

## AGENDA

CITY COUNCIL  
MONONA PUBLIC LIBRARY MUNICIPAL ROOM  
1000 NICHOLS ROAD

TUESDAY, SEPTEMBER 6, 2016

7:30 P.M.

- A. Call to Order.
- B. Roll Call and Pledge of Allegiance.
- C. Approval of Minutes from August 15, 2016.
- D. Appearances.
- E. Public Hearing. (None)
- F. Consent Agenda.
  - 1. Approval of Applications for 2016/2017 Operator Licenses:
    - a. Christopher J. Connors, Breakwater
    - b. Karla E. Hanson, Breakwater
    - c. Dennis A. Peterlin, Breakwater
    - d. Charrod L. Miller, East Side Club
    - e. Melissa M. Gordon, Joe's Fire Station
    - f. Alicia R. Hurtgen, Snick's Sportsman's Bar
    - g. Alisa A. Beasley, Speedway – Royal Avenue
    - h. Cassandra A. Davis, Speedway – Royal Avenue
    - i. Latiya T. Davis, Speedway – Royal Avenue
    - j. Helen R. Jones, Speedway – Royal Avenue
    - k. Shawn L. Kellum, Speedway – Royal Avenue
    - l. Rhonda M. Moore, Speedway – Royal Avenue
    - m. Kyle E. Wood, Speedway – Royal Avenue
    - n. Lindsey O. Conklin, Village Lanes
    - o. Patrick R. Kellogg, Independent
  - 2. Approval of Applications for 2016 Temporary Operator Licenses:
    - a. Kelley D. Van Egeren, Aldo Leopold Nature Center
    - b. Susan M. Carr, Monona Public Library
  - 3. Approval of Application for 2017 Temporary Operator License:
    - a. Susan M. Carr, Monona Public Library
- G. Council Action Items.
  - 1. Unfinished Business.
    - a. Consideration of Ordinance 8-16-681 Permitting Dogs in Parks on an Interim Basis (Park & Recreation Board).
  - 2. New Business.
    - a. Consideration of Resolution 16-9-2117 Approving a First Right of Refusal Agreement from the City of Monona to RealtyLink Investments, LLC (City Planner and Economic Development Director).

- b. Consideration of Resolution 16-9-2114 Approving a Capital Budget Amendment for the Upgrade of the Fire Department Communications System (Fire Chief).
  - c. Consideration of Resolution 16-9-2115 Purchase Approval of Fire Department Communication System Upgrade to Incorporate Frequency on the DaneCom System (Public Safety Committee).
  - d. Consideration of Resolution 16-9-2116 Approving a Memorandum of Understanding with the City of Fitchburg for the Use of Unused Ports on Fitchburg's Gateway to the DaneCom System (Fire Chief).
  - e. Consideration of Results and Recommendations from Emergency Services Dispatch Study (Police Chief and Fire Chief).
  - f. Consideration of Ordinance 9-16-682 Amending Chapter 2, Section 4 of the Code of Ordinances Regarding Committee Membership (City Administrator).
  - g. Discussion of Recodification Section Recommendations (City Administrator).
- H. Reports of Committees, Commissions, Boards, Mayor, City Administrator, City Attorney, and Department Managers.
- 1. Strategic Plan Reports from Police Chief and Fire Chief.
  - 2. Agendas, Supporting Documents, and Minutes are Available on the Monona Web Page – [www.mymonona.com](http://www.mymonona.com).
- I. Appointments.
- 1. Election Inspectors, January 1, 2016 – December 31, 2017:
    - a. Marty Beck
    - b. Wendy Beck
    - c. Deb Seeliger
    - d. Kisiah Johnson
    - e. Cherie Goetz
    - f. Veronica Willsey
    - g. Kathy McNally
    - h. Angela Davis
    - i. Barb Minor
    - j. Dan Minor
    - k. Susan Fox
    - l. Jane Rouleau
- J. Adjournment.

**NOTE:** Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608) 222-2525 (not a TDD telephone number) Fax: (608) 222-9225 or through the City Police Department TDD telephone number 441-0399. The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business. It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice. POSTED September 1, 2016 on the City Hall, Library, and Community Center bulletin boards and on the City of Monona's website mymonona.com.

MONONA CITY COUNCIL MINUTES  
August 15, 2016

The regular meeting of the Monona City Council was called to order by Council President Speight at 7:35 p.m.

Present: Council President Chad Speight, Alderpersons Brian Holmquist, Jim Busse, Doug Wood, Mary O'Connor, and Andrew Kitslaar

Excused: Mayor Robert Miller

Also Present: City Administrator April Little, Finance Director Marc Houtakker, Detective Lieutenant Sara Deuman, Recreation Director Jake Anderson, Library Director Erick Plumb, Director of Community Media Will Nimmow, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion by Alder O'Connor, seconded by Alder Kitslaar to approve the Minutes of the August 1, 2016 City Council meeting, was carried.

APPEARANCES

Jennifer Falkowski, 5212 Spaanem Avenue, Madison appeared before the Council and spoke for informational purposes about the Library's scavenger hunt fundraiser FoMLASH.

Jeff Hinz, 5100 Tonyawatha Trail appeared before the Council and spoke in favor of the Ordinance permitting dogs in parks.

PUBLIC HEARING

There is no Public Hearing.

CONSENT AGENDA

A motion by Alder Wood, seconded by Alder Kitslaar to approve the following, was carried:

1. New Applications for 2016/2017 Operator Licenses:
  - a. Gregory H. Davis, Mr. Brews Tap House
  - b. Aureia L. Currie, Speedway – Monona Drive
  - c. Susan C. Deon, Tobacco Outlet Plus
  - d. Linda S. Jackson, Tobacco Outlet Plus
2. Renewal Applications for 2016/2017 Operator Licenses:
  - a. Thomas G. DuPlayee, Breakwater
3. New Applications for 2016/2018 Operator Licenses:
  - a. Ciera R. Carey, PDQ Food Stores
  - b. Melanie R. Facklam, PDQ Food Stores
  - c. Brain K. Hacker, Tobacco Outlet Plus

4. Renewal Applications for 2016/2018 Operator Licenses:
  - a. Kevin L. Ploessl, Waypoint Public House

#### UNFINISHED BUSINESS

A motion by Alder Busse, seconded by Alder O'Connor to remove from the table Resolution 16-7-2109 Accepting a Public Service Commission Water Rate Increase, was carried.

Finance Director Houtakker reported this had been tabled for Public Works Committee review. The Committee approved Option 2, conservation rates for commercial properties, and an increase will be considered every year instead of waiting five years. Alder Holmquist stated paying less for more use didn't make sense and establishing a predicable rate was desirable.

A motion by Alder Busse, seconded by Alder O'Connor to approve Resolution 16-7-2109 Accepting a Public Service Commission Water Rate Increase Option 2 as approved by the Public Works Committee, was carried.

#### NEW BUSINESS

A motion by Alder Holmquist, seconded by Alder Wood to suspend the rules and take action on Resolution 16-8-2111 Approving the Purchase of Police Body Cameras, was carried.

Detective Lieutenant Deuman reported this is a request for approval of the purchase of 20 units. Police are now under increased scrutiny; body cameras would allow video of incidents outside of a squad car. The software now works with the squad video. Extra server storage is also needed. Finance Director Houtakker reported funds for this will come from savings in the security glass and door upgrade project. Detective Lieutenant Deuman explained the officer turns the camera on and off and it can be set to turn off and on based upon conditions like lighting. A policy will be written about when and how they are used; they are not used in sensitive cases. Alder Kitslaar reported he did a ride-along with Police Officers and they are in favor of these cameras.

A motion by Alder Holmquist, seconded by Alder Kitslaar to approve Resolution 16-8-2111 Approving the Purchase of Police Body Cameras, was carried.

A motion by Alder Holmquist, seconded by Alder Busse to suspend the rules and take action on Resolution 16-8-2112 Amending the 2016 Capital Budget to Purchase Police Body Cameras, was carried.

A motion by Alder Holmquist, seconded by Alder Busse to approve Resolution 16-8-2112 Amending the 2016 Capital Budget to Purchase Police Body Cameras, was carried.

Council President Speight wished Recreation Director Anderson happy birthday. Recreation Director Anderson provided information on Ordinance 8-16-681 Permitting Dogs in Parks on an Interim Basis. Surveys began in 2010 on the subject of dogs. A dog park has been considered more than once. The current survey regarding allowing leashed dogs in parks with some restrictions received a very high 922 respondents. The public hearing on August 8 was followed by Park & Recreation Board discussion on August 9. Restrictions include playgrounds, athletic fields, park shelters, and beaches. Leash length was not designated. More staff will be needed for maintenance and enforcement. The Board discussed having the Code Enforcement Officer police this, but it will be difficult to monitor.

Alder Busse stated he is in favor of the interim basis to motivate residents to comply. Signage is needed before this Ordinance takes effect or bad habits may take hold if residents don't know the rules. He would like the penalty included on the sign using the wording, "subject to fine per Ordinance" in case the fine changes.

Alder Kitslaar stated there was both dissent and approval on both sides (the Board and residents) to compromise to see how this works out. Well more than half the survey respondents wanted dogs in parks. He wants to continue to make the City attractive to new residents; people were shocked to find out the City is not dog-friendly as there are no sidewalks and no allowance in parks. License fees should be used to support the additional needs, like a possible clean-up station. He is in favor of not having a required leash length, just that the dog be under control. He won't be present for the final vote but wanted members to know he is very supportive of this Ordinance. He would like to see a change in the restriction of dogs from events and suggests a space on the application to choose whether an event is dog-friendly or not. A sign could be posted at events stating the decision to allow or not allow dogs. He thanks Recreation Director Anderson and the Park & Recreation Board for their extensive work on this issue.

Alder O'Connor agrees this should be implemented when the signs are installed but is concerned about a delay. She requests a cost estimate of signs and asks when they can be installed. Recreation Director Anderson stated the average cost is \$25 per sign and he wants to add signs to some parks on structures and playgrounds. Leftover Schluter Beach renovation funds could be used to pay for them. Installation could be done in the fall.

A motion by Alder Wood, seconded by Alder O'Connor to suspend the rules and take action on Resolution 16-8-2113 Accepting a Donation for and Approving the Purchase and Installation of Playground Equipment at Schluter Park, was carried.

Recreation Director Anderson reported a resident came forward with a \$20,000 match for more and better equipment and projected a rendition of what the proposed equipment will look like. He wants to get it ordered and installed by the end of September. Alder O'Connor questioned whether enough beach area is left available. Recreation Director Anderson reported the same layout is being used as before and 12 feet of access is required to get the pier in and out. Alder Kitslaar reported the goal was to draw users to the park, keep the beach open, and place the equipment near the channel.

A motion by Alder O'Connor, seconded by Alder Kitslaar to approve Resolution 16-8-2113 Accepting a Donation for and Approving the Purchase and Installation of Playground Equipment at Schluter Park, was carried.

City Administrator Little began Discussion of Recodification Section Recommendations reviewing changes. Committee members' terms will begin on the third Wednesday in April. Some commissions are now titled as committees to match statute language. A Tourism Commission needs to be created per statute with one member from the hotel/motel industry and a qualifying tourism entity needs to be investigated. ADA and accessibility would now be a policy, not an Ordinance. Department Head job titles were added and positions and titles updated. The Library Board appoints the Director, not the Council, so that language was changed.

## REPORTS

Library Director Plumb provided a Strategic Plan Report. Use of technology has increased with the new website using news and text alerts. A concerted effort has been made toward interdepartmental coordination and cooperation with quarterly meetings with Senior Center and Recreation Department staff on cross-promotion of programs. WVMO has been an enormous asset in program promotion and

drawing job applicants. 50<sup>th</sup> Anniversary events have been completed with \$10,000 raised and new events created. A current goal is to get out of the Library building and have a presence at community and school events, in parks and at the swimming pool, and the Farmer's Market and Whole Foods. New patrons have been obtained from this outreach. Energy savings have been achieved using LED lights. The quiet reading area has sensors to dim and raise lighting based upon light from the windows. A community-wide survey on services will be conducted this fall. A 5% to 10% reduction in circulation is anticipated when the new Pinney Branch Library opens. The Library will continue to focus on what it does best: programs and customer service.

Director of Community Media Nimmow provided a Strategic Plan Report and explained how the Municipal Fiber Network, or MUFN, works. It is a cord, like Charter, that runs through the City down Monona Drive and Nichols Road with better serviceability than Charter. Wisnet is the internet provider using MUFN wires. Charter speed is adequate but Wisnet bandwidth is much greater. This is needed when more users are active. The IT Department will have to review the City's needs for the future. Community Media Committee member Bob Bocher has a MUFN contact who will speak at a Committee meeting. The City may be paying for service that is not being utilized. Clarification is needed on what the City has and uses. Alder O'Connor stated there are two networks installed and this complication needs explanation. Library Director Plumb stated the Library will be on a separate MUFN connected to the South Central Library System because of all the wireless use in the building. Internet service is frequently, sometimes daily, lost throughout the building.

Director of Community Media Nimmow reported the success of WVMO was surprising; it has been a successful tool right away. He wants a formal process created to define radio use. The goal is to localize everything broadcast. Online use is popular, and is the only use that can be measured, but he gets calls and emails every week providing positive feedback. The goal is to have more Department Head usage.

Video creation takes much longer than audio recording but can then be brought into video for YouTube, the use of which is increasing. Online video presence is very important; he wants to make one-minute videos. Staffing was discussed. He wants to continually change the station and needs to be freed up to work on moving it forward and wants someone to do production part-time. The Committee will meet in a retreat-like format to look at the station's future.

The Municipal Room equipment is outdated and needs upgrades. It is arguably a shared effort so the City needs to help pay for it as it is used for more than Council and community meetings. Trials are recorded, presentations provided, etc. A router is also needed on the bus to pick up any available Wi-Fi. The UniverCity project has two classes working on a Wi-Fi system study doing a cost/benefit analysis of MUFN, AT&T, and Charter and a study of other community's efforts in and out of Wisconsin. He would like increased social media use and wants to install a media lab at the Library. This will require service analysis and staff to provide instruction and workshops for all ages.

City Administrator Little stated Library Director Plumb and Director of Community Media Nimmow didn't have a lot of projects on the Strategic Plan but both have gone above and beyond the requirements of the Plan.

Members announced dates of upcoming meetings.

Alder O'Connor reported that next week the Transit Commission will review proposed contracts from bus service providers.

Alder Kitslaar reported the Library Board meets early tomorrow night at 6:00 p.m. He went on ride-alongs with Fire, EMS, and Police and it was a great eye-opening experience. He highly recommends members do this as a learning opportunity.

City Clerk Andrusz reported one-third of the City voted in the Partisan Primary last week – a wonderful turnout! She will be attending the Wisconsin Municipal Clerks Association Conference in Appleton this Wednesday through Friday.

City Administrator Little reported the UniverCity kick-off event is September 14 from 5:00 to 7:00 p.m. at the Aldo Leopold Nature Center. She requests Director of Community Media Nimmow create a video of the event. The next Council meeting is Tuesday, September 6 due to the Labor Day holiday.

Detective Lieutenant Deuman reported National Night Out is this Tuesday night in Winnequah Park from 5:00 to 8:00 p.m. Police and Fire equipment will be on display and a Med Flight landing is planned. Inflatables and other family activities will be provided. Director of Community Media Nimmow reported the WVMO “ice cream” bicycle will be there. Alder Kitslaar reported the Concert in the Park will be in the Gazebo.

Council President Speight thanks everyone for their support while he served as Acting Mayor.

#### APPOINTMENTS

There were no Appointments.

#### ADJOURNMENT

A motion by Alder Kitslaar, seconded by Alder Holmquist to adjourn, was carried. (9:23 p.m.)

Joan Andrusz  
City Clerk

**Ordinance No. 8-16-861  
Monona Common Council**

**AN ORDINANCE PERMITTING DOGS IN CITY PARKS  
ON AN INTERIM BASIS**

**WHEREAS**, section 12-1-1(b)(17) of the Code of Ordinances prohibits pets in City parks except under limited circumstances; and,

**WHEREAS**, the Park and Recreation Board has received public input concerning permitting dogs in public parks; and,

**WHEREAS**, the Park and Recreation Board recommends the Common Council permit dogs in City parks on an interim basis, and under certain conditions, in order to evaluate the effect on the parks and benefit to the public

**NOW, THEREFORE**, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

**SECTION 1.** The provisions of section 12-1-1(b)(17) of the Code of Ordinances as they apply to canines in City parks are hereby suspended until January 1, 2018, on the following terms. The provisions of section 12-1-1(b)(17) prohibiting all other pets in City parks, and canines not in full compliance with the below stated terms of this ordinance, remain in full force and effect.

**SECTION 2.** Notwithstanding the provisions of section 12-1-1(b)(17) of the Code of Ordinances, canine pets shall be permitted in all City parks during times such parks are open to the public on the following conditions:

- a. No canine shall be within 50 feet of any park public building, picnic shelter, athletic field/court, playground structure or delineated beach; and at such other locations posted by order of the Park and Recreation Director, or their designee.
- b. Except as provided in subsection (c) below, all canines in City parks shall be under the direct control of a person at all times by means of a physical leash held by a person at all times. Control by way of radio collar is prohibited.
- c. Canines shall be permitted off leash while swimming, provided they are within direct sight and vocal control of a person controlling the animal and on leash at all times they are not in the water.
- d. All waste from the canine shall be immediately picked up and disposed of. Bags, scoops or other appropriate implements for the removal of waste shall be carried by any person bringing a canine onto park property.
- e. All canines shall display on their collar current rabies and registration tags.

**SECTION 3.** The restrictions imposed in section 2 above shall not apply to service animals, as defined in state and federal law, assisting a person with a disability; and any canine assisting law enforcement personnel in their duties.

**SECTION 4.** Any person permitting a canine in a City park in violation of this ordinance shall be subject to the penalty provided in section 1-1-7.

**SECTION 5.** This ordinance shall take effect upon passage and publication as provided by law and sunset at midnight on January 1, 2018, unless otherwise directed by the Common Council.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BY ORDER OF THE COMMON COUNCIL

\_\_\_\_\_  
Robert E. Miller  
Mayor

\_\_\_\_\_  
Joan Andrusz  
City Clerk

Requested By: Park & Recreation Board – 8/11/16  
Drafted By: William S. Cole, City Attorney – 8/12/16  
Approved As To Form By: William S. Cole, City Attorney – 8/12/16

**Resolution 16-9-2114  
Monona Common Council**

**APPROVING A CAPITAL BUDGET AMENDMENT FOR THE UPGRADE  
OF THE FIRE DEPARTMENT COMMUNICATIONS SYSTEM**

**WHEREAS**, maintaining a highly operational communication system is critical to the operation and safety of the Fire Department; and,

**WHEREAS**, the 2014 Capital Budget included funding in the amount of \$6,500 for the purchase of a port on the Fitchburg gateway equipment to connect the Monona Fire Frequency to the DaneCom system; and,

**WHEREAS**, the actual cost of the gateway port will be \$8,205.38 (determined by equally dividing the total cost by the number of ports), and the cost to purchase and install the control station will be \$7,115, for a total project cost of \$15,320.38; and,

**WHEREAS**, the Gateway connection is essential for interoperability of communications to all surrounding county fire departments; and,

**WHEREAS**, on July 27, 2016, the Public Safety Committee recommended the purchase of a port on the Fitchburg Gateway and the purchase of the control station from General Communications for the combined price of \$15,320.38; and,

**WHEREAS**, this project is not funded in 2016, but the Schluter Beach project is expected to be under budget.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Monona, Dane County, Wisconsin, hereby authorizes the reallocation of \$16,000 from the Schluter Beach Improvement Project account 400-57-57620-849 to fund the gateway port and equipment to connect the Monona fire frequency to the DaneCom system.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BY ORDER OF THE CITY COUNCIL  
CITY OF MONONA, WISCONSIN

\_\_\_\_\_  
Robert E. Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Joan Andrusz  
City Clerk

Approval Requested By: Fire Chief Scott Sullivan

Council Action:

Date Introduced: 9-6-16

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

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

**City of Monona**  
**POLICY AND FISCAL NOTE**

<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Update	Substitute No. _____
		Resolution No. <u>16-9-2114 &amp; 16-9-2115</u>
		Ordinance Amendment No. _____

**Title:** Fire Department Communication System Upgrade

**Policy Analysis Statement:**

**Brief Description Of Proposal:**

Public Safety Committee recommended purchase of a port on the Fitchburg Gateway and the purchase of the control station from General Communications for the combined price of \$15,320.

The city did not budget for this. The Schluter beach projects come in under budget. Staff recommends using the savings for this project.

**Current Policy Or Practice:**

Not approved in the 2016 capital budget.

