 48 of the Wisconsin Statutes, entitled "Children's Code", and Chapter 938 of the Wisconsin Statutes, entitled "Juvenile Justice Code", are hereby incorporated by reference as these chapters' provisions pertain to the municipal court. (MC#797)
- (7) Procedures.
  - (a) Sessions of the municipal court shall be held in the city hall council chambers at the times and dates set by the common council except under extraordinary circumstances for which the judge may order special sessions at ~~their his/her~~ discretion.
  - (b) Court procedures and rules of evidence shall be in accordance with Wisconsin Statutes including but not limited to Chapters 66, 755, and 800.
  - (c) All forfeitures and fees received by the court shall be paid to the city treasurer on a daily basis.
- (8) Absence of Judge.
  - (a) In case of illness, absence, or vacation, for a period not to exceed 30 days, the chief judge of the district shall designate another municipal judge of the county to perform the judge's duties.
  - (b) A permanent vacancy in the office of municipal judge shall be filled pursuant to Section

8.50 of the Wisconsin Statutes.

- 2.21 FINANCIAL PROCEDURE; ALTERNATIVE SYSTEM OF APPROVING CLAIMS (MC#733)
- (1) Payments may be made from the city treasury after the city clerk audits and approves each claim as a proper charge against the treasury, and endorses ~~their~~ ~~his or her~~ approval on the claim after having determined that the following conditions have been complied with:
    - (a) That funds are available therefor pursuant to the budget approved by the Common Council.
    - (b) That the item or service covered by such claim has been duly authorized by the proper official, department head or board, ~~committee~~ ~~committee~~, or commission.
    - (c) That the item or service has been ~~actually supplied~~ supplied or rendered in conformity with such authorization.
    - (d) That the claim is just and valid pursuant to law. The clerk may require the submission of such proof and evidence to support the foregoing as in that officer's discretion may be deemed necessary.
  - (2) The clerk shall file with the Common Council not less than monthly a list of the claims approved, showing the date paid, name of claimant, ~~purpose~~ purpose, and amount.
  - (3) The Common Council shall authorize an annual detailed audit of the city's financial transactions and accounts by a public accountant licensed under Chapter 422 of Wisconsin Statutes and designated by the governing body.
  - (4) The clerk shall be covered by a fidelity bond of not less than \$10,000.
  - (5) The authority of this ordinance does not apply to claims referenced in Chapter 893.80 of Wisconsin Statutes.
  - (6) This ordinance is adopted under the provisions of 66.044 of the Wisconsin Statutes, which precludes the claim procedure required by State Statutes 61.25(6), 61.51, 62.09(10), 62.11, and 62.12, and other relevant provisions, except 893.80.

2.22 UNDERPAYMENTS AND OVERPAYMENTS.

City departments, including municipal court, may retain overpayments of fees, licenses, payments, and similar charges when the overpayment is \$4.00 or less, unless such refund is specifically requested in writing.

2.23 FRANCHISE FEES. (MC#1178)

All cable and other telecommunications franchise fees shall be placed into the city's general fund or a special revenue fund, for the purpose of the community access media operating budget, unless said funds are directed otherwise by the Common Council in a budget or other resolution. The amount the City receives in franchise fees shall be as allowed by law and as set by the Common Council by resolution.

2.24 COLLECTION OF ARREARAGES FOR DELINQUENT UTILITY SERVICES

The Wisconsin Rapids Water Works and Lighting Commission, operated by the City of Wisconsin Rapids, shall be authorized to collect for arrearages for utility service provided by it (water, sewer and electric), together with any penalty assessed or added thereon, by use of the procedures set forth in Section 66.0809(3) of the Wisconsin Statutes. By this ordinance, the City of Wisconsin Rapids hereby authorizes use of the Section 66.0809(3) procedures and directs that such use shall be in accordance with the requirements of Section 66.0809(3). As such, any arrears may become a lien and automatically be extended upon the current or next tax roll as a special charge against the property. Such arrears shall not be payable in installments once they have become a lien. All proceedings related to the collection, return and sale of property for delinquent real estate taxes shall apply. (MC1278)

2.25 RESPONSIBLE BIDDER FOR PUBLIC CONSTRUCTION

- 1) **Purpose.** Pursuant to Wis. Stat. §62.15(1) and (6) and §66.0901, whenever the City of Wisconsin Rapids lets public works by contract, the contract must be awarded to the lowest

responsible bidder. What constitutes a responsible bidder is a determination that requires the exercise of discretion by the City. This ordinance is intended to ensure that bids are reviewed by the City and its departments, officials or employees under reasonably consistent responsible bidder criteria when exercising its discretion.