**Impact Of Adopting Proposal:**

Part of Gateway

**Fiscal Estimate:**

**Fiscal Effect (check/circle all that apply)**

- No fiscal effect
- Creates new expenditure account
- Creates new revenue account
- Increases expenditures
- Increases revenues
- Increases/decreases fund balance \_\_\_\_\_ Fund

**Budget Effect:**

- Expenditure authorized in budget
- No change to budget required
- Expenditure not authorized in budget
- Budget amendment required

**Vote Required:**

- Majority
- Two-Thirds

**Narrative/assumptions About Long Range Fiscal Effect:**

**Expenditure/Revenue Changes:**

<b>Budget Amendment No. _____</b>				<b>No Budget Amendment Required <input checked="" type="checkbox"/></b>				
Account Number				Account Name	Budget Prior to Change	Debit	Credit	Amended Budget
Fund	CC	Account	Object					
400	57	57220	834	Gateway and Control Station	0	16,000		16,000
400	57	57620	849	Schluter Beach Improvement	598,900		16,000	582,900
				Totals		16,000	16,000	

**Prepared By:**

<b>Department:</b> Finance Department	<b>Date:</b> 9/1/16
<b>Prepared By:</b> Marc Houtakker	
<b>Reviewed By:</b>	

**Resolution 16-9-2115  
Monona Common Council**

**PURCHASE APPROVAL OF FIRE DEPARTMENT COMMUNICATION SYSTEM  
UPGRADE TO INCORPORATE FREQUENCY ON THE DANECOM SYSTEM**

**WHEREAS**, maintaining a highly operational communication system is critical to the operation and safety of the Fire Department; and,

**WHEREAS**, the 2014 Capital Budget included funding in the amount of \$6,500 for the purchase of a port on the Fitchburg gateway equipment to connect the Monona Fire Frequency to the DaneCom system; and,

**WHEREAS**, the actual cost of the gateway port will be \$8,205.38, determined by equally dividing the total cost by the number of ports; and,

**WHEREAS**, the Gateway connection is essential for interoperability of communications to all surrounding county fire departments; and,

**WHEREAS**, the Gateway port scheduled for purchase was only part of the equipment and does not include the control station equipment that will need to be purchased; and,

**WHEREAS**, the City received a proposal on February 24, 2016 from General Communications for the purchase of the control station and installation in the amount of \$7,115.00; and,

**WHEREAS**, on July 27, 2016, the Public Safety Committee reviewed the proposals and has recommended the purchase of a port on the Fitchburg Gateway and the purchase of the control station from General Communications for the combined price of \$15,320.38.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Monona, Dane County, Wisconsin, that the proposal submitted by the City of Fitchburg and General Communications for stated communications equipment in the amount of \$15,320.38 is hereby approved, and staff is authorized to proceed with the purchase.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BY ORDER OF THE CITY COUNCIL  
CITY OF MONONA, WISCONSIN

\_\_\_\_\_  
Robert E. Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Joan Andrusz  
City Clerk

Approval Recommended By: Public Safety Committee – 6/20/16

Council Action:

Date Introduced: 9-6-16

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

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

**City of Monona**  
**POLICY AND FISCAL NOTE**

<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Update	Substitute No. _____
		Resolution No. <u>16-9-2114 &amp; 16-9-2115</u>
		Ordinance Amendment No. _____

**Title:** Fire Department Communication System Upgrade

**Policy Analysis Statement:**

**Brief Description Of Proposal:**

Public Safety Committee recommended purchase of a port on the Fitchburg Gateway and the purchase of the control station from General Communications for the combined price of \$15,320.

The city did not budget for this. The Schluter beach projects come in under budget. Staff recommends using the savings for this project.

**Current Policy Or Practice:**

Not approved in the 2016 capital budget.

**Impact Of Adopting Proposal:**

Part of Gateway

**Fiscal Estimate:**

**Fiscal Effect (check/circle all that apply)**

- No fiscal effect
- Creates new expenditure account
- Creates new revenue account
- Increases expenditures
- Increases revenues
- Increases/decreases fund balance \_\_\_\_\_ Fund

**Budget Effect:**

- Expenditure authorized in budget
- No change to budget required
- Expenditure not authorized in budget
- Budget amendment required

**Vote Required:**

- Majority
- Two-Thirds

**Narrative/assumptions About Long Range Fiscal Effect:**

**Expenditure/Revenue Changes:**

<b>Budget Amendment No.</b> _____				<b>No Budget Amendment Required</b> <input checked="" type="checkbox"/> _____				
Account Number				Account Name	Budget Prior to Change	Debit	Credit	Amended Budget
Fund	CC	Account	Object					
400	57	57220	834	Gateway and Control Station	0	16,000		16,000
400	57	57620	849	Schluter Beach Improvement	598,900		16,000	582,900
				Totals		16,000	16,000	

**Prepared By:**

**Department:** Finance Department  
**Prepared By:** Marc Houtakker  
**Reviewed By:**

**Date:** 9/1/16  
**Date:**

**Resolution 16-9-2116  
Monona Common Council**

**APPROVING A MEMORANDUM OF UNDERSTANDING WITH  
THE CITY OF FITCHBURG FOR THE USE OF UNUSED PORTS  
ON FITCHBURG'S GATEWAY TO THE DANECOM SYSTEM**

**WHEREAS**, Fitchburg owns radio communications equipment, towers and related facilities, including an interoperability gateway allowing the interface between Fitchburg communications system and the Dane County Communications system (DaneCom); and,

**WHEREAS**, Fitchburg has excess capacity in its gateway; specifically, unused communications ports on the gateway that Fitchburg does not anticipate that they will ever need to meet Fitchburg's communications needs; and,

**WHEREAS**, Monona's communications with DaneCom are insufficient to provide full coverage and suitable building penetration within certain areas of Monona, and it is believed that by utilizing the unused gateway ports in Fitchburg's system, the deficiencies can be minimized or eliminated; and,

**WHEREAS**, Fitchburg and Monona have reached an understanding to allow Monona to use the unused port(s) on Fitchburg's gateway indefinitely.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Monona, Dane County, Wisconsin, that the attached Memorandum of Understanding between the Cities of Monona and Fitchburg for Monona's use of Fitchburg's gateway ports to DaneCom is hereby approved.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BY ORDER OF THE CITY COUNCIL  
CITY OF MONONA, WISCONSIN

\_\_\_\_\_  
Robert E. Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Joan Andrusz  
City Clerk

Approval Requested By: Fire Chief Scott Sullivan

Council Action:

Date Introduced: 9-6-16

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

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

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**CITY OF FITCHBURG**  
**-AND-**  
**CITY OF MONONA**

This Memorandum of Understanding (MOU) is intended to document the intentions of The City of Fitchburg, a Wisconsin municipal corporation (Fitchburg) and the City of Monona, a Wisconsin municipal corporation (Monona) to share certain communications facilities owned by Fitchburg in order to improve public services communications in the geographical area of Monona.

WHEREAS, Fitchburg owns radio communications equipment, towers and related facilities, including an interoperability gateway allowing the interface between Fitchburg communications system and the Dane County Communications system (DaneCom); and

WHEREAS, Fitchburg has excess capacity in its gateway; specifically, unused communications ports on the gateway that Fitchburg does not anticipate that they will ever need to meet Fitchburg's communications needs; and

WHEREAS, Monona's communications with DaneCom are insufficient to provide full coverage and suitable building penetration within certain areas of Monona, and it is believed that by utilizing the unused gateway ports in Fitchburg's system, the deficiencies can be minimized or eliminated;

THEREFORE, Fitchburg and Monona have reached an understanding to allow Monona to use the unused port(s) on Fitchburg's gateway indefinitely.

Monona shall be solely responsible for the costs of selected port(s), installation, repairs, maintenance and operation of all equipment necessary to allow for radio signals between Monona and DaneCom to utilize Fitchburg's gateway.

Monona shall assure that Monona's equipment does not cause unreasonable damage to any building or structure of Fitchburg and does not interfere with the operation of Fitchburg's radio signals. The parties anticipate that the installation of the equipment will require attachment of an antenna on the roof of Fitchburg's building at 5520 Lacy Road using common fasteners on an existing rooftop equipment, but that no structural or significant change in any building or structure will otherwise be made. Monona shall repair any damage to Fitchburg's building or structures caused by Monona's equipment or the installation or maintenance thereof. In addition, Monona will use rack space in Fitchburg's transmitter room to place radio control stations which will be interfaced to the unused port(s) on the gateway.

Monona shall be afforded access to its equipment twenty-four (24) hours per day, seven (7) days per week.

The parties intend that this MOU will continue indefinitely. However, in the event Fitchburg determines it necessary to discontinue Monona's use of Fitchburg facilities, it shall give Monona 180 days notice so that Monona can make alternative arrangements for facilitating emergency communications.

This MOU incorporates the entire understanding of the parties relating to the specific subject matter addressed herein and supersedes any prior discussions or understandings related thereto.

City of Fitchburg

City of Monona

By: \_\_\_\_\_  
Steve Arnold, Mayor                      Date

By: \_\_\_\_\_  
Bob Miller, Mayor                      Date

Attest: \_\_\_\_\_  
Patti Anderson, City Clerk              Date

Attest: \_\_\_\_\_  
Joan Andrusz, City Clerk              Date

# **EMERGENCY DISPATCH STUDY REPORT**

*September 2016*

## **Participants**

- Alderman Doug Wood
- Alderwoman Mary O'Connor
- City Administrator April Little
- Fire Chief Scott Sullivan
- Police Lieutenant Sara Deuman
- Police Chief Wally Ostrenga
- Larry Reed, Public Safety Committee
- Mary Anne Reed, Citizen

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## INTRODUCTION

The participants were assigned the task of reviewing the current emergency dispatch systems for Monona, which encompasses fire, police, and EMS, to investigate whether there may be any improvements to responsiveness, service levels and cost savings. Our goal was to explore various alternatives to service, and to do that in detail. Dispatch is a complicated system in which we must consider technical, service, staffing, security and responsiveness issues in addition to cost. The group took several tours and met with several peer city representatives and the Dane County Public Safety Communications Center, summarized below.

- Tour and discussion of Monona’s dispatch center.
- Tour and discussion of Dane County’s dispatch center.
- Tour and discussion of Sun Prairie’s dispatch center.
- Discussion with Verona’s Police Chief.
- Reviewed draft report and recommendations with Public Safety Commission.

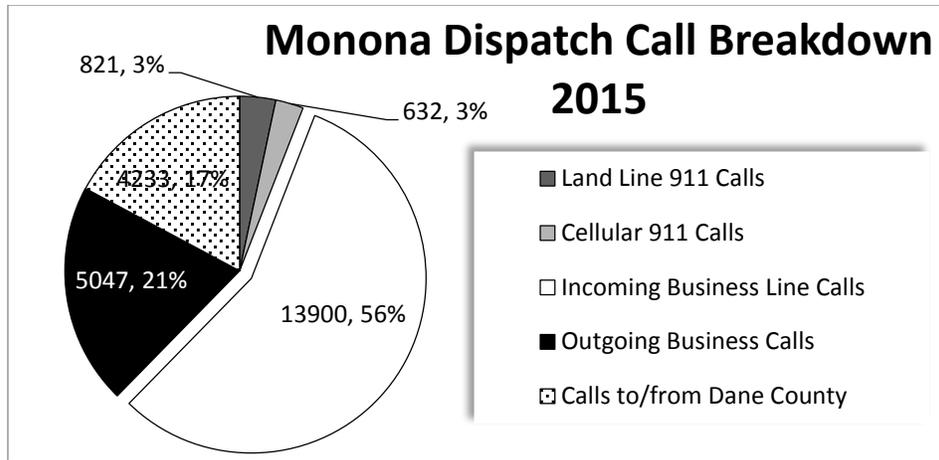
## OVERVIEW OF CURRENT SITUATION

### Current Dispatch

The best way to understand the complex flow of communications traffic is to review exhibits one and two, but below is a brief summary of which agency receives and dispatches which emergency service:

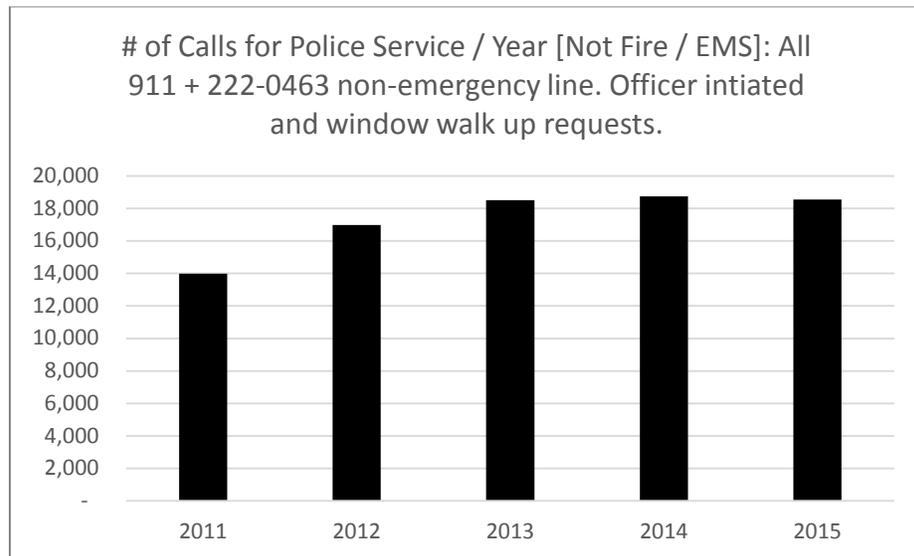
911 Landline	Calls within Monona are received by <b>Monona</b>
911 Cell Phone	Calls received by Dane County and transferred to Monona
Police	Dispatched by <b>Monona</b>
EMS	Dispatched by Dane County with a pre-alert by Monona Dispatch when initial calls are received by Monona
Fire	Dispatched by <b>Monona</b>

In 2015, a total of 24,633 phone calls were made and received by Monona dispatch, which may be broken down as follows. The clear majority were non-911 calls made to the non-emergency number of 222-0463. This is an average of about 53 incoming calls per day. They are handled by four full-time and five-part time dispatchers. Only one dispatcher is taking calls at any given time; this is the staffing total needed to provide 24-hour / 365 day per year coverage.

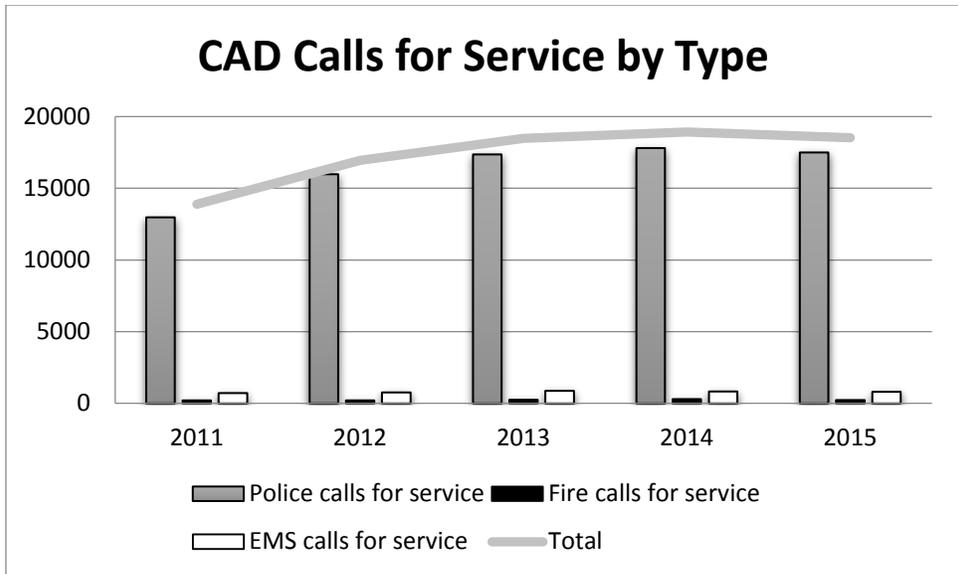


*Figure 1: Monona Dispatch Call Breakdown*

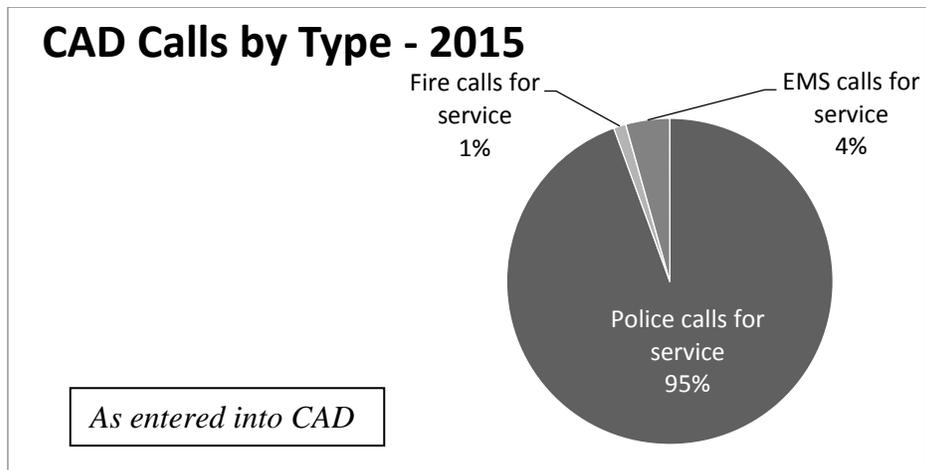
On average, more than 18,000 calls for police service are received and entered into the Global computer added dispatch software (CAD) each year. Multiple calls regarding one incident are recorded as one “call” (i.e. if five people call 911 to report a single car accident).



*Figure 2: Number of Calls for Service*



*Figure 3: Calls for Service by Type 1*



*Figure 4: Calls for Service by Type 2*

## Communications Systems

The City of Madison 800 MHz system works great for the Monona police department. It is the same system as used by Madison, and works better for an urban setting. Monona is able to monitor the radio traffic from the Madison Police Department, which is important due to Madison's close proximity. DaneCom was designed to work better for outlying areas. The Fire Department is already required to have DaneCom. It is unknown if we can remain on the 800 MHz system if Monona police were to be dispatched by Dane County. All the 800 MHz Monona portable, mobile and dispatch radios have been replaced during the last five years. Monona has

over more than 20 portable radios at \$3500 each. If we were to switch to DaneCom, portable radio replacement would be an additional cost. All squads have an 800 MHz and VHF mobile radio in them, so making a change in the cars would not create additional costs. The biggest question with a switch to the DaneCom system would be if the radios would work in our urban area.

Currently Monona receives four to five 911 calls each day; the trend is toward increasing number of cellular phones (versus land lines). The cellular calls are received by the Dane County Public Safety Center now, and then police or fire calls are transferred back to Monona. Emergency 911 circuits are limited, with only three dedicated to Monona dispatch. Monona EMS, along with the rest of the area is dispatched by Dane County. Currently, Monona dispatch (Police/Fire) uses the Global CAD system; Dane County is on Tri-tech CAD which works well for them. Monona is part of the Multi-Jurisdictional Public Safety Information System (MPSIS) consortium with four other cities using Global. Switching all to Tri-tech would cost \$200,000@ (all); however the annual maintenance fees would be reduced by approximately 50%. Monona’s share of this total cost would be about \$25,000 - \$30,000.

Monona EMS is currently using Tri-tech CAD, both Medic 60 and Engine 4 have Tri-tech CAD installed in each vehicle.

## DISCUSSION OF OPTIONS

Please see exhibit 4 for a discussion of pros and cons for each of these options.

### **Option 1 – No change**

### **Option 2 – Fire to Dane County**

911 Landline	By <b>Monona</b>
911 Cell Phone	By Dane County and transferred to Monona
Police	By <b>Monona</b>
EMS	By Dane County
Fire	By Dane County

### **Option 3 – Fire + 911 to Dane County**

911 Landline	By Dane County and transferred to Monona
911 Cell Phone	By Dane County and transferred to Monona
Police	By <b>Monona</b>
EMS	By Dane County
Fire	By Dane County

## **Option 4 – All Dane County Dispatch**

911 Landline  
911 Cell Phone  
Police  
EMS  
Fire

## DISCUSSIONS WITH PEER COMMUNITIES

### Sun Prairie Dispatch; Meeting with Lt. Teasdale

- i. **Services provided by Dane County.** Sun Prairie has 911 calls answered and Fire now being dispatched by Dane County; police are dispatched by Sun Prairie. They are in a trial phase since February 2016, which has been extended until August because of technical issues to resolve.
- ii. **Protocol for call transfers** – Operational procedures must be standardized. However, this has not worked out as smoothly in practice. Sun Prairie had requested a phone conference from a “tie line,” (so Sun Prairie can pick up the call from Dane County), which was tested but not practical because Dane County’s criteria of an emergency needing a transfer does not match Sun Prairies.
- iii. **Personnel** – Sun Prairie’s existing police dispatch staff is having a difficult time covering all their shifts with qualified personnel.
- iv. **Technical issues** – Fire transition was smooth, no issues. They sent letters and did advertising for alarm switches. Only issue was with school system tests.

To switch 911 calls to Dane County dispatch, AT&T lines must be severed, which is permanent. There is no cost to switch service off, but there would be substantial fees to turn it back on. They do allow a 90-day trial period, and this has been extended.

The group took a tour of the Sun Prairie dispatch center. Sun Prairie has had several concerns with the Dane County dispatch service: awkward CAD screen interface, wrong address, wrong response sent, and lack of communication. One call can generate three incidents (Fire/Ems/Police Department), and it can be easy to miss information updates because of the interface. For example, an address update may not show up on the title screen because Dane County has been putting them in the call notes section. Therefore, they have done a structured analysis to examine problems and determine whether the problem was at the Sun Prairie or Dane County end, and have had discussions with Dane County to resolve.

A major factor is that Sun Prairie and Dane County do not have the same CAD system (Sun Prairie has Global, similar to Monona; Dane County has Tri-Tech). Having the same CAD system would probably solve most issues. Fitchburg, which also uses Global, has had similar issues. The county had one of their technicians write a program that converts the Tri-Tech entry into data that is received by the Global CAD system. They are calling this CAD4CAD. The way it is received by the Global CAD is very confusing and takes a lot of concentration on the part of the dispatcher to understand what services are being requested. Global has been bought out so its future use is a bit in limbo and is being addressed with Monona's regional consortium, MPSIS. Each mobile unit is a separate license cost. Not being able to have the receiving dispatcher talk directly with a caller is an issue which limits the gathering of pertinent information to relay to officers, sometimes causing officer safety concerns.

**b. Verona Dispatch; Discussion with Chief Bernie Coughlin**

Verona emergency services (police and fire) are dispatched by Dane County. Coughlin was previously with Brookfield, where they had their own dispatch and then relinquished it to the county. He said the only pro to county dispatch is costs savings, at least initially. Quality and control of future costs are issues. The advantage to having municipal dispatch is quality control based on citizen wants. He felt that Dane County was moving more toward 911 dispatch service rather than dispatch services (other than 911), and 911 are fewer than 10 percent of all calls. For example, if something more important was occurring somewhere else in the county, Dane County may not dispatch someone quickly to a "cold scene burglary," and that may be an important service to a citizen.