- 2) **Definitions.** In this section, the following definitions shall apply.
- a) "Contractor" means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or subcontractor at any tier.
  - b) "Class A Apprenticeship Program" means an apprenticeship program that is currently approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyman status for three (3) years. In addition, a new apprenticeship program that has been registered with the federal or state government within the last three (3) years will be considered a Class A Apprenticeship Program, provided that such new program graduates apprentices to journeyman status within the indenture period.
  - c) "Public works contract" means a contract for the construction, alteration, execution, repair, remodeling or improvement of a public work or building, where the contract is required to be bid pursuant to Wis. Stat. §62.15(1) and (6) and §66.0901.
- 3) **Responsible Bidder Criteria.** In order to be a responsible bidder for purposes of being awarded a public works contract, the contractor must meet the following criteria.
- a) The contractor maintains a permanent place of business.
  - b) The contractor is authorized to do business in the State of Wisconsin.
  - c) The contractor, or agent, partner, employee or officer of the contractor, is not debarred, suspended, proposed for debarment or declared ineligible from contracting with any unit of federal, state or local government.
  - d) The contractor is in compliance with provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
  - e) The contractor has general liability, workers' compensation, automobile insurance and unemployment insurance at levels sufficient to protect the City given the size of the public works.
  - f) The contractor has complied with all provisions of Wisconsin prevailing wage law and federal Davis-Bacon related Acts, and all rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years.
  - g) The contractor participates in a Class A Apprenticeship Program, if the contractor employs more than ten employees and if such a program exists for the trade being contracted.
  - h) The contractor has a written substance abuse prevention program meeting the requirements of Wis. Stat. §103.503.
  - i) The employees who will perform work on the project are properly classified as employees or independent contractors under all applicable state and federal laws.
  - j) The contractor has not been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, including but not limited to, classification of employees, unemployment insurance, discrimination, or payroll fraud. If the contractor has been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment and/or may be disqualified.
  - k) The contractor's employees who will perform work on the project are:
    - i) Covered under a current workers' compensation policy; and
    - ii) Properly classified under such policy.
  - l) The contractor's employees who will perform work on the project have the health insurance coverage required by the federal Affordable Care Act.
  - m) The contractor possesses all applicable professional and trade licenses required for performing the public works.
  - n) The contractor has adequate financial resources to complete the public works contract, as well as all other work the bidder is presently under contract to complete.
  - o) The contractor is bondable for the terms of the proposed public works contract.



- p) The contractor has a record of satisfactorily completing at least five projects of similar size and complexity within the last five years. Criteria which will be considered in determining satisfactory completion of projects may include, but are not limited to:
  - i) Completion of contracts in accordance with drawings and specifications;
  - ii) Diligent execution of the work and completed contracts according to the established time schedules unless extensions are granted by the owner; and
  - iii) Fulfilled guarantee requirements of the contract documents.
- q) The contractor has, and diligently maintains, a written safety program.
- r) The contractor has not received a serious, ~~willful~~willful, or repeated violation from OSHA in the last ten years.
- s) The contractor has written substance abuse prevention program meeting the requirements of Wis. Stat. §103.503 and maintains records demonstrating that it conducts the random, reasonable suspicion and post-incident drug and alcohol testing required by Wis. Stat. §103.503(3).

**4) Additional Information and No Restriction on Discretion.** In the event the contractor is currently under consideration for debarment as described in section 3, or is under investigation for, or has been charged with, any violations regarding matters described in section 3, or if any action or proceeding is pending which might result in a limitation upon, or revocation of, any license required to perform the public construction contract, the contractor, shall provide an explanation of facts, circumstances and allegations involved in such matter at the time of submission of its bid. The City will review any such information provided and will also review any other information it discovers related to any matter bearing on the contractor's qualifications and capacity and competence to do the work and determine whether such information is sufficiently reliable and relevant to demonstrate the contractor is not responsible to perform the public construction project.

**5) Affidavit of Compliance.** The general or prime contractor bidding on a public works project must include in its sealed bid:

- a) its own affidavit swearing compliance with each of the criteria set forth in section 3 on the form required by the City; and
- b) an affidavit swearing compliance with the criteria set forth in section 3 on the form required by the City from every subcontractor at any tier who will perform work on the project.
- c) an affidavit swearing to the information required by section 4.

Failure to submit the required affidavits prior to the opening of bids, or providing any materially incorrect, false, or misleading information shall automatically disqualify the contractor's bid.  
(MC#1313)