It is harder to speak to a live person with everyday questions. Some of the disadvantages are the Dane County staff understandably do not know local landmarks if a person does not know an address. Also, Dane County will not provide driver's license data to an officer if needed (i.e. the officer is not in the car or computer is broken); this can be critical information. Non-911 calls are "stacked" (delayed) and local officers are then not dispatched quickly.

Also, a very recent legal change may require a report to be submitted within 24 hours; this can be a problem over the weekend or staff has to be brought in and paid overtime. Coughlin said that it is not possible to eliminate all staff; it does not save as much as you would think. Coughlin said the change from a board to an advisory board was significant, as the municipality does not get to vote on final policy. Coughlin said if Monona goes to county dispatch, "you will regret it."

The group discussed how the county was going to recoup any additional expenses by adding Monona to their duties. In the past they proposed a fee over three years to take on all dispatch duties (\$300,000 over 3 years), but have now come up with the idea of a levy adjustment. Regarding county levy funding, it was brought up that communities signed up earlier were not being charged.

## COMMENTS FROM MEETING AT DANE COUNTY EMERGENCY DISPATCH

### Services from Dane County

Generally, Dane County has different staff members answering incoming calls (“call takers”), who stay on with the caller. “Dispatchers” are staff who actually talk to the units in the field (Police, Fire and EMS) via radio and direct the emergency services. The call taker for example will gather as much information as they can from a caller such as “is he breathing” then enter the information into the CAD which goes to a dispatcher for transmission to field units. The Monona personnel are both call takers and dispatchers. There are also dedicated Dane County dispatchers for fire and ems, separate from police. Overall, the group was impressed with the professionalism of the call takers and dispatchers at Dane County.

i. **Can** provide:

1. Fire calls can be dispatched.
2. Answer all 911 calls and information sent via CAD4CAD to the Monona dispatch center.
3. Police calls for service dispatched – with some adjustments (add channel and staff). Again, these translate to about 18,000 calls per year. They don’t know if Monona PD would be able to remain on 800 MHz (possibly sharing a dispatcher with Madison PD), or have to switch to DaneCom.
4. EMS – is currently Dane County-dispatched, but Monona pre-alerts the Monona EMS via intercom and radio if the 911call is from a land line or from a Police Officer in the field.
5. Middleton currently handles Monona’s overflow 911 calls if all 911 lines are busy, although this is a very rare occurrence. Currently, Monona has three dedicated 911 lines.

ii. **Can’t** provide:

Dane County Emergency Services would not be able to provide services to Monona that include City Hall 24-hour security and operating hours, fire alarm monitoring, walk up service, local records access, local knowledge of landmarks and events, and emergency notifications for other departments (i.e., Public Works, Administration, etc.).

b. **Protocol for call transfers (obtain copy of policy); Queue for calls**

- i. Non-emergency calls received after hours: Dane County uses an interactive voice response system to prioritize (“press 1...”), which is programmable. Can transfer, but lose call back number; can either conference call or disconnect (can be done both ways).

- ii. Other types of non-emergency notifications
  - 1. Extreme emergencies – would dedicate one priority dispatcher (backfill)
  - 2. Public Works calls – would go to call tree. Can set up to dispatch Monona crews.
- c. **Staffing** – If Monona’s police dispatch is added, Dane County would need to add up to four FTEs.
- d. **Technical System Issues**
  - i. 800 MHz vs. DaneCom – going digital will not hurt Monona. 800 MHz has superior coverage and performance. Madison, UW and Capitol Police also have 800 MHz. No objections to Monona keeping the system.
  - ii. Equipment needs
    - 1. Should be acceptable for Fire to keep its channel, but a Gateway (i.e. a computer link that allows digital and analog to work together on the DaneCom system) will be required whether Fire is dispatched by Monona or Dane County.
    - 2. CAD – Tri-tech or Global? This is unresolved at this moment regardless of which option is chosen, and is being discussed by the MPSIS consortium.
  - iii. DaneCom – Dane County can dispatch through DaneCom or the 800 MHz system. Modeling of impact could be done to determine impact of 800 MHz use. The system is scheduled to go live on November 1, 2016.
- e. **Costs**
  - i. 911 and Fire can be absorbed without additional Dane County staffing.
  - ii. Police – would look at staffing and radio reprogramming. Would most likely require levy transfer for hiring dispatchers.
  - iii. If another community would join Dane County dispatch, staffing costs would go down.
- f. **Timeline to implement**
  - i. CAD testing and interface are required to take on the 911 calls. Fire can be quick turnaround, approximately 3 – 6 months. Fire and EMS could be 2016; law enforcement would need no less than 12 months to get everything in order for a transfer making, the change in 2017 at the earliest.

## RECOMMENDATIONS

The work group unanimously recommends option 2 – moving fire dispatch to Dane County and keeping 911 and police dispatch service in Monona. However, they would be open to discussion of moving 911 service to Dane County at a later date. The work group did express concerns about Monona's cost (@\$150,000) and timeliness of 911 system replacement expected to be necessary within the next two years if we keep 911 in-house. The reasons for the recommendation are as follows:

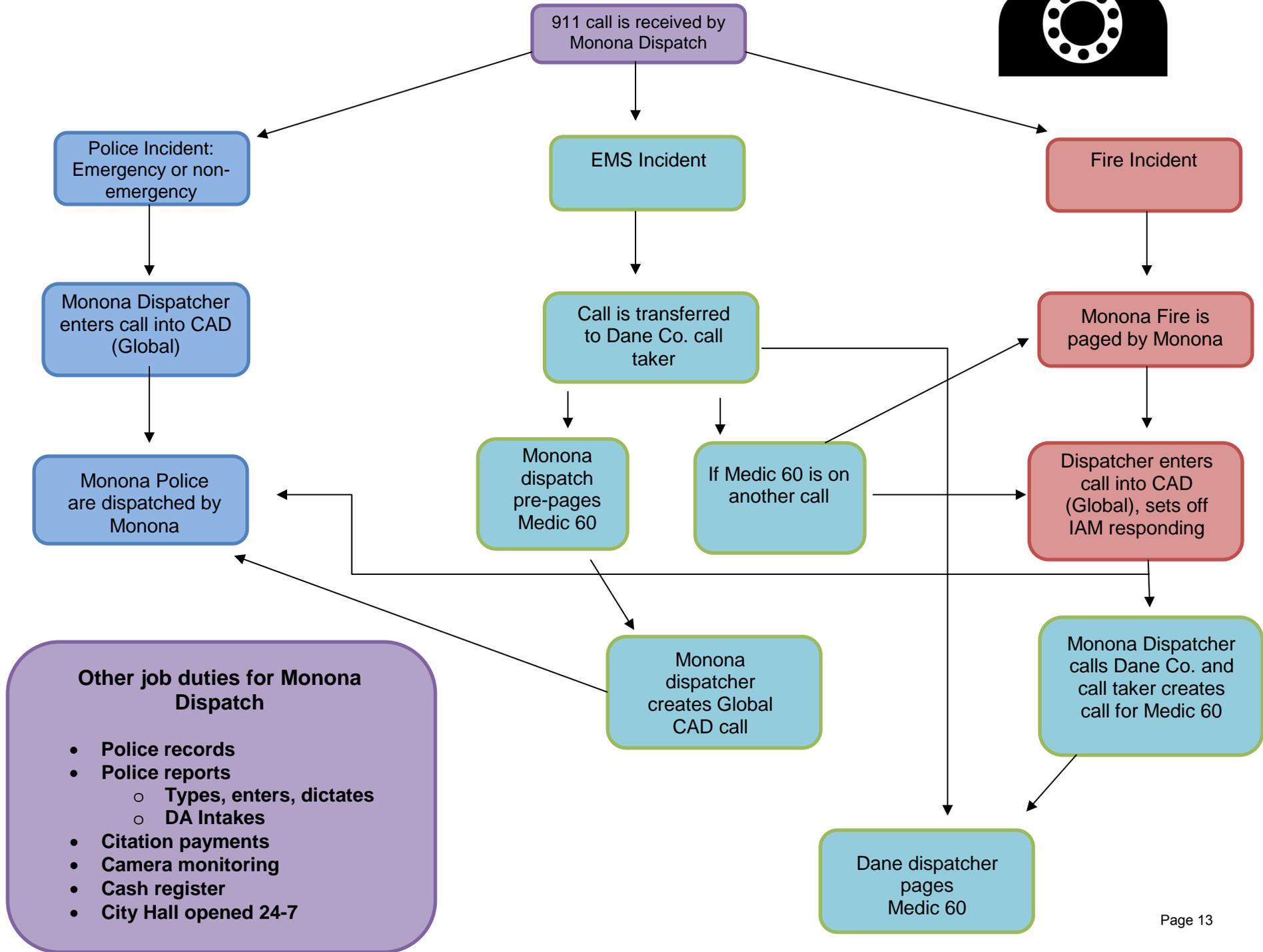
- 1) Allowing Dane County to dispatch Fire and EMS allows for greater consistency across the county, and allows Monona's dispatch to be dedicated primarily to police services.
- 2) Despite the increasing use of cell phones, 911 calls via land line are still the majority at this time.
- 3) The group would like to continue its observation of Sun Prairie's transition experiences, to learn from the best processes to make the difficult transition.
- 4) At this time, Monona has the largest population of seniors in Dane County. This population group in particular has expectations of in-person service and faster dispatch. It may also have a great deal of difficulty navigating a phone tree for the non-emergency line.
- 5) The group had concerns with difficulty of an outside agency would have in helping direct services without a concrete addresses. Instead, callers often use landmarks (i.e. "the statue by St. Mary's). Another example is directing emergency personnel to a specific person at a very large event in a large park, such as the Community Festival.
- 6) Allows local control of protocols. This was extremely important to the work group. For example, a call from Wal-Mart regarding theft – the biggest source of calls on the Monona non-emergency number – would be a very low priority county-wide and would probably greatly decrease the number of suspect apprehensions.
- 7) Maintains clerical and non-emergency support staff
- 8) Allows greater direction of staff
- 9) Maintain existing 24 hour emergency services
- 10) Greater familiarity with community and residents
- 11) Higher service level, especially with non-emergency issues. The clear majority of calls are to the non-emergency line and many of these come from commercial businesses. If these non-911 calls are dispatched by Dane County, callers will be directed to a phone tree which may frustrate many callers. A great many calls received relate to strictly non-emergency questions, such as "when is the Community Festival" which obviously Dane County could not be expected to answer for every community.
- 12) Allows City Hall to be open and monitored 24 hours
- 13) Allows 24-hour emergency warming / cooling shelter
- 14) It is uncertain which CAD system will be used by the MPSIS consortium. CAD interface was a source of some trouble.

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## EXHIBITS

1. Flow Chart for Land Lines
2. Flow Chart for Cellular Calls
3. Illustration of 800 VHF vs. DaneCom
4. Comparison of Pros and Cons for Each Option
5. Comparison of Cost Impacts for Options
6. Excerpts from Previous Study by MPSIS

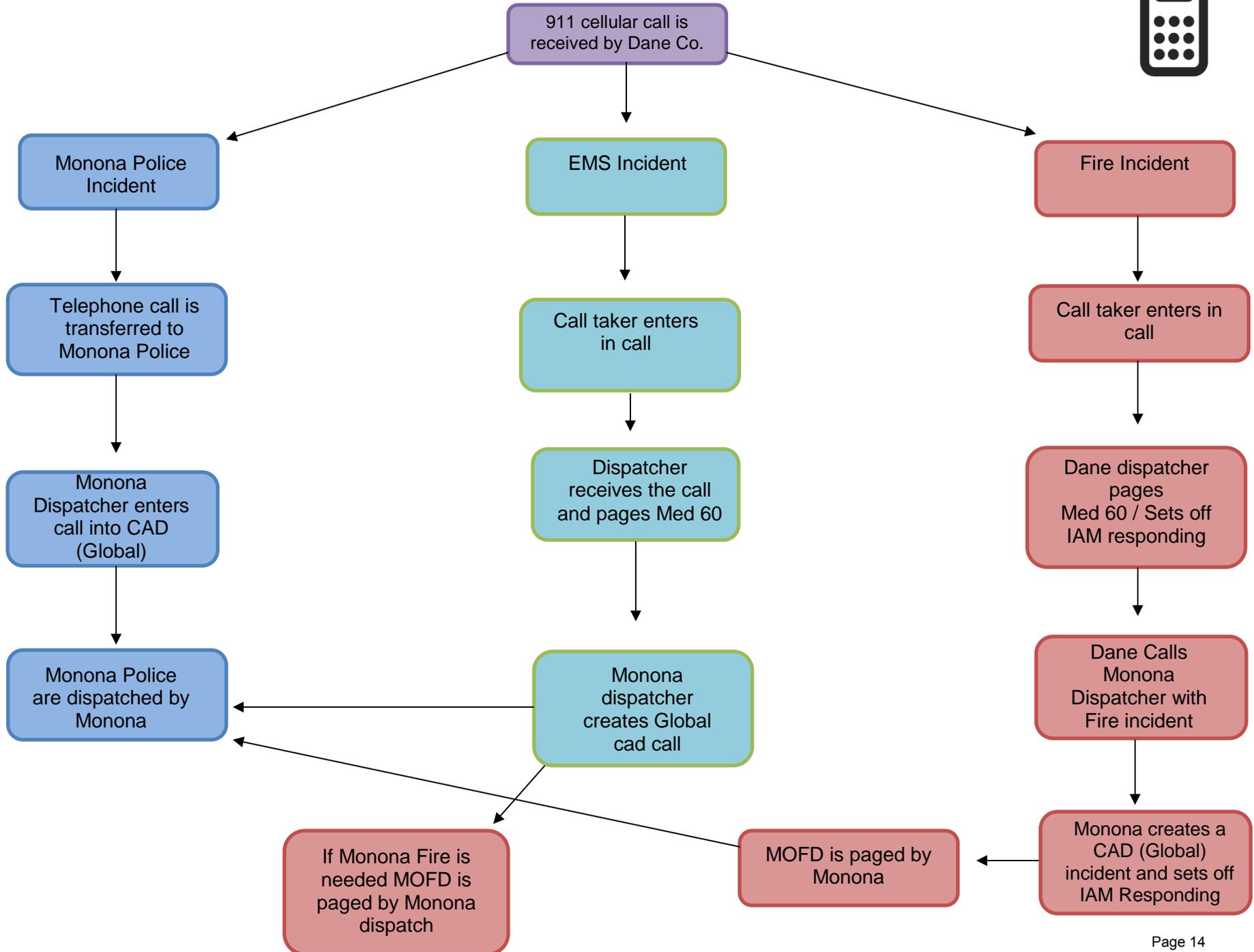
# Monona dispatch flow chart – Land Line 911

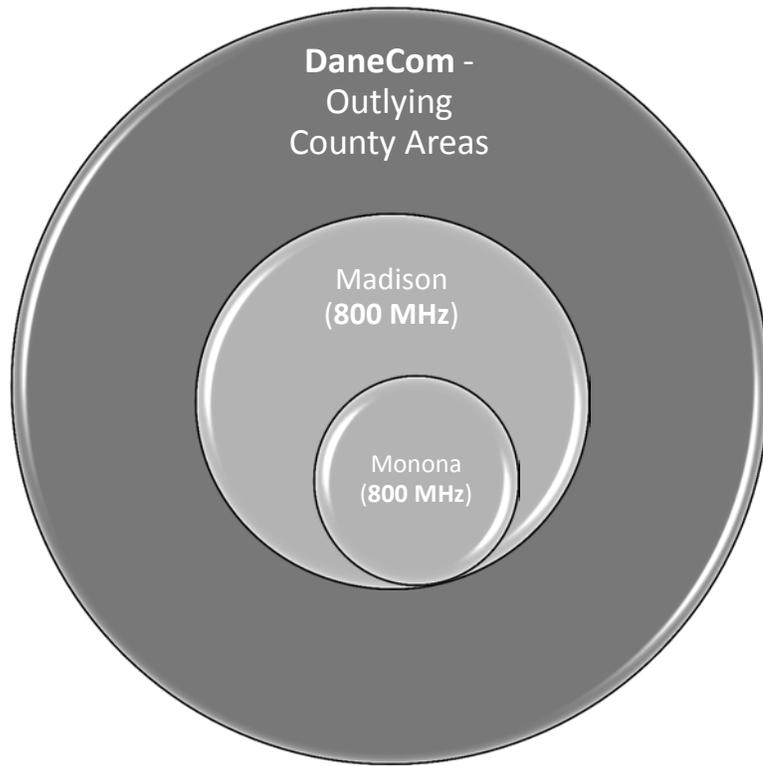


## Other job duties for Monona Dispatch

- Police records
- Police reports
  - Types, enters, dictates
  - DA Intakes
- Citation payments
- Camera monitoring
- Cash register
- City Hall opened 24-7

# Dane County Communication Center Flow Chart – Cell Phone 911





OPTIONS	1	2	3	4	NOTES
	No changes	Fire to Dane County	Fire + 911 to Dane County	All Dane County Dispatch	
<b>Pros</b>					
<b>Cost:</b>			Save future capital 911 expenses.	Save future capital 911 and some personnel expenses.	Personnel costs may be imposed by county, but shifted onto county tax roll.
<b>Equipment:</b>					
<b>Staffing:</b>	Allows max control of protocols (except 911)	Allows control of PD protocols (except 911)	Allows max control of PD protocols (except 911)		
	Maintains clerical and non-emergency support	Maintains clerical and non-emergency support	Maintains clerical and non-emergency support		
	Allows greater direction of staff	Allows greater direction of staff	Allows greater direction of staff		
				Majority of LE dispatched by single agency.	
<b>Responsiveness:</b>	Maintain existing 24 hr services	Maintain existing 24 hr services	Maintain existing 24 hr services	Increasing number of 911 calls are wireless	Many 911 calls are for EMS (Dane County dipatched)
	Greater familiarity with community and residents	Greater familiarity with community and residents	Greater familiarity with community and residents		
	Higher service level, especially with non-emergency issues	Higher service level, especially with non-emergency issues	Higher service level, especially with non-emergency issues		
		Fire would use same dispatch system as all other munis	Fire would use same dispatch system as all other munis		
		Dedicated Fire dispatcher (no other duties) - decreases delay	Dedicated Fire dispatcher (no other duties) - decreases delay		
		Eases load on PD dispatch	Eases load on PD dispatch		
		Increased consistency with fire protocols	Increased consistency with fire protocols		
<b>Access:</b>					
<b>Security:</b>	Allows building to be open and monitored 24 hours	Allows building to be open and monitored 24 hours	Allows building to be open and monitored 24 hours		
<b>Other Issues:</b>	Allows 24-hour emergency warming / cooling shelter	Allows 24-hour emergency warming / cooling shelter	Allows 24-hour emergency warming / cooling shelter		

OPTIONS	1	2	3	4	NOTES
	No changes	Fire to Dane County	Fire + 911 to Dane County	All Dane County Dispatch	
<b>Cons</b>					
<b>Cost:</b>	Future capital 911 expenses.	Future capital 911 expenses.	911 transfer issues with minimal information; cannot talk to caller	Will increase DaneCom costs	
<b>Equipment:</b>				Unknown what radio system will work for MOPD	Would need to change call auto routing, possibly obtain more equipment.
<b>Staffing:</b>				Will still need minimum 2 FT and 1 PT records personnel. Little to no control over personnel issues Reduce alarm monitoring - other dpts (water, SCADA) Reduce window service for ticket collection and non-emergency issues 911 transfer issues with minimal information; cannot talk to caller	Dane County may also need to hire staff; offset on taxes
<b>Responsiveness:</b>				Other community events > reduce Monona air access Little control over protocol Mutual aid responses may increase (less service for Monona)	
		Will require educating alarm monitoring companies of change in contact.	Will require educating alarm monitoring companies and Psa to citizens about change in contact.	Will require educating alarm monitoring companies and Psa to citizens about change in contact.	
<b>Security:</b>				Reduce security camera monitoring of City Hall	
<b>Other Issues:</b>				County has no records access to Monona files Reduce building access after hours (meetings, radio)	

EMERGENCY COMMUNICATIONS	2016	NO CHANGES	FIRE ONLY	FIRE & 911 TO DCCC	ALL TO DCCC
	DEPARTMENT	Cost Increase/ Decrease for	Cost Increase/ Decrease for	Cost Increase/ Decrease for	Cost Increase/ Decrease for
	BUDGET	Option 1	Option 2	Option 3	Option 4
DISPATCH SALARIES	\$174,209.00	\$174,209.00	\$174,209.00	\$174,209.00	\$87,104.50
SHIFT DIFFERENTIAL	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$1,750.00
LONGEVITY PAY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LEAVE WAGES	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$3,000.00
WAGES, PART TIME	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$10,000.00
DISPATCH OVERTIME	\$11,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$1,000.00
FICA	\$16,807.74	\$16,807.74	\$16,807.74	\$16,807.74	\$8,403.87
WISCONSIN RETIREMENT	\$12,850.79	\$12,850.79	\$12,850.79	\$12,850.79	\$6,425.40
LIFE & DISABILITY INSURANCE	\$300.00	\$300.00	\$300.00	\$300.00	\$150.00
HEALTH INSURANCE	\$39,805.00	\$39,805.00	\$39,805.00	\$39,805.00	\$19,902.50
PROFESSIONAL DEVELOPMENT	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$750.00
FITNESS INCENTIVE PROGRAM	\$350.00	\$350.00	\$350.00	\$350.00	\$175.00
UNIFORM ALLOWANCES	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$500.00
CRIMINAL RECORDS CHECKS	\$2,300.00	\$2,300.00	\$2,300.00	\$2,300.00	\$2,300.00
SERVICE CONTRACTS (Breakdown below)	\$76,418.00	\$76,418.00	\$76,418.00	\$73,218.00	\$98,799.00
OUTSIDE SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DISPATCH SUPPLIES	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	<u>\$372,540.53</u>	<u>\$372,540.53</u>	<u>\$372,540.53</u>	<u>\$369,340.53</u>	<u>\$241,760.27</u>

**POSSIBLE CAPITAL SAVINGS/EXPENDITURES**

911 System Replacement	\$150,000.00	\$150,000.00	(\$150,000.00)	(\$150,000.00)
New Phones For Dispatch/Records 2 positions			\$10,000.00	\$10,000.00
DaneCom / Radio Change from 800 MHZ to VHF*				\$70,000.00
City Hall Main Entrance Door Locks**				\$4,000.00
City Hall Main Entrance Safe Area				\$10,000.00
Phone: City Hall front door phone and signage				\$1,500.00
Camera Update: Lobby and Front Entrance				\$3,000.00
CAD Changeover: 2 Dispatch positions	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
CAD Changeover: Squads/Mobile Software***	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
FD GATEWAY CONNECTION (interface & 1 time pay)	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00
****FD would also incur approximately \$7.000 in annual fees - service contracts				
Subtotal	<u>\$193,000.00</u>	<u>\$193,000.00</u>	<u>(\$97,000.00)</u>	<u>(\$8,500.00)</u>

\*Possible MOPD could stay on 800 MHz and be on the MPD channels.

\*\*Possible front doors may need replacement due to there being no frame around doors for installation of locking mechanism causing a substantial increase in this estimate

\*\*\*Possible MPSIS will pay this amount due to change from Global to Tri-Tech CAD

**Breakdown of Service Contracts  
SERVICE CONTRACTS**

Global RMS/CAD Fees (Potential reduction in CAD)	\$48,005.00	\$48,005.00	\$48,005.00	\$48,005.00	\$48,005.00
MAPD 800 MHz Radio	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
General Communications (Radio, dispatch equip service)	\$6,204.00	\$6,204.00	\$6,204.00	\$6,204.00	\$6,204.00
AT&T Phone Circuits DPW & Fire Radio	\$2,800.00	\$2,800.00	\$2,800.00	\$2,800.00	\$2,800.00
AT&T Positron Phone System Access (Co remote access)	\$1,600.00	\$1,600.00	\$1,600.00	(\$1,600.00)	(\$1,600.00)
TIME System Charges (Criminal history and license cks)	\$1,440.00	\$1,440.00	\$1,440.00	\$1,440.00	\$1,440.00
Language Line (Translation service)	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00
Dane Co. / Madison Program Fees (jail and police records)	\$2,250.00	\$2,250.00	\$2,250.00	\$2,250.00	\$2,250.00
DaneCom Fees (*Estimated Radio System Fees)	\$4,419.00	\$4,419.00	\$4,419.00	\$4,419.00	\$30,000.00
Leads Online (Pawn transaction access)	\$1,750.00	\$1,750.00	\$1,750.00	\$1,750.00	\$1,750.00
Schedule Anywhere (Employee scheduling program)	\$576.00	\$576.00	\$576.00	\$576.00	\$576.00
Deer Creek (Policy and Employee tracking software)	\$624.00	\$624.00	\$624.00	\$624.00	\$624.00
TraCS Support (Citation and Accident report program)	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
Fire Alarm Monitoring 5211 Schluter					\$5,000.00
IT Room Heat Monitoring 5211 Schluter					???
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	\$76,418.00	\$76,418.00	\$76,418.00	\$73,218.00	\$98,799.00

**Capital/Operational Expenditures**

City Hall Main Entrance Door Locks					\$4,000.00
City Hall Main Entrance Safe Area					\$10,000.00
Phone: Front Door & Sign					\$1,500.00
Phones: Dispatch x 2 positions					\$10,000.00
Camera Update: Lobby and Front Entry					\$8,000.00

<b>Radio Change Over: 20 new portables @ \$3,500 each**</b>	<b>\$70,000.00</b>
<b>FD Gateway (1/2 capital, 1/2 annual costs)</b>	<b>\$15,000.00</b>
<b>CAD Changeover x 2 Dispatch positions</b>	<b>\$20,000.00</b>
<b>CAD Changeover Squads x 10*</b>	<b>\$15,000.00</b>
<b>DaneCom fees may increase substantially</b>	<b>\$30,000.00</b>
<b>Total</b>	<b>\$183,500.00</b>

To: Mayor Miller and City Administrator Marsh

From: Chief Ostrenga

Date: January 11, 2013

Re: MPSIS Dispatch Study

We are scheduled to meet with the MPSIS group on Monday, January 28, 2013 at 1 pm at the Fitchburg City Hall. The MPSIS Dispatch Study is attached. The following is a summary of some of the pros and cons I see from this study.

***A. General Comments for the MPSIS Group having their own dispatch centers. This consists of Fitchburg, Middleton, Sun Prairie and Monona. Verona is dispatched by Dane County.***

**1. Positives:**

- Consolidation has the potential to save all the departments on capital expenditures and equipment updates.
- Consolidation could save operations expenditures for Middleton and Sun Prairie, but only if all the departments consolidate.
- Consolidation could provide an environment with a higher standard of training, professionalism and more uniform dispatch protocols.

**2. Negatives:**

- Creation of a governing board with multiple levels of supervision, which would have accountability, but also has a lack of local control.
- Lack of local knowledge.
- Potential that a larger center will ultimately restrict the type of calls the local centers handle on a daily basis.
- Larger volume of calls by one center, which could lead to lower service level (i.e., timers put on the allowable length of call).
- Ratio of officers on the radio to dispatchers will be increased. This will lead to conflicts over air time use.
- Officer safety issue, as officers might not be able to call off each traffic stop with additional units on the air.
- None of the communities share common borders that would encourage sharing a common frequency. Therefore a serious incident in one community could disrupt radio use in another sharing the same frequency.
- There is no guarantee that all of the current dispatchers would be hired by the new consolidated center.
- There may be issues with changing software on all squad laptops to different Mobile Data Programs depending on the option selected. This may lead to increased costs due to consultation with outside agencies IT personnel for programming.

**B. Individual Comments pertaining to Monona:**

**1. Positives:**

- All of the above in section A.1., and the following.
- During serious incidents there would be additional personnel available to assist in managing the calls.
- In the event of our dispatch center goes out of service, there would be a backup center readily available using the same systems.

**2. Negatives:**

- All of the above in section A.2., and the following.
- Monona would still have to fund two full time records personnel, thereby negating any savings to the annual operations budget. It would actually cost Monona more to participate in a consolidation with the MPSIS model.
- Monona operates on the Madison 800 MHz radio frequency. We've been told by the DaneCom group that the new system was not designed to function very well for daily use in the Madison/Monona area. So there are questions regarding communications with the MPSIS group and also if Dane County dispatched us on a Madison 800 MHz channel.
- Ratio of officers on the radio to dispatchers will be increased. This will lead to conflicts over air time use. The current ratio for Monona averages 2-4 officers and our Fire Department to 1 dispatcher. This would increase to 10-12 officers to 1 dispatcher with the MPSIS model; and excess of 25-35 officers or more to 1 dispatcher with the Dane County model.
- The Monona Fire Department would have to change their communications operations and radio procedures with any change to the current dispatching system.
- Officers might not be able to call off each traffic stop with additional units on their assigned frequency. This has an effect on officer safety and traffic enforcement productivity.
- There would be additional consolidation expenses for radios, computers, programming, licenses, CAD software, etc.
- The Monona City hall would have to be locked up and secured at the end of regular business hours and weekends. Also a call box or special phone would have to be installed for after hours emergencies.
- The city hall complex fire alarms, along with all the wells would have to be monitored by another agency.
- Under the MPSIS model, the number of video cameras being monitored live now would be reduced from 12 down to 2. Under the Dane County model, no cameras would be monitored.
- Officers who may be out at the police department with a prisoner would have no one to call for back up if they were to become engaged in a physical altercation at the PD. Currently our dispatcher can hear/monitor these officers and call for appropriate back up if needed.
- Outside agencies (i.e. State Patrol, DNR, etc.) would be unable to access the police department to process arrests (OWI) without calling a Monona PD officer off the road to allow them access to the building.

# OPTION 3: DISPATCH BY DC PSC

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A third option for consideration is to transfer call taking and dispatch services to DC PSC.

## **Current Services Provided**

The DC PSC provides 9-1-1 and non-emergency call dispatching services to the City of Madison, the Dane County Sheriff's office, and all Dane County towns and municipalities with the exception of Fitchburg (9-1-1 call taking only), Middleton, Monona, Stoughton, Sun Prairie, the Capitol Police, and the UW Police Department.

While MPSIS municipalities maintain their own communication centers, they also receive service from the DC PSC. 9-1-1 land line calls are answered by local communication centers. If the call is deemed to be for EMS services, basic information is obtained and the call is forwarded to the DC PSC for coding and dispatch of services. Fire service calls are routed to the DC PSC for final dispatch in the city of Middleton. Sun Prairie dispatches fire calls within its city limits, but transfers any fire calls located outside of the city to the DC PSC. Monona dispatches all its fire department's calls.

Law enforcement calls are generally answered and dispatched by each local center. Fitchburg, however, has a unique arrangement with the DC PSC. Fitchburg's 9-1-1 land lines are routed to the DC PSC and are answered there. Calls requiring a law enforcement response are entered into DC PSC's software, which interfaces with Fitchburg's software and notifies the communicator there to dispatch appropriate services. Lastly, all cellular calls (emergency and non-emergency) are routed to the DC PSC, with the exception of those originating in the City of Middleton. Cellular calls are answered by the DC PSC and either dispatched or transferred to the appropriate local center for dispatch of services, depending upon the type of call.

## Governance

The DC PSC is governed by the Public Safety Communications Board. The Board consists of several representatives who provide operational direction to the Center. While the Board may have input into the budget submitted by the Center Director, it does not have funding authority. That authority remains with the County Executive and County Board.

The City of Madison Police, Fire/EMS and the Dane County Sheriff's Office each have a representative on the Board. All other law enforcement agencies' interests are represented by one Board position, appointed by the Dane County Chiefs of Police Association. County Fire and EMS departments' interests are represented similarly, each by one Board position appointed by the Dane County Fire Chiefs Association and the Dane County EMS Association respectively.

## DC PSC Operations

The DC PSC has 86 employees, which includes 70 full time and 2 part time communicators, 8 supervisors, and 4 IT staff. Work shifts generally run from 6:30 a.m. to 2:30 p.m., 2:30 p.m. to 10:30 p.m., and 10:30 p.m. to 6:30 a.m., with three additional power shifts scheduled to accommodate high volume call times throughout the day. Shifts are staffed with call takers to attain a standard of service equivalent to 90 percent of 9-1-1 calls being answered in 10 seconds or less. Dispatchers are staffed according to the radio channels monitored. Currently, dispatchers are assigned as follows:

- Fire/EMS Dispatch: one for the City of Madison and one for Dane County 7x24
  
- Police Dispatch: one for City of Madison and one for the county 7x24
  - (plus) one additional City of Madison dispatcher from 1200 – 0230 daily
  - (plus) tactical dispatchers taken from the call taker ranks when needed

- Data Dispatch: one for the entire county (with a back-up who typically is engaged in call-taking until the primary data dispatcher becomes busy, at which time the back-up assists) 7 x 24. This dispatcher also handles animal services and MPD civilian parking

Table 9 shows the existing number of county and suburban officers assigned to one DC PSC law enforcement dispatcher. These officers are assigned to routine calls for service.

Table 9: Ratio of DC PSC County Law Enforcement Dispatcher to Officers

<b>Time Period Beginning</b>	<b>Units Checked In and Assigned to Routine CFS</b>
<b>00:01</b>	<b>38</b>
<b>04:00</b>	<b>29</b>
<b>08:00</b>	<b>40</b>
<b>12:00</b>	<b>46</b>
<b>16:00</b>	<b>46</b>
<b>20:00</b>	<b>47</b>

Call volumes and calls for service reported by the DC PSC are listed in Table 10.

Table 10: DC PSC Call Volumes and Calls for Service

	<b>2010</b>	<b>2011</b>
<b>Wireless 9-1-1 phone calls</b>	<b>120,584</b>	<b>127,760</b>
<b>Wire line 9-1-1 phone calls</b>	<b>44,850</b>	<b>41,733</b>
<b>Non-emergency phone calls</b>	<b>178,907</b>	<b>171,993</b>
<b>Police calls for service</b>	<b>360,000</b>	<b>354,000</b>
<b>Fire calls for service</b>	<b>7,300</b>	<b>8,000</b>
<b>EMS calls for service</b>	<b>27,687</b>	<b>31,970</b>

The DC PSC has fourteen 9-1-1 phone lines and eight non-emergency lines. The non-emergency lines feed into an electronic phone tree, which diverts non-emergency calls for service from 9-1-1 lines to keep them available for true emergency calls.

The center's 2010 operating budget was \$6,699,853, and its 2011 operating budget was \$6,822,030. The DC PSC reports that no revenue was received for services provided from municipalities dispatched by the center in either year.

## DC PSC Service Proposal

The MPSIS members authored a survey for the DC PSC to complete as part of this project. The survey contained questions designed to garner information about the costs and benefits of authorizing the DC PSC to answer and dispatch 9-1-1 emergency and non-emergency calls (see Attachment 9).

The DC PSC envisions a future where it would serve as the sole communications center in Dane County and is actively working toward that goal. In the survey response, DC PSC Director John Dejung stated that the DC PSC added extra workspace during its remodel in anticipation of future consolidation with local public safety dispatch centers in Dane County. He also stated that the DC PSC is in the process of implementing a new CAD system from TriTech and references a capital improvement plan that includes technological and equipment upgrades to move the county toward the next generation of 9-1-1 telephony. These technological improvements and their benefits would be available to any municipality serviced by the DC PSC (see Attachment 9).

The DC PSC responded that it could accommodate both the MPSIS members and the Stoughton Communication Center by adding 12 to 15 full time communicator positions for a cost between \$780,276 and \$975,345 annually. It could accept calls from the members as early as 2013, with two months notice, but would prefer to wait until 2014 when the CAD project will be complete and the DaneCom radio system will be operational.

These positions would allow the DC PSC to add one call taker and dispatcher position 24 hours per day. The DC PSC would add a call taker position to most shifts and an additional dispatcher position would be used to introduce a division of the current county radio traffic pattern into “east” and “west” sectors. The existing dispatcher position for the county radio traffic will be assigned one division and the proposed dispatcher position would be assigned the other division. There would continue to be one data dispatcher for the entire county. Monona officers would be assigned to City of Madison talk groups, as they both operate on the same radio system. Table 11 below shows how this proposed radio traffic split would affect the number of county and suburban law

enforcement officers assigned to the DC PSC dispatcher with Fitchburg, Middleton, and Sun Prairie units added.

Table 11: County and Suburban Law Enforcement Officers per DC PSC Dispatcher with Proposed Radio Traffic Spilt

<b>Time Period Beginning</b>	<b>County and Suburban Officers Assigned to Routine CFS</b>
<b>00:01</b>	(38 exist + 22 new) / 2 groups = <b>30 officers</b>
<b>04:00</b>	(29 exist + 22 new) / 2 groups = <b>26 officers</b>
<b>08:00</b>	(40 exist + 31 new) / 2 groups = <b>36 officers</b>
<b>12:00</b>	(46 exist + 31 new) / 2 groups = <b>39 officers</b>
<b>16:00</b>	(46 exist + 27 new) / 2 groups = <b>37 officers</b>
<b>20:00</b>	(47 exist + 27 new) / 2 groups = <b>37 officers</b>

Table 12 shows how the City of Madison talk groups would be affected with the addition of Monona units.

Table 12: Number of Madison and Monona Law Enforcement Officers assigned per DC PSC Dispatcher

<b>Time Period Beginning</b>	<b>Madison and Monona Officers Assigned to Routine CFS</b>
<b>00:01</b>	(40 exist + 4 new) / 2 groups = <b>22 officers</b>
<b>04:00</b>	(29 exist + 4 new) / 2 groups = <b>17 officers</b>
<b>08:00</b>	(29 exist + 4 new) / 2 groups = <b>17 officers</b>
<b>12:00</b>	(( 40 exist / 2 disp ) + 4 new ) / 2 groups = <b>12 officers</b>
<b>16:00</b>	(( 46 exist / 2 disp ) + 5 new ) / 2 groups = <b>14 officers</b>
<b>20:00</b>	(( 48 exist / 2 disp ) + 5 new ) / 2 groups = <b>15 officers</b>

There are some unknown issues regarding the proposal costs. It is unclear how long the annual proposal costs would be assessed. When asked for clarification of this issue, Director John Dejung explained that his personal intent would be to assess the amounts discussed in the proposal for the first year and then decrease that amount annually with all charges ending by 2020. However that the decision ultimately lies with the Dane County Board and it has not yet been discussed or approved (Attachment 9). There has also been no indication of the method of assessing these costs to each individual city (i.e. population, calls for service), or how the costs might change depending upon the number of cities deciding to accept the DC PSC's proposal.

While a decision has not been made on the best manner of cost allocation across the cities, an assumption has been made in this report so costs can be further discussed. The allocation formula discussed and used in option two has been applied here to the shared salary costs referenced above.

## **Services Provided**

The DC PSC proposes to answer and dispatch 9-1-1 calls for the MPSIS member municipalities. This proposal would include access to all DC PSC's communications staff and technology. It also appears to include future capital purchases currently approved in DC PSC's capital plan, but it is unclear how future capital expenses that may be required as a result of this proposal would be funded.

The DC PSC also proposes to process non-emergency calls. MPSIS members would be required to publish a non-emergency phone number, which would be answered by police department staff during business hours and a computerized automated attendant after hours. There are eight phone lines feeding the phone tree. Four lines are designated for incidents that are occurring now and four lines are designated for incidents that already occurred. DC PSC communicators monitor the phone tree for incidents that need current attention and police contact. Other incidents are dealt with as time permits. It is not known how often the calls are reviewed to ensure that incidents are not missed. It is also not known how the phone tree system assigns priority to calls it receives requiring police assistance or whether these cities' calls would compete with all other calls for priority in dispatching.

## **Services Not Provided**

There are existing services that will not be offered by the DC PSC. Some of these services were specifically identified in the survey, while others are either known not to be provided or are part of a draft DC PSC policy 2.3.3 "Services" (Attachment 10) which proposes changes to services currently provided. The DC PSC prefers that the draft policy 2.3.3 not be consulted as part of this review because it was not crafted with service consolidation in mind. However, the document is referred to in this section as it is a draft policy before the Public Safety Communications Center Board and it contains changes to future services that may result in fees not currently assessed.

The first service change will be the manner in which non-emergency calls are answered and processed. During business hours, non-emergency calls will be answered by police department staff and then forwarded to an automated attendant for processing in a computerized phone tree. After hours, calls will automatically forward to that system. This is a significant change for all MPSIS member communities. MPSIS communicators answer non emergency calls 24 hours per day and direct callers immediately to the appropriate information or voicemail box.

Another service that will not be provided is the answering of administrative calls. Administrative calls are calls that in general would not require police interaction, such as calls for general information, office calls for command staff, detectives, and officers, or after-hour city calls. Should administrative calls be received by the DC PSC non-emergency electronic phone tree, it will provide callers with the appropriate municipal phone number to call for further information. Should the caller then proceed to call the municipal phone number outside of business hours, he/she would receive a message from the municipality asking him/her to leave a message or call back during business hours. All of this information would be provided to callers via an electronic recording. While there is an option for callers to speak to a live person, the DC PSC has been clear that it will not act as a clearing house for these calls. Current non-emergency phone calls counts for the MPSIS member centers also include administrative calls, so determining the impact this change would have on existing staff may be challenging.

An existing service that would not be provided is the remote monitoring of any cameras. Each communication center currently monitors several building cameras. Cameras in the public meeting areas are helpful, but cameras existing in non-public areas can be important to officer staffing and safety. Cameras enable officers to process arrested subjects without additional officers present. They also enable the communications center to quickly send additional officers, should an arrested subject become violent. Absent active monitoring of those cameras, two officers may be required when subjects are brought into the building. Some centers also monitor cameras in their parks, banks, and schools. This data may be less valuable if not monitored live, so that officers can be notified immediately of issues in those locations.

There are other important services that may not be provided. For example, the DC PSC will not have access to the MPSIS members' local contact and records information.

Therefore, when an officer comes into contact with a subject, the DC PSC communicator will not be able to relay any prior local contacts, historical information, or cautions other than what exists in its software. The MPSIS members have utilized their software since 2003 and have a significant contact database established. It is unclear whether the DC PSC would consider checking this database real-time, if software were made available to them, and whether that service would require a fee.

A similar concern related to the migration to DC PSC's CAD software is the call data that will be captured and recorded. DC PSC will capture a standard set of call data in its software. It is likely that the data fields captured will not be the same or as extensive as data that is currently captured by the MPSIS member centers. The current software is set up to populate much of the call information from CAD into the RMS software without any employee effort. This automatic population will no longer be available, and any call information available from DC PSC's CAD software will need to be hand entered by police records staff. Further, the existing centers would need to map and convert their call codes to those established by the DC PSC. For example, Sun Prairie may use a call code designated as "family trouble," but DC PSC may classify those calls as "disturbance." While this change appears subtle, it can be fairly significant when searching historical data.

Currently, officers enjoy significant discretion to ask communicators to complete additional phone calls, research, and Internet searches that may assist them. This discretion will likely disappear when the communicators are no longer governed by local municipal work rules, but rather by DC PSC operational practices developed and approved by a majority of its governing board.

There are likely other services that may not be provided by the DC PSC. It is a significant challenge to anticipate all the things that a larger center has to standardize or streamline for efficient operations, and how they might affect existing local business practices. It is also difficult to ascertain what may or may not occur with a draft policy

document. As stated by the DC PSC in its survey, it prefers to negotiate the terms of any service consolidation individually and when better information becomes available.

## **Proposal Costs**

The costs for this proposal include the salaries and benefits of twelve to fifteen additional communicators, for a cost between \$780,276 and \$975,345 annually.

There will be one-time charges related to either purchasing a full seat of TriTech CAD software or some number of administrative access points to that software. Each city will also need to purchase seats of the TriTech mobile software for its squad cars. There will also be annual maintenance charges for both the cad and mobile software.

After review of the survey response from DC PSC and discussion with MPSIS members, funds have been included to retain two positions per city under this proposal. These positions would perform certain essential functions that the member Chiefs have jointly identified as critical and essential for a safe community. Two full time positions equate to an annual salary and benefit cost of \$115,060 annually for each community. For Monona, these positions would also be responsible for its police records functions.

To enable local staff to answer and dispatch non-emergency calls, additional equipment would be required. Each city would need to purchase a Harris VIP console for \$17,000 and a DaneCom gateway for \$66,000 to enable communication on the DaneCom system. These equipment costs have already been included in each city's DaneCom radio project budget. They are not additional costs and are mentioned here only to document the equipment requirement. Table 13 provides actual proposal costs.

Table 13: Cost of DC PSC proposal

<b>COST OF DC PSC PROPOSAL</b>				
	<b>Fitchburg</b>	<b>Middleton</b>	<b>Monona</b>	<b>Sun Prairie</b>
<b><i>Up-front costs:</i></b>				
Harris radio console	\$17,000	\$17,000	\$17,000	\$17,000
DaneCom interoperability gateway	\$66,000	\$66,000	\$66,000	\$66,000
Tritech-Global RMS interface	\$14,482	\$12,082	\$7,285	\$15,750
Tritech CAD clients	\$10,000	\$10,000	\$10,000	\$10,000
Tritech mobile clients	\$16,000	\$14,000	\$6,000	\$21,000
<b><i>Subtotal up-front costs:</i></b>	<b>\$123,482</b>	<b>\$119,082</b>	<b>\$106,285</b>	<b>\$129,750</b>
<b><i>Annual costs:</i></b>				
DCCC staff costs	\$290,308	\$235,689	\$142,107	\$307,242
Additional municipal staff costs (2 FTE)	\$115,060	\$115,060	\$115,060	\$115,060
Tritech annual maintenance	\$4,680	\$4,320	\$1,836	\$5,580
<b><i>Subtotal Annual Costs:</i></b>	<b>\$410,048</b>	<b>\$355,069</b>	<b>\$259,003</b>	<b>\$427,882</b>
Current operating & MPSIS budget	\$514,413	\$613,960	\$353,103	\$791,086
Proposed operating & MPSIS budget	\$532,074	\$455,477	\$298,944	\$556,579
<b><i>Annual Savings</i></b>	<b>\$ (17,661)</b>	<b>\$158,483</b>	<b>\$54,158</b>	<b>\$234,507</b>

Acceptance of this proposal would still require many of the MPSIS expenditures. Those expenditures eliminated under consolidation would include Global CAD and AVL maintenance, totaling \$62,700 per year. Table 13 shows that the proposed operating costs from DC PSC and the proposed MPSIS operating costs are less than the existing center operating budgets and MPSIS operating costs for all cities, except for Fitchburg. As Fitchburg currently has DC PSC answer its 9-1-1 calls for no charge and believes it must retain two positions to maintain essential services, the City would be paying \$290,308 annually to DC PSC for the agency to answer and dispatch its non-emergency calls outside of business hours.

## **Proposal Impacts**

### **Benefits**

Reduction of costs is one benefit of this proposal, and in most cases as noted above, there are savings to be had by consolidating with the DC PSC. There may also be other benefits to consolidation. One benefit can be improved staffing stability. While large centers experience staffing shortages, their larger employee pool tends to benefit them with flexibility. Local communication centers generally operate leanly with regard to staff. When a communicator leaves unexpectedly, it can create a void in the schedule until another communicator is hired and fully trained (20-25 weeks). The DC PSC may have more flexibility to fill such schedule gaps because it simply has more staff available.

Another benefit of the proposal is that it may eliminate some redundant services and spending. Fitchburg, Middleton, Monona, Sun Prairie and DC PSC are each hiring staff, purchasing equipment, and funding technology to provide 9-1-1 services. While the local centers provide many important services beyond 9-1-1 calls, the taxpayers in those cities are being assessed at a local and county level for 9-1-1 services. Savings may be possible under this proposal because the cost of 9-1-1 equipment, technology and staffing levels would be shared.

There is also likely a benefit to having all 9-1-1 call taking and dispatching services handled at one location. Currently, all land line 9-1-1 calls are answered by each MPSIS member communication center (with the exception of cellular calls for all cities but Middleton). If the call is determined to be an EMS or fire call, the call is transferred to DC PSC for dispatching after the initial gathering of information. While local centers are more intimate with their communities and residents, there is a risk when transferring emergency calls between centers. Calls can be dropped, information can be conveyed incorrectly or misunderstood, and general confusion can occur on either end. It can also be confusing and frustrating for the caller, who in the middle of an emergency situation must be transferred to another agency after already providing basic information. If call taking and dispatching were to occur in one center, those risks may be reduced because the number of emergency calls requiring transfer prior to dispatch would be reduced.

Lastly, sharing the risk and financial burden of a communications center could be a benefit of this proposal. Operating a 9-1-1 PSAP is a serious financial commitment and the risk of not keeping equipment and technology current is great. Transferring the responsibility of 9-1-1 calls to DC PSC could be one way to reduce the liability associated with mishandling 9-1-1 calls, as well the financial burden of keeping 9-1-1 equipment and technology current.

## Concerns

Just as there are benefits to this proposal, there are also concerns to be addressed.

One of the most significant concerns about this proposal is the lack of local control over decisions and operations at the DC PSC. The cities would be required to conform to DC PSC's protocols and procedures, which could lead to significant changes in local business practices that may not be beneficial and are currently not fully understood. As protocols, policies and procedures need to be uniform for the DC PSC to run efficiently, there is concern that they will tend to favor the larger agencies due to their size and transaction volume.

Along those lines, the current governance structure does not provide an adequate voice for each city on the center board. There is one representative for the municipal police departments appointed by the Dane County Chiefs Association. While that representative may be knowledgeable about local concerns, he/she may not be able to speak to individual city needs or he/she may be asked to represent cities with conflicting needs. When asked in the survey for this project if the center was open to considering other governance models, the DC PSC responded that it would be open to considering other governance structures, but that those changes would need to be approved at the county board level.

In addition to the concerns discussed regarding the automated non-emergency attendant system, there is concern about the increased number of non-emergency calls that would need to be handled by that system. The additional volume may slow the system at peak times and result in the need for additional phone lines and additional costs for MPSIS members. There is also a general lack of knowledge regarding the automated system and how it prioritizes calls for dispatch. One concern is the perception of residents who may have placed a non-emergency call to the attendant and are awaiting an officer's arrival, while officers may be driving around the area unaware of the call because it has not yet been dispatched. Local centers do hold calls from time-to-time but with lower call volumes overall those calls are often assigned to the next available officers. Another concern is that the MPSIS member calls may be competing with those calls from all other agencies dispatched by DC PSC for priority. Given these concerns about the automated phone attendant and the volume of non-emergency and administrative calls processed daily by MPSIS member centers, two communicator positions have been retained in the costs of this proposal. These positions would answer and dispatch non-emergency and administrative calls as well as complete other duties during the heaviest call volume times of 8:00 A.M. to 8:00 P.M., Monday through Friday.

A related concern is the decreased service level that will occur under this proposal. The DC PSC proposal does not offer coverage for all of the services currently provided by local communicators (see Attachment 1). As mentioned above, each municipality would

likely retain two positions to maintain the most vital of those services during the heaviest call periods. It is possible that residents may receive varied levels of service depending on the time of day and day of the week because the retained positions would not be available 24 hours per day. The positions would help to offset those services not offered in the DC PSC proposal, but it will not be possible to maintain service levels as they exist today. Some service level decreases are known, but others still unknown should be anticipated and may not be fully realized until the service transfer has occurred.

Another concern is the increased number of officers assigned to DC PSC communicators. MPSIS member officers currently enjoy low officer to communicator ratios. Table 14 below shows existing officer to communicator ratios by shift for Fitchburg, Middleton, and Sun Prairie and then compares those to the DC PSC proposed ratios. Table 15 shows the same ratios for Monona officers and compares those to the DC PSC proposed ratios.

Table 14: Fitchburg, Middleton & Sun Prairie officers assigned per communicator compared to the DC PSC proposed officer ratios

<b>Shift Time</b>	<b>Fitchburg</b>	<b>Middleton</b>	<b>Sun Prairie</b>	<b>DC PSC Proposal</b>
01:00	8	6	8	30
04:00	8	6	8	26
08:00	14	15	11	36
12:00	14	8	8	39
16:00	10	5	8	37
20:00	8	6	8	37

Table 15: Monona officers assigned per communicator by shift compared to the DC PSC proposed officer ratios

Shift Time	Monona	DC PSC Proposal
01:00	4	22
04:00	4	17
08:00	8	17
12:00	8	12
16:00	5	14
20:00	4	15

It is clear that the ratio of officers per communicator would increase significantly under the DC PSC proposal. There are three factors to keep in mind when reviewing this data. First, the DC PSC communicators identified in the above charts are responsible for dispatching and managing radio traffic only, but those responsibilities would cover officers from several communities. The MPSIS communicators referenced are responsible for call taking, dispatching, radio traffic, running data, and other duties. Second, the DC PSC survey response did identify that additional communicators may be available to assist and improve these ratios should call activity warrant. The concern of course is that if the radio is busy then the phones are likely busy as well, and there may not be staff available to assist. Third, these ratios were calculated using industry standards. It is difficult to assess the impact of this change prior to implementation, but it is referenced as a concern as the changes in these ratios are significant.

There is also concern about the job loss associated with this proposal. While the intent of this proposal may be to trim expenses, these are exemplary and long-term staff members. DC PSC has not been able to guarantee that existing staff would receive preferential hiring status in the process to fill the necessary twelve to fifteen communicator positions.

All staff will struggle with the termination of the Global CAD and mReach mobile products. The Global software suite is designed so that call data needs to be entered once (in CAD), and then the data flows seamlessly through all other modules. The removal of the Global CAD software under this proposal means that whatever data is not dumped via an interface between TriTech CAD and Global RMS must be entered by staff. The officers may also struggle with reduced access to data that they currently enjoy in the mobile environment. Officers would have access to whatever call data is provided by the TriTech mobile client, but they would no longer have access to historical call data in the squad.

Additionally, MPSIS members and staff spent years developing and testing software to refine it to the useful product it is today. They invested significant time and money in the MPSIS project because the belief that they could do more together was strong. Departments worked together and now not only share data freely, but training and human resources as well. It may be a challenge for many to abandon the project without reaping the full intended benefit.

There is significant concern for the unknowns of this proposal. It is unknown if or how existing staff may receive preferential status in the hiring process for the new communicator positions. It is unknown if or how additional annual fees may be assessed for services, staff, or capital expenditures. It is unknown how long annual fees would be charged for how the formula might change. It is unknown if the way the DC PSC does business will positively or negatively impact local operations. The long term effects of this proposal on service levels are difficult to measure or account for today because they will not be fully realized until after the service transfer occurs.

Lastly, there is concern regarding the equality of DC PSC's proposal for services. The MPSIS cities are being asked to pay for the additional resources required for the DC PSC to assume their emergency and non emergency calls and provide dispatching services. The agencies listed in Table 16 are dispatched by the DC PSC. They did not pay fees initially, they do not pay fees today, and there has been no indication of future fees, other than potential service changes proposed under the draft 2.3.3 document. Similarly, the additional communicators funded by the MPSIS agencies under this

proposal improve the ratio of officers per communicator, and in some cases significantly. This benefit would come at no expense to existing agencies.

Table 16: Agencies Dispatched by DC PSC at No Additional Cost

Belleville FD, PD, EMS	Fitch-Rona EMS
Black Earth FD	Madison PD, FD, EMS
Blooming Grove FD	Town of Madison PD, FD, EMS
Blue Mounds PD	Maple Bluff FD, PD, EMS
Brooklyn FD, PD, EMS	Marshall PD, FD, EMS
Cambridge FD, EMS	Mazomanie FD
Cottage Grove PD, FD	McFarland PD, FD, EMS
Cross Plains, PD, FD, EMS	Mount Horeb PD, FD, EMS
Dane FD, PD	Oregon Village PD, FD, EMS
Dane County Medical Examiner	Oregon Constable
Dane County Emergency Management	Public Health of Madison
Dane County Sheriff	Dane County Animal Services
Deerfield PD, FD	Shorewood Hills PD, FD, EMS
Deer-Grove EMS	Stoughton FD, EMS
DeForest PD, FD, EMS	Verona PD, FD
District One EMS	Waunakee PD, FD
Fitchburg FD	Waunakee Area EMS

- Runs parking ticket data
- Transfer callers to appropriate city voicemail boxes
- Serve as a member of the shift team and is briefed on all shift activities
- Provide background checks for business licenses
- Provide information, directions, and general assistance to public
- Assist with emergency operations center duties
- Serve as TAC officer and provide TIME training for department
- Serve as key pick up location for park shelters, meeting rooms, etc.
- Monitors park cameras
- Provide information to the community regarding crime, traffic and media alerts

The 2012 communications center budget is \$492,412. Approximately 84% of the budgeted expenses are personnel-related costs. The communications center plans to purchase two IP dispatch consoles and a gateway to accommodate the new DaneCom radio system. These purchases are estimated at \$200,000.

## **The City of Monona**

The Monona communications center was formed in 1961. It serves 7,533 residents, 20 sworn officers, and the fire department. The center is housed in the police department and is staffed twenty-four hours per day by four full time and three part time communicators. Three full time communicators work a five days on, two days off, five days on, three days off, five days on, two days off schedule. One full time communicator works a five days on, two days off, five days on, two days off, four days on, three days off rotating schedule. These communicators also serve as the police department's record staff. They type police reports, enter citations into the department's software, process citation payments, and staff the public window.

A Police Lieutenant has direct oversight of the center's day-to-day operations. There are two dispatch consoles available for use in the center, with only one staffed outside

of special events. The center communicates on the City of Madison's 800 MHz radio system.

The communications center is a PSAP and accepts all 9-1-1 land line calls for the City of Monona. Cellular 9-1-1 calls are automatically routed to and answered by DC PSC, where a call taker there gathers pertinent information and transfers any police or fire calls to the Monona Communications Center for final dispatching of those resources. EMS resources, in contrast, are dispatched by DC PSC. Monona communicators answered 1,694 land line 9-1-1 calls in 2010.

The center also answers all non-emergency and administrative calls for service. In 2010, the center answered an estimated 14,400 non-emergency calls and processed 14,874 calls for service. In addition to answering phones and dispatching officers, the communicators also handle several other duties:

- Monitor building security cameras and alarms
- Monitor fire alarms for other City buildings
- Run data for municipal court
- Manage location information in software
- Pre-alert EMS personnel to incoming calls prior to county dispatch
- Serve as after-hours contact for the City
- Enter and update contact information in CAD software
- Record officer-initiated activity not otherwise recorded
- Run data for officer reports
- Process warrants
- Serve as initial response to walk-in complaints
- Answer calls regarding citations, payments, parking, etc.
- Maintain business contacts and key holder information
- Provide timely research of subjects during call with cad/records software, internet, jail files, etc.
- Maintain vacation watch registry
- Manage CIB validations and enters/removes stolen articles in NCIC

- Runs parking ticket data
- Transfer callers to appropriate city voicemail boxes
- Serve as a member of the shift team and is briefed on all shift activities
- Provide background checks for business licenses
- Provide information, directions, and general assistance to public
- Assist with emergency operations center duties
- Serve as TAC officer and provide TIME training for department
- Merge master name index files
- Type officer reports
- Enter person, property, and vehicle information into officer reports as needed
- Prepare reports for intake at the Dane County District Attorney's office
- Review citations for accuracy and confirm transmission into software
- File citations and reports for municipal court
- Upload traffic crashes to website
- Scan report attachments into laser fiche
- Manage parking citation process (court dates, letters, suspensions)
- Process citation payments
- Process payments for records requests
- Enter self-reports into software
- Answer after hours calls for public works for trees down, water main breaks and well alarms

The 2012 communications center budget is \$353,103, which does not include the wages for the position supervising the center. Future capital expenditures planned for the center include replacement dispatch consoles, six computer monitors, and possibly Motorola 800 MHZ radios.

**Ordinance No. 9-16-682  
Monona Common Council**

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 4 OF THE CODE OF  
ORDINANCES RELATED TO COMMITTEE MEMBERSHIP**

**WHEREAS**, it is the intent of the City of Monona Common Council to have its boards, committees and commissions function as efficiently and effectively as possible; and,

**WHEREAS**, the needs and missions of such bodies may change over time, requiring membership changes; and,

**NOW, THEREFORE**, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

**SECTION 1.** Section 2-4-8 (a) of the Code of Ordinances is hereby amended to read as follows:

**Sec. 2-4-8 Landmarks Commission.**

- (a) **Composition.** The Commission shall consist of **seven (7)** citizens, one (1) of whom may be a Council member, all of whom may vote. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Commission.

**SECTION 2.** Section 2-4-25 (a) of the Code of Ordinances is hereby amended to read as follows:

**Sec. 2-4-25 (a) Committee on Sustainability**

- (a) **Composition.** The Committee on Sustainability shall consist of two (2) Council members and **eight (8)** citizen members. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Committee.

**SECTION 3.** This ordinance shall take effect upon passage and publication as provided by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BY ORDER OF THE COMMON COUNCIL

\_\_\_\_\_  
Robert E. Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Joan Andrusz  
City Clerk

Approval Recommended By: Finance and Personnel Committee – 8/1/16  
Approved As To Form By: William S. Cole, City Attorney - 8/24/16

Council Action:

Date Introduced: 9-6-16  
Date Approved: \_\_\_\_\_  
Date Disapproved: \_\_\_\_\_

## Sec. 2-4-8 Landmarks Commission.

- (a) **Composition.** The Commission shall consist of ~~five (5)~~ seven (7) citizens, one (1) of whom may be a Council member, all of whom may vote. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Commission.
- (b) **Appointment; Term of Office.**
  - (1) **Council Member.** If the Mayor chooses to appoint a Council member, the Mayor shall appoint the Council member for a one (1) year term commencing May 1. The appointment of the Council member shall be subject to confirmation by the Council.
  - (2) **Citizen Members.** The Commission members shall be appointed by the Mayor, subject to confirmation by the Council. The terms shall be three (3) years beginning May 1 and shall be staggered so that not more than two (2) such regular appointments are made annually.
- (c) **Functions and Powers.** The Commission shall review all potential landmark sites which:
  - (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community.
  - (2) Are identified with historic personages or with important events in national, state or local history.

## Sec. 2-4-25 Committee on Sustainability

(This section added per Ordinance 8-10-616, adopted September 20, 2010.)

- (a) **Composition.** The Committee on Sustainability shall consist of two (2) Council members and ~~ten (10)~~ eight (8) citizen members. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Committee.
- (b) **Appointments.**
  - (1) **Council Members.** The Council members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The Council members shall serve for a one (1) year term commencing May 1 of each year, or until their successors are appointed and confirmed by the Council. One (1) of the Council members shall be designated by the Mayor to serve as Chairperson of the Committee.
  - (2) **Citizen Members.** The ten (10) citizen members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be three (3) years beginning May 1st and shall be staggered so that not more than three (3) such appointments are made annually.
- (c) **Duties and Responsibilities.** The Committee shall have the following duties and responsibilities which shall be advisory except as otherwise provided:
  - (1) To review and recommend to the Council policies and programs relating to sustainability.
  - (2) To review and recommend to the Finance Committee all budgetary, revenue and expenditure proposals relating to such policies and programs.
  - (3) To perform such duties and have such responsibilities as the Council shall from time to time, by ordinance, resolution, or by law, direct.

§ 175-21. Construction standards.

All accessory structures shall be constructed in accordance with Article III, Building Codes, except:

- A. Where the Building Inspector deems it impractical to comply with the Construction Standards Code.
- B. Where the accessory structure is manufactured (e.g., metal sheds), to a recognized standard or listing.

§ 175-22. Fences and hedges.

A. Residential fences. Fences be erected or planted with planted so as to not dep determined by the Building requirements:

(1) Definitions. As used indicated:

FENCES OR HEDG materials (excluding wrought iron used as

(2) Dimensional requirem

(a) The maximum c

(b) The maximum c

(c) The maximum c inches nominal.

(d) The use of door

(e) Subject to the terms of this section, all structural elements of the fence shall face the interior of the lot on which the fence is erected unless otherwise exempted by the Building Inspector.

(f) Barbed wire and electrical fences are prohibited.

(g) Street yards, side yards, rear yards and shore yards for purposes of the Section are determined as provided by the City's Zoning Code.

(3) Fence height.

(a) Fences or hedges in side and rear yards shall not exceed six feet in height. Fences or hedges on side yards shall not extend beyond the front building line of the dwelling.

**Add: (1) Building Material Restrictions**

(a) Soft-sided fabric structures, such as tents, screen rooms, greenhouses or similar structures, are not allowed as an accessory building.

(b) This same type of structure can be erected on a temporary basis for special occasions but cannot be erected for more than 14 consecutive days and no longer than 90 days per calendar year. Such structures shall meet all zoning standards, meet all setback requirements as outlined in the Zoning Code. Buildings determined to be in poor condition by the building inspection department will be ordered removed.

(c) Wood frame or metal structures over 192 square feet (12'x16') shall be placed on a permanent concrete or masonry foundation. The floor of such structures shall be poured concrete. The building components and systems shall meet the minimum requirements for attached garages as set forth in the Wisconsin Uniform Dwelling Code. These same structures placed in commercial zones shall meet all requirements of the Wisconsin Enrolled Commercial Building Code.

[NOTE TO INTERPRET: Complaint or code inspection with photo documentation starts the enforcement clock.]

Activities occurs for a period of six consecutive months from the date stated on the notice declaring the premise a Chronic Nuisance Premise and/or there are no building inspection cases generated for a period of six consecutive months from the date stated on the notice declaring the Premise, a Chronic Nuisance Premise.

**§ 312-4. Public nuisances affecting health.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 312-2:

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Garbage cans. Garbage cans which are not fly-tight.
- F. Noxious weeds. All noxious weeds and other rank growth of vegetation in violation of this Code of Ordinances.
- G. Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- H. Noxious odors, etc. Any use of property, substances or things within the City causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
- I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
- J. Animals at large. All animals running at large.
- K. Accumulations of refuse. Accumulations of old cans, lumber, ~~elm~~ firewood and other refuse.

**Add:** 1) Firewood should be neatly stacked and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as used in this section shall not include hedges and other vegetation.  
 2) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.  
 3) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.

Activities occurs for a period of six consecutive months from the date stated on the notice declaring the premise a Chronic Nuisance Premise and/or there are no building inspection cases generated for a period of six consecutive months from the date stated on the notice declaring the Premise, a Chronic Nuisance Premise.

**§ 312-4. Public nuisances affecting health.**

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- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Garbage cans. Garbage cans which are not fly-tight.
- F. Noxious weeds. All noxious weeds and other rank growth of vegetation in violation of this Code of Ordinances.
- G. Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- H. Noxious odors, etc. Any use of property, substances or things within the City causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
- I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
- J. Animals at large. All animals running at large.
- K. Accumulations of refuse. Accumulations of old cans, lumber, ~~elm~~ firewood and other refuse.

**Add:** 1) Firewood should be neatly stacked and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as used in this section shall not include hedges and other vegetation.

2) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.

3) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.

§ 312-7. Abatement of public nuisances.

(A) ~~ENFORCEMENT~~. It shall be the duty of the Chief of Police and the Building Inspector to enforce the provisions of this chapter. The Weed Commissioner shall have concurrent jurisdiction to enforce the provisions of sections. 263-4, 263-5, and 263-6. Such officers shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. Notwithstanding the foregoing, any provision of this chapter may be enforced by the Village Administrator and Village employees designated by the Administrator to make such inspections and reports. No action shall be taken under this section to abate a public nuisance unless an officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has determined that a nuisance does in fact exist.

(B) Summary abatement.

(1) Notice to owner. If the inspecting officer or agent determines that a public nuisance exists within the City and that there is a great and immediate danger of to the public health, safety, peace, morals or decency, decency he shall immediately report such determination to the City Administrator and the City Administrator may direct the Chief of Police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than 24 hours or greater than seven days and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

(2) Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

(C) NON-SUMMARY ABATEMENT.

(1) Order To Abate Nuisance. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, he/she shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the owner of the building as well as the occupant if different from the owner and applicable to the described nuisance, or, at the option of the inspecting officer, the notice may be mailed to

the last known address of the person to be served by registered mail with return receipt. If the owner or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 3 notice under Chapter 985, Wis. Stats. The time limit specified in the order runs from the date of service or publication.

(2) Abatement by City. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting officer shall enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

(3) Remedy From Order. Any person affected by such order shall, within thirty (30) days of service or publication of the order, apply to the circuit court for an order restraining the City and the inspecting officer from entering on the premises and abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.

(D) Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin or under any other provision of this Code applicable to a particular type of nuisance. No action taken to abate a nuisance shall preclude an action seeking a forfeiture as provided in section 312-9 of this Code. An action may be commenced by citation issued by the Chief of Police, the Fire Chief, Building Inspector or City Administrator.

E. Court order. Except where necessary under Subsection C, no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

§ 263-6. Regulation of length of lawn and grasses.

A. Purpose. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the City of Monona.

B. Public nuisance declared. The Common Council finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Zoning Code, within the City of Monona which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to § 263-5 above.

C. Nuisances prohibited. No person, firm or corporation shall permit any public nuisance as defined in Subsection B above to remain on any premises owned or controlled by him within the City.

D. Inspection. The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection B above exists.

E. Abatement of nuisance.

(1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection B above exists, he shall immediately cause written notice to be served that the City proposes to have the lot grass or lawn cut so as to conform with this section and § 263-5.

(2) ~~The notice shall be served at least five days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.~~

~~F. Due process hearing. If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Clerk's office within the five days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25 bond. If a decision is rendered in the property owner's favor, the \$25 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of City personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Common Council shall be held within 20 days from the date of the owner's request. The property in question will not be mowed by the City until such time as the hearing is held by the Common Council. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the City as well as subpoena witnesses for his own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance did exist, the Common Council~~

~~shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within 48 hours of the decision of the Common Council. If the owner does not abate the nuisance within the described 48 hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.~~

G. City's option to abate nuisance. (1) In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the City may abate the nuisance pursuant to section 312-7 of this Code.~~elect to cut said lawn, grass or weeds as follows:~~

~~(1) The written notice required in Subsection E shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.~~

(2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Common Council. The charges shall be set forth in a statement to the City Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the City Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under § 66.0907(3)(f), Wis. Stats.

City of Monona, WI

**Decision:**

- Revise to "with the root stump grubbed out or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of sidewalk to top of curb."
- Revise as follows: \_\_\_\_\_
- Wording is correct; make no change.

F. Please note that we have added the words "No person shall" in § 411-11D in order to create a complete sentence.

~~Ch. 420, Vehicles, Abandoned~~

*§§ 10-5-1 to 10-5-7, of the 1994 Code*

Provided that it reflects current procedures, this chapter appears satisfactory as written.

**Decision:**

- See revisions on enclosed copy
- No revisions needed

~~Ch. 427, Vehicles, All-Terrain, Off-Road and Neighborhood Electric~~

*Title 10, Ch. 4, of the 1994 Code*

- A. Please note that the following wording has been deleted from § 427-1 as it referred to the numbering of the old Code: "The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number."
- B. In 2009 the statutes were amended to change "neighborhood electric vehicle" to "low-speed vehicle." See 2009 Act 311 and §§ 346.94(22) and 349.26, Wis. Stats.

**Decision:**

- Change wording to "low-speed vehicle."
  - Retain as written.
- C. A penalty section could be added to this chapter.

**Ch. 411, Trees**

---

**Art. I, Public Tree Maintenance**

*Title 6, Ch. 2, of the 1994 Code*

If reflective of current practice, this article appears suitable as written.

**Decision:**

Retain as written.

Revise as follows: \_\_\_\_\_

**Art. II, Public Tree Program**

*Title 12, Ch. 2, of the 1994 Code*

- A. In § 411-6 we have updated the reference to § 66.122, Wis. Stats., to § 66.0119, Wis. Stats.
- B. Section 411-7, Interference with the City Forester prohibited, could be deleted as it is covered by § 411-11C, Interference with Forester.

**Decision:**

Delete § 411-7.

Revise as follows: \_\_\_\_\_

Make no change.

- C. The definition of "person" in § 411-8B could be deleted in light of the definition of "person" provided in § 411-5.

**Decision:**

Delete definition of "person" in § 411-8B.

Make no change.

- D. In § 411-8C(2) we will update the reference to the Department of Agriculture to the Department of Agriculture, Trade and Consumer Protection. See § 15.13, Wis. Stats.
- E. In § 411-10B we question whether the following is correct or if the underlined wording is a duplication: "...with the root stump grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb."

City of Monona, WI

Decision:

- Updated references are correct as-is.
- Revise as follows: \_\_\_\_\_

G. Section 18-19C(2)(c) refers to the Broadband Telecommunications Citizens Commission, although the title used in § 18-10 is the Community Media Committee. Are these references to the same body? And if so, what is the correct title/title currently used?

Decision:

- Use Community Media Committee.
- Use Broadband Telecommunications Citizens Commission.
- Make no changes; two different bodies are referred to.

H. Section 18-19C(2)(e) refers to the Parks Gifts Committee. This Committee is not otherwise referenced in this chapter; is it a currently existing Committee?

Decision:

- Delete § 18-19C(2)(e), Parks Gifts Committee.
- Revise as follows: \_\_\_\_\_
- Retain as written.



**Ch. 29, Citations**

*Title 1, Ch. 2, of the 1994 Code*

- A. We have updated § 66.119, Wis. Stats., to § 66.0113, Wis. Stats., in §§ 29-1 and 29-6.
- B. The list of officials authorized to issue citations in § 29-5B should be reviewed to ensure it reflects current practice.

Decision:

- Revise as follows: see notes WFO
- Retain as written.

**Ch. 36, City Government**

*§ 2-1-1, of the 1994 Code*

No changes are recommended.

*alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent.*

**Decision:**

- Revise § 18-2A(2) as follows: "The Mayor ~~may~~ **shall** appoint ~~one or~~ two alternate members for **staggered** terms of three years, who shall act with full power, only when a member of the Board refuses to vote because of interest or is absent."
- Retain as written.

C. In § 18-4, Transit Commission, Subsection B(2) states "Citizen members. The **four citizen members** of the Commission shall be appointed by the Mayor subject to confirmation by the Council. The terms of the first citizen members shall be staggered so that **three are appointed for one-year terms and four are appointed for two-year terms**. Thereafter each citizen member shall be appointed for a two-year term beginning May 1." In describing the terms of the first members, the total membership equals seven, not four.

**Decision:**

- Revise as follows:  
Citizen members. The four citizen members of the Commission shall be appointed by the Mayor subject to confirmation by the Council. The terms of the first citizen members shall be staggered so that ~~three~~ \_\_\_\_\_ are appointed for one-year terms and ~~four~~ \_\_\_\_\_ are appointed for two-year terms. Thereafter each citizen member shall be appointed for a two-year term beginning May 1.
- Other: \_\_\_\_\_

D. In § 18-11 we have updated the reference to § 66.4325, Wis. Stats., to § 66.1335, Wis. Stats.

E. Sections 18-12C(2) and 18-17C(2) refer to the Finance Committee. Should this title be revised to the Finance *and Personnel* Committee (see § 18-14)?

**Decision:**

- Revise to Finance and Personnel Committee.
- Retain as written.

F. In § 18-13C we have updated the reference to "Title 7 of this Code of Ordinances" to refer to the new chapter numbers of former Title 7, as follows: "Chapters 63, Art. IV, 145, 159, 191, 198, 238, 272, Art. I, 296, 303, 328, 395, Art II, 404 and 457 of this Code." Please confirm that this is correct or indicate any revisions.

**Chapter 29**

**CITATIONS**

- § 29-1. Method of enforcement.
- § 29-2. Information contained in citation.
- § 29-3. Form of citation.
- § 29-4. Schedule of deposits.
- § 29-5. Issuance of citation.
- § 29-6. Procedure.
- § 29-7. Nonexclusivity.
- § 29-8. Court costs.

**[HISTORY: Adopted by the Common Council of the City of Monona as Title 1, Ch. 2, of the 1994 Code. Amendments noted where applicable.]**

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**§ 29-1. Method of enforcement.**

The City of Monona hereby elects to use the citation method of enforcement of ordinances. All City law enforcement officers and other City personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113(1)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

**§ 29-2. Information contained in citation.**

The information required shall be that prescribed by the Wisconsin Uniform Municipal Citation form. *or State approved Non-Traffic Citation form (TraCS).*

**§ 29-3. Form of citation.**

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

**§ 29-4. Schedule of deposits.**

- A. The schedule of cash deposits shall be established for use with citations issued under this chapter by the Common Council according to the penalty provision of this Code.
- B. Deposits shall be made in cash, money order or personal check to the Clerk of Municipal Court who shall provide a receipt therefor. *\* now accept credit/debit card payments using a service*

**§ 29-5. Issuance of citation.**

- A. Law enforcement officer. Any law enforcement officer may issue citations authorized under this chapter.
- B. City officials. The following City officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

- (1) Any law enforcement officer;
- (2) Fire Chief or Fire Inspector; *(OK)*
- (3) Building Inspector; Plumbing Inspector; Electrical Inspector; HVAC Inspector.
- (4) Weed Commissioner. - *(Does this position exist? - yes)*
- (5) City Administrator.
- (6) ~~City Engineer~~/Director of Public Works.
- (7) Emergency Government Director. - *(Does this position exist? - yes)*
- (8) Planning/Community Development Coordinator. *→ Change title*  
*\* Need to add Code Enforcement (e.g. Jeremy Small's position)*

§ 29-6. Procedure. ~~→ Add Parks Dept head for Park Violations?~~ No  
 Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

**§ 29-7. Nonexclusivity.**

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

**§ 29-8. Court costs. [Amended 1-5-2009 by Ord. No. 12-08-590]**

The court costs for municipal court shall be assessed in the amount established by state statute. If the applicable statute establishes a range of court costs, the costs shall be the maximum amount allowed by the statute.

**Decision:**

Retain as written.

Revise as follows: \_\_\_\_\_

**Ch. 47, Elections**

§ 2-1-2; amended in its entirety by Ord. No. 02-10-611, of the 1994 Code

No changes are recommended.

**Decision:**

Retain as written.

Revise as follows: \_\_\_\_\_

**Ch. 54, Emergency Management**

Title 5, Ch. 3, of the 1994 Code

- A. This chapter provides for the Emergency Government Organization and the Emergency Government Director. Are these titles still correct? The term "emergency management" is now typically used rather than "emergency government." See Chapter 323, Emergency Management, of the Wisconsin Statutes.

**Decision:**

Change "emergency government" to "emergency management" throughout chapter.

Revise as follows: Public Safety Commission

Make no change.

*As to P. 538 see 15-4-15 should be Public Safety "Commission" NOT "Committee"*

*OK 12/10/20  
- SS*

- B. Chapter 166, Emergency Management, of the statutes was renumbered Chapter 323 by 2009 Act 42. We have updated this reference in § 54-1C.

*no: change to "Public Safety Committee" (AL)*

**Chapter 54**

**EMERGENCY MANAGEMENT**

§ 54-1. Policy and purpose.

§ 54-5. Emergency regulations.

§ 54-2. Emergency Planning Committee.

§ 54-6. Mutual aid agreements.

§ 54-3. Emergency Government Director.

§ 54-7. Declaration of emergencies.

§ 54-4. Utilization of existing services and facilities.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 5, Ch. 3, of the 1994 Code. Amendments noted where applicable.]

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§ 54-1. Policy and purpose.

- A. To ensure that the City of Monona will be prepared to cope with emergencies resulting from man-made or natural disasters, an Emergency Government Organization consisting of the Public Safety ~~Committee~~ and Emergency Government Director is created to carry out all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from fire, tornado, or other natural or man-made causes.
- B. To ensure that all civil emergency functions of the City are to be coordinated to the maximum extent practicable with existing services and facilities of the City and with comparable functions of the Federal, State, County and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disaster that may occur.
- C. Chapter 323, Wis. Stats., is herein incorporated in this chapter by reference.

§ 54-2. Emergency Planning Committee.

- A. Composition. The Emergency Planning Committee shall consist of the Mayor and the Council's Public Safety ~~Committee~~.
- B. Appointment. The ~~Committee~~ members shall be appointed by the Mayor, subject to confirmation by the Common Council.
- C. Duties of the emergency planning committee. The Emergency Planning Committee shall be an advisory and planning group and shall advise the Mayor, Emergency Government Director, and the Common Council on all matters pertaining to emergency government. The Emergency Planning Committee shall meet upon the call of the Chairman.

*Commission  
stet  
(AL)*

*stet  
(AL)*

**§ 54-3. Emergency Government Director.**

- A. Appointment. The Emergency Government Director shall be appointed by the Mayor, subject to confirmation by the City Council, and shall receive such salary as may be authorized by the Common Council. The Emergency Government Director shall be appointed in odd-numbered years for a two-year term of office, commencing on May 1st of the year of appointment.
- B. Duties and authority of the emergency government director.
- (1) The Director shall have direct responsibility for the organization, administration and operation of the Emergency Government Organization, subject to the control of the Mayor and the Common Council.
  - (2) The Director shall coordinate all activities for emergency government within the City and shall maintain liaison and cooperate with emergency government agencies of other political subdivisions and of the County.
  - (3) The Director shall participate in County and State emergency government activities upon request of the Mayor.
  - (4) The Director shall maintain a comprehensive disaster plan for the City of Monona and shall present such plan to the City Council for its approval. All municipal agencies and emergency forces of the City shall perform the duties and functions assigned by the disaster plan.
  - (5) The Director shall have such additional authority, duties and responsibilities as are authorized in this chapter, and as may from time to time be required by the Common Council.

**§ 54-4. Utilization of existing services and facilities.**

In preparing and executing the Disaster Plan the Director, with the full cooperation of all City officers and personnel, shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable.

**§ 54-5. Emergency regulations.**

Whenever necessary to meet a civil emergency for which adequate regulations have not been adopted by the Common Council; the Mayor (and in his absence, in order, the Council President or the senior member of the Common Council available) may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property, and to ensure the cooperation necessary in civil emergency activities. Such proclamations shall be posted in a public place and may be rescinded by the Common Council by resolution at any time.

**§ 54-6. Mutual aid agreements.**

The Emergency Government Director may enter into mutual aid agreements with other political subdivisions, subject to approval by the Common Council.

**§ 54-7. Declaration of emergencies.**

- A. Upon declaration by the Governor, the Mayor, the Emergency Government Director in the absence of the Mayor, or the Common Council of a state of emergency, the Emergency Government Director shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the Disaster Plan.
- B. The Emergency Government Organization shall take action in accordance with the Disaster Plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority with the provision that any such declaration not issued by the Governor may be terminated at the discretion of the Common Council.

## Chapter 70 Fire Department

70-1	Department Recognized
70-2	Department Composition
70-3	Department Funding and Compensation
70-3	Department Organization
70-5	Appointment, Powers and Duties of the Chief.
70-6	Records and Reports
70-7	Authority of Department at fires, emergency incidents and emergencies.
70-8	Apparatus and Equipment
70-9	Fire Inspector
70-10	False Building Alarms Prohibited

### **70-1 Fire Department Recognized.**

- (a) Pursuant to § 62.13(8)(a), Wis. Stats., the City of Monona Fire Department is officially recognized as the provider of the essential services of fire protection and emergency medical care to the people that live, work or travel through the City of Monona. The Department also provides service to those communities that reciprocally provide mutual aid to Monona. The contemporary duties expected of a Fire Department include but may not be limited to paramedic-level emergency care and transportation, fire prevention inspections, public fire and safety education, fire suppression, first responder first aid and defibrillation, transportation accidents, construction accidents, and industrial accidents, and assistance to law enforcement, as well as operations at natural and man-made disasters. The duties of the Fire Department need to stay current with the needs of a dynamic community.
- (b) The Fire Department shall be in charge of firefighting and emergency care where fires, emergency medical incidents, accidents or disasters threaten life and/or property and those duties related to the performance of this service within the City.
- (c) Unless the context requires otherwise, all references in this Code to the "Fire Department" or "Department" shall mean the Fire Department and include the provision of emergency medical care and other rescue services where life(s) is threatened.

### **70-2 Department Composition .**

The Department is comprised of a combination of full-time, part-time and paid-on-call personnel. The Department shall have a Fire Chief as well as other officers and personnel as ~~indicated in the Department organizational chart~~ determined by the Common Council.

### **70-3 Department Funding and Compensation.**

The Department shall receive the funding necessary to provide service as determined by the

Community Council. The Community Council shall also establish the level of compensation for all personnel assigned to the Department.

#### **70-4 Department Organization.**

The organization and internal regulation of the Department shall be governed by the provisions of this chapter and by such rules, regulations, standard operating procedures and guidelines as adopted by the Department and approved by the Police and Fire Commission. ~~At no time shall the~~ Department consist of no less than twenty-two (22) active members, unless otherwise determined by the Common Council.

- (a) Any person desiring to be a member of the Fire Department may file with the Fire Chief an application in such form as the Department may require.
- (b) All resignations from the Department shall take the same course as applications for and appointments to membership.

#### **70-5 Appointment, Powers and Duties of the Chief.**

- (a) Appointment. ~~The Board of Police and Fire Commissioners~~ shall appoint the Fire Chief, who shall hold his or her office subject to suspension or removal by the Board for cause. The Fire Chief shall have command of the Fire Department in accordance with state statutes and report to the City Mayor. The Fire Chief shall see that all City ordinances and all state laws relating to fire protection in the City are enforced and that the required inspections are made. The Fire Chief shall be responsible for the efficiency of the Fire Department and all members working under his/her direction.
- (b) (1) A vacancy in the office of Fire Chief shall be filled by the Police and Fire Commission. Other officers shall be chosen in the manner provided by the Department Administrative SOG. Upon creation of a vacancy in the office of Fire Chief, the ranking officer shall perform the duties of the Fire Chief until such vacancy has been filled.  
  
(2) Upon appointment, the Fire Chief shall immediately assume office and shall hold office until his or her successor is appointed. The Fire Chief shall reside within 15 miles of the City.
- (c) General Supervision. The Fire Chief shall have the responsibility of overall supervision of the Department and personnel assigned to the Department, which shall be subject to and not to conflict with this chapter. The Fire Chief shall be responsible for all activities within the Department, as well as the personnel, Department budget and general efficiency of the Department. The Fire Chief shall perform such other duties as are usually incumbent upon the commanding officer of a Fire Department and as are detailed in the job description for this position.
- (d) Presiding Officer. The Fire Chief or a designee shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this Section and.
- (e) Command Responsibility. The Fire Chief shall have ~~complete~~ command of and entire responsibility for all fire fighting operations, shall plan the control of the same, direct the action of the Department when at a fire, shall grant leaves and/or release personnel and equipment

Comment [WSC1]: I assume this is an acronym but do not know to what this refers. It should be spelled out in the Code.

from the scene of an emergency when appropriate. In the absence of the Fire Chief, the next highest ranking officer or, in the absence of an officer, the most senior member of the Department shall be in charge and shall have the same authority and responsibility at incidents as the Fire Chief.

(f) Department Report. The Fire Chief shall submit a written report to the Council each month relating to the condition of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the total number of active members in the Department and resignations and expulsions from the Department. The Fire Chief shall also report upon the drill and training program of the Department, together with other pertinent information including recommendations of such improvements as he/she deems proper and necessary for the operation of the Department.

Comment [WSC2]: Is this currently done? If not, I suggest modifying the section to conform with the current practice or desire of the council.

(g) Enforcement of Fire Prevention Laws. The Fire Chief or his/her designee He shall enforce all fire prevention ordinances of this City and state laws and regulations pertaining to fire prevention and shall keep citizens informed of fire prevention methods and of the activities of the Department.

(h) Additional Duties. The Fire Chief shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

#### **70-6 Records and reports.**

(a) Legal custodian. The Fire Chief is the legal custodian of the reports, records and property within the Department.

(a)(b) Fire reports. Per § 101.141, Wis. Stats., the Department shall maintain a record of all fires. The Department shall participate in the Wisconsin Fire Reporting System, supplying data collected to the Department of Safety and Professional Services. Fire reports shall be maintained a minimum of seven years.

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#### **70-7 Authority of Department at fires, emergency incidents and emergencies.**

(a) Pursuant to § 213.095, Wis. Stats., the Fire Chief or other officer acting as the incident commander at the scene of a fire, emergency medical call or other emergency where the Department has been called to perform service to persons or property shall have the authority to do the following:

- (1) Suppress any disorder and order all individuals or companies to leave the neighborhood of any fire, emergency medical incident or other emergency.
- (2) Command from the inhabitants of the City all necessary assistance for the suppression of fires and the preservation of property exposed to fire and the necessary assistance for rendering aid during an emergency medical incident or other emergencies.
- (3) Enter any property or premises to do whatever may be reasonably necessary in the performance of the officer's duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto and/or while engaged in the work of aiding persons or minimizing the loss to property at an emergency medical incident or other emergency.

- (b) The incident commander conducting operations in connection with the extinguishment and control of any fire, explosion or other emergency shall have the authority to direct all operations of fire extinguishment or control and to take the necessary precautions to save life, protect property, and prevent further injury or damage. During such operation, including the investigation of the cause of such emergency, the incident commander shall be permitted to control or prohibit the approach to the scene of such emergency by any vehicle, vessel or person.
- (c) No person shall obstruct the operations of the Department in connection with extinguishing or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the incident commander in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the Department.
- (d) The incident commander in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such emergency scene barrier. No person, except as authorized by the incident commander in charge of the emergency or his or her designee, shall be permitted to cross such barriers.
- (e) The incident commander in charge of an emergency scene shall have the authority to have property damaged by fire or other emergency barricaded or otherwise protected from persons or the elements. The expense of such preventative action shall be borne by the property owner.

#### **70-8 Apparatus and Equipment.**

- (a) The Fire Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Fire Chief.
- (b) No person shall willfully damage or injure in any manner, or interfere with the operation of, any hose, hydrant, or fire apparatus belonging to the City, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

#### **70-9 Fire Inspector**

Fire Chief to be a Deputy of the Department of Safety and Professional Services. Pursuant to § 101.14, Wis. Stats., adopted herein, the Fire Chief is a Deputy of the Department of Safety and Professional Services. The Fire Chief is responsible for the enforcement of the state codes adopted within this chapter.

- (a) The Fire Chief shall hold the office of Fire Inspector, with power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.
- (b) The Fire Inspector shall inspect, or cause to be inspected, semi-annually all buildings, including their premises, designed for occupancy by more than one ~~(1)~~ or two (2) families, and all buildings, premises and public thoroughfares open to the public within the City limits for the purpose of noting and causing to be corrected any conditions liable to cause fire. The Inspector shall also investigate the storage and handling of explosives and flammable liquids within the City.
- (c) Whenever in the City any inspection of the Fire Inspector Chief or his/her deputies reveals a fire

hazard, the Fire Inspector/Chief or his/her deputies shall serve a notice in writing upon the owner of the property to correct the hazard ~~as soon as possible~~ within a reasonable period of time, a re-inspection shall be conducted ~~within a reasonable time frame~~. If the fire hazard is not removed within the time allowed, it shall ~~constitute~~ be a nuisance. The Fire Inspector/Chief or ~~his~~ deputy may have the same removed and the cost of such removal may be recovered in an action against the owner of the property, and shall be a lien against such property. Such owner shall in addition be subject to forfeiture under Section 1-4 ~~for each fire hazard~~ 1-7.

- (d) The Fire Inspector/Chief shall keep a written record on each property inspected which shall conform to the requirements of the Department of Safety and Professional Services, and shall make the report of inspections required by the Department.
- (e) No person shall deny the Fire Inspector/Chief or ~~any~~ his deputies free access to any property within the City at any reasonable time for the purpose of making fire inspections (one and two family dwellings are exempt). No person shall hinder or obstruct the Fire Inspector or ~~any~~ his deputies in the performance of their duties or refuse to observe any lawful direction given by them.
- (f) Special inspection warrant. If consent for entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public has been denied, the ~~Chief Fire Inspector~~ shall obtain a special inspection warrant under § 66.0119, Wis. Stats.
- (g) Correction of hazards. At such time as the Fire Inspector identifies a violation or fire hazard, the Fire Inspector shall serve notice in writing upon the owner of the property, giving such owner a reasonable time in which to remove the hazard. However, where an extreme or hazardous condition exists which, for the protection of the public, must be corrected or removed immediately, the Fire Inspector/Chief shall have the authority to take such steps as may be necessary to protect the public and property, including closing and the vacating of a building, structure or premises. If the owner fails to comply with the order to correct the hazard within the time allowed, it shall ~~be deemed~~ constitute a nuisance. The Fire Inspector/Chief shall also have the authority to take such steps as may be necessary, including obtaining appropriate court orders, to enforce any order of the Fire Inspector/Chief correcting a hazardous or potential fire condition. The Fire Inspector/Chief may also have a hazard corrected or removed by the City. The cost of such correction or removal shall be recovered ~~in an action by~~ the City against the property owner and may be entered in the tax roll as a special charge against the property.
- (h) Compliance. No building or structure, or any part of a building or structure, land, water, or air space within the City shall be used or occupied, and no building or structure within the City shall be constructed, placed, moved, extended, reconstructed, structurally altered or repaired or converted to a new use, and no site development work shall be conducted in the City, except in full compliance with this chapter, Chapter 232, all other applicable City ordinances and codes, all applicable decisions, orders, permits and other approvals made or issued pursuant thereto, and all other applicable federal, state, or local laws, statutes, ordinances, rules or regulations.

#### **70-10 False Building Alarms Prohibited.**

- (a) **Prohibited.** No person shall permit an intrusion, fire, holdup alarm or any other alarm system to repeatedly emit false signals.
- (b) **Definitions.**

(1) **False Signal.** A signal which is emitted by an intrusion, fire, ~~holdup-robbery~~ or other alarm system which is not the result of an intrusion by persons, a fire, or a ~~holdup~~robbery. A signal is emitted for the purpose of this Section when it is directly transmitted to the Police or Fire Department or transmitted to any person who subsequently reports such signal to the Police or Fire Departments.

(2) **Owner.** The person or legal entity that owns the property from which the false signal is emitted, except that if the premises are leased or rented, the lessee or occupant of the property or part thereof from which the false signal is emitted shall be deemed the "owner."

(c) **Responsibility for Operation of Alarm Systems.**

(1) Upon a finding that a signal from an alarm system is a false signal, the Police or Fire Department shall notify the building owner of the false signal. It shall then be the responsibility of the owner to secure the building and prevent additional false signals. A second or subsequent false alarm within a twelve (12) hour period shall constitute a violation of this Section and the building owner shall be liable for such violation.

(2) No building owner shall permit an alarm system to emit more than three (3) false signals during any three hundred sixty (360) day period. A fourth (4th) false signal during a three hundred sixty (360) day period shall constitute a violation of this Section and the building owner shall be liable for such violation.

(d) **Penalty.** Except as otherwise specifically stated in this Chapter or applicable state statute, any person or entity violating any provision of this Chapter shall be subject to the penalty set forth in section 1-4 for each violation.

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City of Monona, WI

Decision:

- Revise § 103-20 to read as follows: "Elected and appointed officials shall take and file the official oath within 10 days after notice of their election or appointment as provided in § 62.09(4), Wis. Stats."
- Revise as follows: \_\_\_\_\_
- Retain as written.

**Ch. 112, Police and Fire Commission**

*Title 5, Ch. 1, of the 1994 Code; amended in its entirety by Ord. No. 7-14-661*

This chapter was recently revised; it appears suitable as written.

Decision:

- Retain as written. *WTO SS*
- Revise as follows: \_\_\_\_\_

**Ch. 119, Property, Lost, Abandoned and Surplus**

*Title 3, Ch. 4, of the 1994 Code*

In § 119-2B(1)(c) we will update the reference to the Alcohol, Tobacco and Firearms Bureau of the United States Department of the Treasury to the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Otherwise this chapter appears satisfactory as written, provided that it reflects current procedures.

Decision:

- Retain as written.
- Revise as follows: \_\_\_\_\_

**Ch. 128, Records**

*Title 3, Ch. 3, of the 1994 Code*

A. The definition of "record" in § 19.32, Wis. Stats., was amended by 2013 Act 171 as follows:

"Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or

Chapter 112

POLICE AND FIRE COMMISSION

- § 112-1. Organization of Police and Fire Commission.
- § 112-2. Qualifications of applicants.
- § 112-3. Application.
- § 112-4. Examination.
- § 112-5. Nature of the examination procedure.
- § 112-6. Conduct of examinations.
- § 112-7. Appointments.
- § 112-8. Disciplinary actions.
- § 112-9. Layoffs and re-employment.
- § 112-10. Administration.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 5, Ch. 1, of the 1994 Code; amended in its entirety 8-4-2014 by Ord. No. 7-14-661. Subsequent amendments noted where applicable.]

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§ 112-1. Organization of Police and Fire Commission.

- A. The Board of Police and Fire Commissioners shall consist of five citizens, three of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing, to be filed with the Secretary of the Board, one member for a term of five years. No appointment shall be made which will result in more than three members of the Board belonging to the same political party. The Board shall keep a record of its proceedings.
- B. The word "Commission" when used herein shall refer to the Police and Fire Commission.
- C. The legal status of the Monona Volunteer Fire Department, Inc., as permitted by Sec. 62.13, Wis. Stats., shall not be affected or impaired by this chapter or the rules and regulations contained herein.

*IN STATUTE 62.13(1)*

§ 112-2. Qualifications of applicants.

- A. Every applicant for appointment to the Police and Fire Service shall:
  - (1) Be a citizen of the United States.
  - (2) Have the equivalent of 60 college credits for Police and 30 college credits for Fire.
  - (3) Be able to speak the English language understandably.
  - (4) Not have been previously rejected by the Commission's medical examiner for a cause that remains uncorrected.
- B. \_\_\_\_\_

- (1) Every applicant for appointment to the Police and Fire Service shall be in good health and sound physical condition as determined by the designated examiners of the Commission.
  - (2) Every applicant for appointment to the Police and Fire Service shall pass a physical fitness test as approved by the Commission.
- C. Every applicant for police officer shall meet the recruit qualifications and training standards set by the Wisconsin Law Enforcement Standards Board.
- D. Every applicant shall comply with the recruit qualifications, training standards and testing procedure established by the Commission for a given position.

**§ 112-3. Application.**

- A. The Commission shall authorize the issuance of forms for making application for appointments. Notice of the time and place for the issuance of such forms shall be given by publication in the official newspaper of the City at least 10 days prior to the issuance thereof and by such other means of publicity as the Commission may direct.
- B. Any misrepresentation in regard to any material fact contained in the application shall be sufficient cause for excluding the applicant from the examination, or for removing the applicant's name from the eligible list, or for discharge of the applicant from the service.
- C. Wherever the application itself reveals that the applicant cannot meet the qualifications for the position, such application shall be rejected by the Commission or its designated representative and the applicant shall be notified of the reason therefor.
- D. An applicant previously rejected by the medical examiner shall not take the examination herein provided for until a certificate from the medical examiner shows that the cause for which the applicant was rejected has been corrected.
- E. Any former employee dismissed from either of the Departments for a reason other than that set forth in § 112-9A shall thereafter be ineligible to make application for appointment to any position in the Police and Fire Service.
- F. Any former employee of the Police and Fire Service who desires to re-enter the Service shall undergo the same examination as a new applicant.

**§ 112-4. Examination.**

- A. The Commission shall hold examinations for appointments to the Police and Fire Service, and the Chief of each Department shall fix the date, place and hiring process therefor whenever necessary to meet or anticipate the needs of the Service, subject to approval by the Commission.
- B. The Chief of each Department shall indicate to the Commission in writing the duties of each position tested for and any special qualifications desirable therefor.

**§ 112-5. Nature of the examination procedure.**

- A. The examinations shall be practical in their nature, and relate to those matters which will fairly test the capacity of the applicants for the positions they seek.
- B. Examination may include a written exam as determined by the Commission.
- C. Proof of unsatisfactory background investigation shall be grounds for disqualification.
- D. The Commission shall conduct an oral interview for the purpose of determining the personal fitness of the applicant for the position to be filled.

**§ 112-6. Conduct of examinations.**

- A. All examinations shall be carried on under the supervision of the Commission, which may designate the suitable person or persons to conduct or assist in conducting the examinations and may fix the compensation to be paid such persons by the City in conformity with budgetary and other provisions established by the Council.
- B. Information relative to the applicant's scores, as transmitted to the Chiefs of the Departments and the Commission, shall be considered strictly confidential and shall not be divulged; except as required by applicable law or order of a court with jurisdiction, or insofar as it may be necessary to determine those applicants eligible for additional tests.
- C. Applicants shall not be permitted to give assistance during the examination to another applicant participating therein. A violation of this rule shall subject each applicant involved to exclusion from the examination.
- D. No applicant shall be given a second or special competitive test in connection with any examination held, unless required by applicable law or it is shown to the satisfaction of the Commission that the applicant's failure to take or complete such test was due to a manifest error or mistake for which the Commission or its designated assistants are responsible, the nature of which shall be set forth in the minutes, or that such failure was the result of other good and valid reasons.
- E. Each department will establish a minimum score that meets the needs of that particular process. To the weighted total score of each applicant who attains a passing mark the Commission shall apply the appropriate veteran's preference points as provided by Sec. 62.13(4)(d), Wis. Stats.
- F. The final rating of any applicant's examination papers shall be furnished to them upon request.
- G. Examination papers may be destroyed by the applicable Chief or their designated representatives at any time after the expiration of the applicable public records retention period and compliance with § 128-7 of this Code and Sections 19.21 and 19.35(5), Wis. Stats.

**§ 112-7. Appointments.**

- A. The Commission shall appoint the Chiefs of the Police and Fire Departments, who shall hold office without probationary requirements, during good behavior, subject to suspension or removal by the Commission for cause.
- B. For the position of Chief, the Commission may appoint a suitable person in its discretion, who need not be a member of the Department or a resident of the City.
- C. After each examination the Commission shall prepare an eligible list which shall contain the names of those applicants who have received a passing mark, and which may in the discretion of the Commission be in order of their rank.
- D. The Chief shall make appointments to all positions from the eligible list so provided.
- E. All appointees (subordinates only) shall be on probation pursuant to union contract. If during the probationary period of actual service in the new position the person appointed proves unsatisfactory or undesirable for the position, the Chief may dismiss them from the Service, or may reduce the person in rank, if the appointment was promotional. The appointees shall not be entitled to any appeal to the Commission from such dismissal or reduction in rank.

**§ 112-8. Disciplinary actions.**

- A. Suspensions. A subordinate may be suspended as herein provided as a penalty. A subordinate may also be suspended by the Commission pending the disposition of charges filed against them.
- B. Filing of charges. Charges may be filed against a subordinate by the Chief, by a member of the Commission, by the Commission as a body, or by any person aggrieved by an action of the subordinate. Such charges shall be in writing and shall be filed with the President of the Commission. Pending disposition of such charges, the Commission or Chief may suspend such subordinate.
- C. Suspension of subordinates. A subordinate may be suspended for cause by the Chief or the Commission as a penalty. The Chief shall file a report of such suspension with the Commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the Chief requests a hearing before the Commission, the Chief shall be required to file charges with the Commission upon which such suspension was based.
- D. Procedures. The following procedures shall be followed by the Commission following the filing of charges:
  - (1) A copy of the charges shall be served upon the charged party. A hearing, if necessary, shall be held not less than 10 days nor more than 30 days following service of charges.
  - (2) When a hearing is to be held, the President of the Commission shall set the date. Notice of the date, time and place of the hearing shall be given to the charged party and their counsel, and the complainant, by mailing a notice by certified mail.

to the address of the charged party as obtained from the files of the Department. Notice shall be given at least five days prior to the date of the hearing. A copy of the charges and a brief explanation of the evidence shall accompany the notice. The President or their designees shall conduct the hearing and the Commission may retain counsel for assistance during the hearing.

- (3) The hearing on the action shall be public. Both the charged party and the complainant may be represented by an attorney, at their own cost, and may compel the attendance of the witnesses by subpoenas, which shall be issued by the President of the Commission. All testimony of witnesses at hearings shall be given under oath, administered by the Secretary or other member of the Commission in the form and manner provided in Sec. 887.03, Wis. Stats.
- (4) At the hearing the order shall be as follows:
  - (a) Statement of the charges by the President.
  - (b) Opening statements, if any, by both sides.
  - (c) Presentation of testimony and the introduction of evidence by the complainant to substantiate the charges.
  - (d) Cross examination of witnesses by the charged party or their counsel.
  - (e) Redirect examination of witnesses by the complainant or their attorney as determined appropriate by the President.
  - (f) Recross examination of witnesses by the charged party or their attorney as determined appropriate by the President.
  - (g) Presentation of testimony and the introduction of evidence by the charged party to refute the charges.
  - (h) Repeat of Subsection D(4)(d) through (f) regarding witnesses produced on behalf of the charged party.
  - (i) Opportunity for each side to present evidence in rebuttal of any evidence presented by the opposing side.
  - (j) Closing arguments by both sides.
  - (k) Written briefs may be filed at the discretion of the Commission.
  - (l) Commissioners may ask questions of the witnesses.
- (5) At the conclusion of the hearing, the Commission shall prepare written findings of fact based upon the evidence presented and conclusions which are based upon the findings. For purposes of deliberation after the hearing, the Commission may choose to adjourn into closed session pursuant to Sec. 19.85, Wis. Stats.
- (6) Findings and determinations hereunder and orders of suspension, reduction, suspension and reduction, or removal shall be in writing and, if they follow a

hearing, shall be filed within three days thereof with the Secretary of the Commission.

- (7) No request for a rehearing shall be entertained unless relevant and material new evidence is submitted which could not have been presented at the previous hearing. In all cases, the request for rehearing shall be in writing, reciting the reasons for the request.
  - (8) Subsequent to the filing of charges, but prior to a hearing, the President may set a pre-hearing conference and appoint a Commissioner or other person as conferee to preside at the pre-hearing conference. The purpose of the pre-hearing conference is to narrow the issues to be heard and also to shorten the length of time necessary to complete the presentation of evidence.
  - (9) The pre-hearing conference shall be scheduled at least five days before the hearing. The charged party and the complainant shall be notified in writing of the pre-hearing conference and may be represented by counsel.
  - (10) The following matters shall be accomplished at the pre-hearing conference:
    - (a) Witness lists and any prior written or recorded statements or reports of witness will be exchanged between the parties (or their counsel).
    - (b) Exhibit lists will also be exchanged between parties (or their counsel).
    - (c) Witnesses not on the list submitted at the pre-hearing conference will be permitted to testify at the hearing and exhibits not on the list submitted at the pre-hearing conference may be introduced at the hearing only if the Commission determines that the party (or counsel) can demonstrate a satisfactory reason for the exclusion of such witness or exhibit from the list(s) submitted at the pre-hearing conference.
  - (11) \_\_\_\_\_
    - (a) If a party does not appear at the pre-hearing conference either in person or by counsel, the conferee shall report this to the Commission. In the absence of the appearance of the complainant or counsel at the pre-hearing conference, the Commission shall dismiss the charges, unless the party or counsel can demonstrate a satisfactory reason for nonappearance within 72 hours of the pre-hearing.
    - (b) Use of the phrase "charged party" in this section shall refer to a paid employee appealing disciplinary action of a chief or the person against whom a complaint has been filed by a citizen, or by the Commission.
- E. Commission determination. If the Commission determines that the charges are not sustained, the charged party, if they have been suspended, shall be immediately re-instated and all lost pay restored. If the Commission determines that the charges are sustained, the charged party, by order of the Commission, may be suspended or reduced in rank, or suspended and reduced in rank, or removed, as the good of the Service may require.

- F. Additional rules. Further rules for the administration of this section may be made by the Commission.
- G. Compensation. No person shall be deprived of compensation while suspended pending disposition of the charges.
- H. Appeals. Any person suspended, reduced, suspended and reduced, or removed by the Commission may appeal from the order of the Commission to the Circuit Court by serving written notice thereof on the Secretary of the Commission within 10 days after the order is filed. Within five days thereafter the Commission shall certify to the Clerk of the Circuit Court the record of the proceedings, including documents, testimony, and minutes.
- I. Additional provisions. The provisions of Subsections A through H herein shall apply to disciplinary actions against the Chiefs where applicable. In addition thereto, the Commission may suspend a chief pending disposition of charges filed by the Commission or by the Mayor.

**§ 112-9. Layoffs and re-employment.**

- A. When it becomes necessary because of need for economy, lack of work or funds, or for other just causes, to reduce the number of subordinates, the emergency, special, temporary, part-time or provisional subordinates, if any, shall be laid off first, and thereafter subordinates shall be laid off in the order of the shortest length of service in the Departments. Those with identical seniority shall be laid off in order of least ability to serve as determined by the Commission from a consideration of service reports.
- B. The names of subordinates laid off for any cause set forth in Subsection A shall be retained on an eligible re-employment list for two years after their layoff. If any vacancies occur, or if the number of subordinates is increased in the Department, such vacancies or new positions shall be filled by persons on such list in the inverse order of layoff.

**§ 112-10. Administration.**

- A. \_\_\_\_\_
  - (1) Regular meetings with the Police and Fire Commission will be held at the Monona City Hall upon the call of the Chairperson. The Commission shall hold a regular spring meeting on or about the second Wednesday of May, except when the day so designated falls on a legal holiday, the meeting shall be held on the first secular day following the holiday.
  - (2) The President and Secretary shall be elected at the annual meeting.
  - (3) At the spring meeting the Fire Chief and Chief of Police shall meet with the Commission and present a summary of the previous year in their Department and/or their projected goals for the coming year and any other further matters desired to be discussed by the Commission or the Chiefs.

- B. All special meetings of the Commission shall be held at the place where the regular meetings are held, and such special meetings may be called at any time by the President, or by any two members, by causing a written notice thereof to be delivered to each Commissioner personally if he can be found, and if he can not be found, by leaving a copy of such notice at his usual place of abode in the presence of a member of the Commissioner's family of suitable age and discretion. Special sessions may be held without notice specified in this section when all members of the Commission are present in person or consent in writing to the holding of such meeting. This provision shall not be construed to permit violation of Ch. 19, Wis. Stats. (the Wisconsin Open Meetings Law).
- C. Whenever there are no appeals or disciplinary actions to be considered, and there appears to be no other business to transacted by the Commission at any regular meeting, other than the annual meeting, the President may dispense with such meeting by notifying each member of the Commission not more than three days nor less than 24 hours prior to the time of such meeting.
- D. Three members of the Commission shall constitute a quorum in order to transact business, but a lesser number may adjourn from time to time. All determinations of the Commission shall be made by a majority of all the members.
- E. The regular order of business of the Commission shall be:
- (1) Roll call.
  - (2) Consideration of the minutes of the preceding meeting.
  - (3) Consideration of communications from the Chiefs of Police and Fire Departments.
  - (4) Unfinished and miscellaneous business.
  - (5) New business.
- F. The duties of the President shall be to preside over all meetings of the Commission, except that in the President's absence or disability, the members shall select a President Pro-Tempore to call special meetings of the Commission when necessary, to preside over hearings conducted by the Commission, and to see that they are regularly conducted, to receive written charges filed against Chiefs or subordinates, and to issue subpoenas to compel the attendance of witnesses.
- G. \_\_\_\_\_
- (1) The Secretary shall conduct all correspondence of the Commission, receive appeals from the actions of the Chiefs, send out all notices required by law, ordinance, these rules, or as requested by the Commission, make such official publications as may be necessary, attend all meetings and hearings of the Commission, prepare and keep records and minutes of the Commission's proceedings, provide for the taking and recording of testimony and other evidence received at hearings, preserve such evidence in a permanent record, and certify such record to the Circuit Court when required to do so.

- (2) The Secretary shall keep a minute book, showing all important facts pertaining to each meeting and hearing. The minutes of each meeting and hearing shall be signed by the Secretary, approved by the Commission and signed by the President. A copy of the minutes shall be provided each member as soon after each meeting as possible. One copy shall also be filed with the City Clerk.
- H. When a hearing is held, the President of the Commission shall set the date therefor. Notice of the date, time and place of the hearing shall be given the accused and the complainant, by mailing notice thereof to the address of the accused as obtained from the files of the Department, or by personal service; in either case not less than five days prior to the date of the hearing. A copy of the charges shall accompany such notice.
- I. Hearings may be held at regular or special meetings of the Commission, at such time as shall be determined by the Commission. All hearings shall be open to the public, except that the Commission may take final action in executive session, to the extent permitted by law.
- J. The accused and the complainant shall be entitled to representation by counsel at any hearing, and each party shall bear their own cost of such representation. In the absence of an appearance of the accused, the Commission shall proceed to dispose of the matter on such evidence as may be before it. In the absence of the appearance of the complainant, if there be one, the Commission shall dismiss the charges without consideration.
- K. All testimony of witnesses at hearings shall be given under oath, administered by the Secretary or other member of the Commission in the form and manner provided in Sec. 887.03, Wis. Stats.
- L. At the hearing the order shall be as follows:
- (1) Statement of the charges by the Secretary.
  - (2) Testimony and introduction of evidence by the accused.
  - (3) Complainant's rebuttal.
  - (4) Accused's rebuttal.
- M. The Secretary shall keep a record of each hearing, name and address of the accused, and complainant, if there be one, a brief description of the charges involved, and the final disposition of the case. The Secretary shall also show on the docket for each case all other important data and dates concerning the case, such as date of filing notice of appeal, date of sending out notices and to whom sent, and dates of hearings, continuances and final determination.
- N. No request for a rehearing shall be entertained unless substantial new evidence is submitted which could not have been presented at the previous hearing. In all cases, the request for rehearing shall be in writing, reciting the reasons for the request.
- O. All members and employees of the Police and Fire Service shall conform to and abide by the rules and regulations of such Services, observe the laws and ordinances in force in

the state and the City, and render their services to the City with courage, zeal, fidelity and discretion.

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## PART II, GENERAL LEGISLATION

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### Ch. 145, Adult-Oriented Establishments

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*Title 7, Ch. 8, of the 1994 Code*

- A. There appears to be a typo of some sort in § 145-9B(1), which reads as follows:

Each booth, room or cubicle shall be separated from adjacent booths, rooms and 71 cubicles and any nonpublic areas by a wall.

**Decision:**

- Simply delete "71."  
 Revise as follows: \_\_\_\_\_  
(Or write-in above)

- B. We will make the following minor revision to § 145-9B(2) so that it is a complete sentence:  
"Each booth, room or cubicle shall ~~H~~have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same."

### Ch. 152, Ambulance Transportation

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*Title 5, Ch. 4, of the 1994 Code*

This chapter provides that there shall be a fee charged for receiving transportation services from the Monona Emergency Medical Services. No changes are recommended.

**Decision:**

- Retain as written.  
 Revise as follows: See Attached.

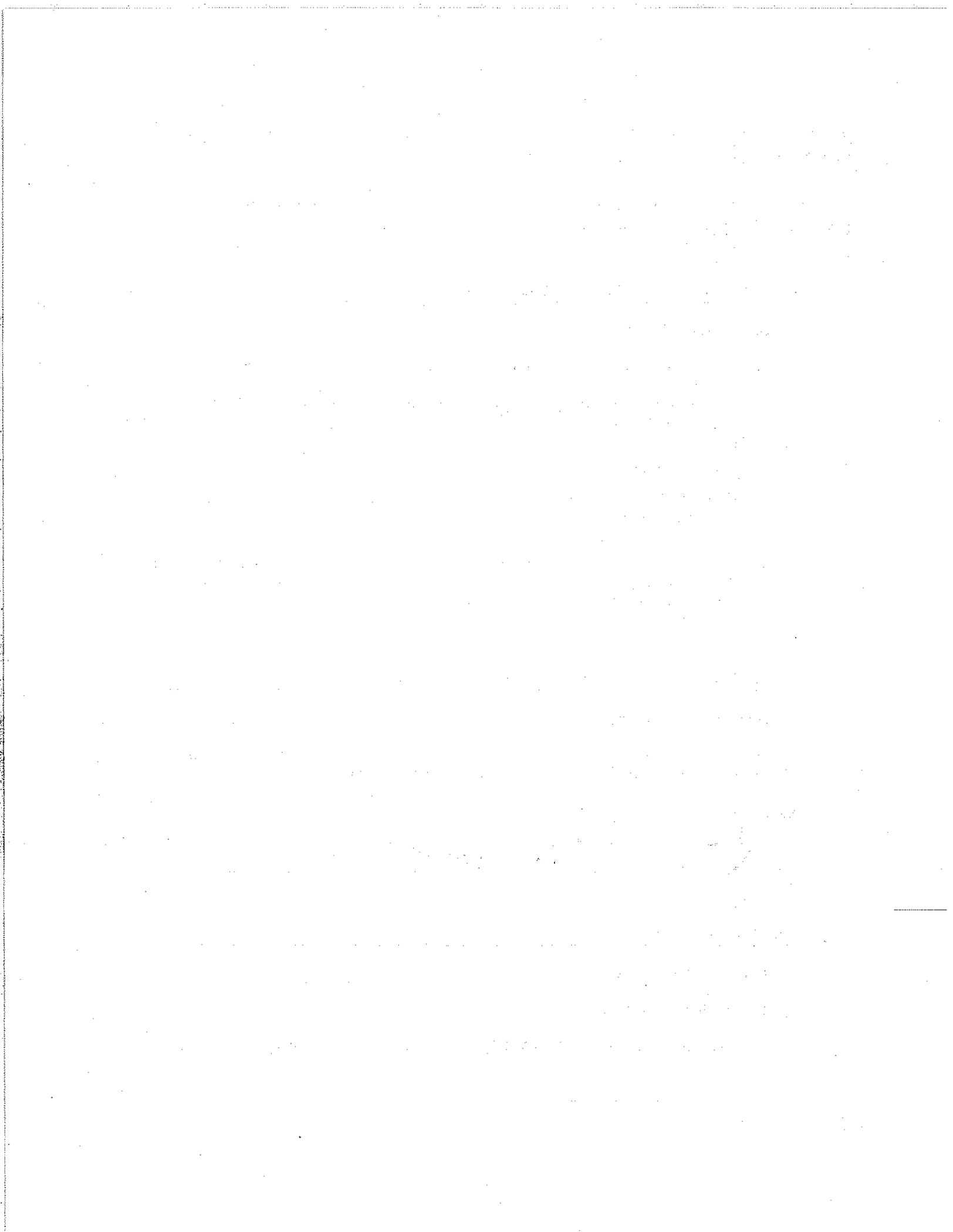
### Ch. 159, Animals

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*Title 7, Ch. 1, of the 1994 Code*

- A. Definitions, § 159-1.

- (1) In the definition of AT LARGE, is there missing or extra wording? Please review:



## Chapter 152

### AMBULANCE TRANSPORTATION

#### 152-1 Fee for ambulance transportation.

[History: Adopted by the Common Council of the City of Monona as Title 5 Ch. 4, of the 1994 Code. Amendments noted where applicable.]

- A. Individuals receiving transportation or services from the Monona Fire Department shall be charged fees as follows:
- 1) A base resident transportation <sup>3 or</sup> fee, a base non-resident transportation fee, <sup>P 2.</sup> a non-transportation (care provided) <sup>or</sup> a non-transportation (no care provided) <sup>fees</sup> shall be established and reviewed at a minimum of once annually by the Common Council:  
and
  - 3) <sup>A</sup> Charges for mileage, medications, supplies and all other consumable goods provided in an amount reviewed and established at a minimum of once annually by the Public Safety ~~Commission~~ <sup>Committee</sup>.
- ✓ B. If the ambulance fee is not covered by insurance, or partially covered, and the person is of low or moderate income, he or she may request a waiver of the balance due.
- C. An active member of the Monona Fire Department or the active member's immediate family living in the same household, shall not be charged ambulance transportation fees if transported within the City limits, except for advance life support services.

**PART II, GENERAL LEGISLATION**



**Ch. 145, Adult-Oriented Establishments**

*Title 7, Ch. 8, of the 1994 Code*

A. There appears to be a typo of some sort in § 145-9B(1), which reads as follows:

Each booth, room or cubicle shall be separated from adjacent booths, rooms and 71 cubicles and any nonpublic areas by a wall.

**Decision:**

Simply delete "71."

Revise as follows: \_\_\_\_\_

(Or write-in above)

B. We will make the following minor revision to § 145-9B(2) so that it is a complete sentence: "Each booth, room or cubicle shall ~~H~~have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same."

**Ch. 152, Ambulance Transportation**

*Title 5, Ch. 4, of the 1994 Code*

This chapter provides that there shall be a fee charged for receiving transportation services from the Monona Emergency Medical Services. ~~No~~ changes are recommended.

**Decision:**

Retain as written.

Revise as follows: \_\_\_\_\_

**Ch. 159, Animals**

*Title 7, Ch. 1, of the 1994 Code*

A. Definitions, § 159-1.

(1) In the definition of AT LARGE, is there missing or extra wording? Please review:

## Chapter 145

### ADULT-ORIENTED ESTABLISHMENTS

- |  |   |
|--|---|
| <p>§ 145-1. Definitions.</p> <p>§ 145-2. Adult oriented establishment license.</p> <p>§ 145-3. Application for license.</p> <p>§ 145-4. License review procedure.</p> <p>§ 145-5. Standards for issuance of license.</p> <p>§ 145-6. Display of license or permit.</p> <p>§ 145-7. Renewal of license or permit.</p> | <p>§ 145-8. Revocation of license.</p> <p>§ 145-9. Physical layout of adult oriented establishment.</p> <p>§ 145-10. Responsibilities of the operator.</p> <p>§ 145-11. Administrative procedure and review.</p> <p>§ 145-12. Exclusions.</p> <p>§ 145-13. Enforcement.</p> |
|--|---|

**[HISTORY: Adopted by the Common Council of the City of Monona as Title 7, Ch. 8, of the 1994 Code. Amendments noted where applicable.]**

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#### § 145-1. Definitions.

The following definitions shall be applicable in this chapter:

**ADULT BOOKSTORE** — An establishment having as its stock-in-trade for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined herein and in conjunction therewith, have facilities for the presentation of adult entertainment as herein defined, including adult oriented film, movies or live performances, for observation by patrons therein.

**ADULT CABARET** — A cabaret which features topless dancers, strippers, male or female impersonators or similar entertainers.

**ADULT ENTERTAINMENT** — Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas" as herein defined or the removal of articles of clothing or appearing partially or totally nude.

**ADULT MINI-MOTION PICTURE THEATER** — An enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as herein defined for observation by patrons therein.

**ADULT MOTION PICTURE THEATER** — An enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme or distinguished or

characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

**ADULT ORIENTED ESTABLISHMENT** — Includes, but is not limited to, adult bookstores, adult motion-picture theaters, adult mini-motion picture establishments or adult cabaret and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

**COMMITTEE** — The License Review Committee for the City of Monona, Wisconsin.

**COUNCIL** — The Common Council for the City of Monona, Wisconsin.

**OPERATORS** — Any person, partnership or corporation operating, conducting, maintaining or owning any adult oriented establishment.

**SPECIFIED ANATOMICAL AREAS** —

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state, even if opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** — Simulate or actual:

- A. Showing of human genitals in a state of sexual stimulation or arousal.
- B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.
- C. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

**§ 145-2. Adult oriented establishment license.**

- A. Except as provided in Subsection D below, from and after the effective date of this chapter, no adult oriented establishment shall be operated or maintained in the City without having procured a license as provided in this chapter and having further complied with all statutes, ordinances and regulations of the state, county and City applicable thereto.
- B. A license may be issued only for one adult oriented establishment located at a fixed and certain place. Any person who desires to operate more than one adult oriented establishment must have a license for each.
- C. No license or interest in a license may be transferred to any person.

- D. All adult oriented establishments existing at the time of the passage of this chapter must submit an application for a license within 90 days of the passage of this chapter. If an application is not received within such ninety-day period, then such existing adult oriented establishment shall cease operations.

**§ 145-3. Application for license.**

- A. Any person desiring to secure a license shall make application to the City Clerk. The application shall be filed in duplicate with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the applicant.
- B. The application for a license shall be upon a form provided by the City Clerk. An applicant for a license interested directly in the ownership or operation of the business shall furnish the following information under oath:
- (1) Name and address, including all aliases.
  - (2) Written proof that the individual is at least 18 years of age.
  - (3) The address of the adult oriented establishment to be operated by the applicant.
  - (4) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, the name and address of all shareholders owning more than 5% of the stock in such corporation and all officers and directors of the corporation.
  - (5) Applications shall be signed and sworn to by the applicant as provided by Sec. 887.01, Wis. Stats.
  - (6) Applicants must provide a copy of their Seller's Permit, along with their application, as proof that they are in good standing for sales tax purposes before they may be issued a license.
  - (7) Any false statement contained in such application shall automatically nullify any license pursuant thereto.
  - (8) If any fact given in an application subsequently changes, the licensee shall file a notice in writing of such change with the Clerk within 10 days.

**§ 145-4. License review procedure.**

- A. The Chief of Police shall make an investigation of the applicant to determine whether the applicant possessed the qualifications necessary for issuance of a license under this chapter within 14 days of receiving an application.
- B. The Fire Chief and Building Inspector shall inspect the premises proposed to be licensed to determine whether such premises conforms to this chapter and with the ordinances of the City and the laws of the state and any administrative regulations which are applicable which have been issued by the state or any agency of the state within 14 days of receiving an application.

- C. Each of the above officers shall file written reports to the Clerk. If any such report is unfavorable, a copy thereof shall be mailed to the applicant together with a notice of the next regularly scheduled License Review Committee meeting.
- D. Each application shall be referred by the City Clerk to the License Review Committee which shall make such additional investigation as to the advisability of granting such license as may be necessary or desirable. The License Review Committee shall recommend grant or denial of the license by the Common Council.
- E. No license shall be granted under the Chapter until the Council shall authorize the same.
- F. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his refusal or failure to appear at any reasonable time and place for examination under oath regarding such application, or his refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the Common Council.
- G. Whenever an application is denied, the City Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held before the next regularly scheduled Council meeting as hereinafter provided.

**§ 145-5. Standards for issuance of license.**

To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

- A. If the applicant is an individual:
  - (1) The applicant shall be at least 18 years of age.
  - (2) The applicant shall not have been found to have previously violated this chapter within five years immediately preceding the date of the application.
- B. If the applicant is a corporation:
  - (1) All officers, directors and stockholders required to be named under § 145-3B shall be at least 18 years of age.
  - (2) No officer, director or stockholder required to be named under § 145-3B shall have been found to have previously violated this section within five years immediately preceding the date of the application.
- C. If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest, all persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

**§ 145-6. Display of license or permit.**

The license shall be displayed in a conspicuous public place in the adult oriented establishment.

**§ 145-7. Renewal of license or permit.**

Every license issued pursuant to this chapter will terminate at the expiration of one year from the date of issuance unless sooner revoked and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed no later than 60 days before the license expires. The application for renewal shall follow the same procedure as an original application.

**§ 145-8. Revocation of license.**

- A. The Common Council shall revoke a license or permit for any of the following reasons:
- (1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
  - (2) The operator or any employee of the operator violates any provision of this chapter or any rule of regulation adopted by the Council pursuant to this chapter provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
  - (3) The operator becomes ineligible to obtain a license or permit.
  - (4) Any cost or fee required to be paid by this chapter is not paid.
  - (5) Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult oriented establishment.
- B. The Common Council before revoking or suspending any license or permit shall give the operator at least 10 days' written notice of the charges against him and the opportunity for a public hearing before the Council as hereinafter provided.
- C. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- D. Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult oriented establishment for six months from the date of revocation of the license.

**§ 145-9. Physical layout of adult oriented establishment.**

Any adult oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

- A. Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock or other control type devices.
- B. Construction. Every booth, room or cubicle shall meet the following construction requirements:
  - (1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and ~~71~~ cubicles and any nonpublic areas by a wall.
  - (2) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
  - (3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth textured and easily cleanable.
  - (4) The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.
  - (5) The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten-footcandles at all times as measured from the floor.
- C. Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

**§ 145-10. Responsibilities of the operator.**

- A. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, Social Security number, date of employment and termination and duties of each employee. The above information on each employee shall be maintained in the register on the premises for a period of three years following termination.
- B. The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the City Police Department at all reasonable times.
- C. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs, either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator

shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

- D. Any act or omission of any employee constituting a violating of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
- E. No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view adult entertainment as defined herein.
- F. The operator shall maintain the premises in a clean and sanitary manner at all times.
- G. The operator shall maintain at least ten-footcandles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall there be less than one-footcandle of illumination in such aisles as measured from the floor.
- H. The operator shall insure compliance of the establishment and its patrons with the provisions of this chapter.
- I. All employees of the establishment are to be at least 18 years of age.

**§ 145-11. Administrative procedure and review.**

Chapter 68, Wis. Stats., shall govern the administrative procedure and review regarding the granting, denial, renewal, nonrenewal, revocation or suspension of a license.

**§ 145-12. Exclusions.**

All private and public schools as defined in Chapter 115, Wis. Stats., located within the City are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

**§ 145-13. Enforcement.**

The City Police, Fire and Building Inspection Departments shall have the authority to enter any adult oriented establishment at all reasonable times to inspect the premises and enforce this chapter.

City of Monona, WI

**Decision:**

- Revise to read as indicated.
- Retain as written.

F. Section 159-11, Violations and penalties.

- (1) The forfeiture amounts in Subsections A, B and C should be reviewed to ensure they are still satisfactory.

**Decision:**

- Revise as follows: \_\_\_\_\_
- Retain as written.

- (2) Section 95.21(10)(a), Wis. Stats., provides as follows: "*An owner who fails to have a dog vaccinated against rabies as required under sub. (2)(a) may be required to forfeit not less than \$50 nor more than \$100.*" Should this penalty be added to the City's ordinance? According to § 159-11B(1) the penalty for violation of § 159-2, Rabies vaccination required for dogs and cats, is \$25 to \$200 for a first offense and \$100 to \$400 for any subsequent offense.

**Decision:**

- Omit § 159-2 from Subsection B and add "*An owner who fails to have a dog vaccinated against rabies as required in § 159-2 shall be subject to the penalty prescribed by § 95.21(10)(a), Wis. Stats.*"
- Revise as follows: \_\_\_\_\_
- Make no change.



**Ch. 168, Bicycles and Play Vehicles**

*Title 10, Ch. 2, of the 1994 Code; amended in its entirety by Ord. No. 9-10-618*

A. Section 168-2B(3) could be deleted as covered by § 168-2E:

§ 168-2B(3): *It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.*

§ 168-2E: *No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway...*

AT LARGE — To be off the premises of the owner and not under the control of some person either by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.

**Decision:**

- Delete "either."
- Revise as follows: "To be off the premises of the owner and not under the control of some person either by leash \_\_\_\_\_, but a dog or cat..."
- Other: \_\_\_\_\_

(2) In the definition of LAW ENFORCEMENT OFFICER we have updated the reference to § 58.07, Wis. Stats., to § 173.03, Wis. Stats.

B. Section 159-2A requires revaccination within two years if no date is specified; the statute requires revaccination within three years. Should this requirement be revised to match the statute? Note that the City is authorized to impose stricter conditions by § 95.21(9), Wis. Stats.

**Decision:**

- Change the revaccination period from two years to three years.
- Retain as written.

C. In § 159-2B we have updated the title to the Centers for Disease Control and Prevention.

D. To match § 95.21(2), Wis. Stats., § 159-2D could be revised to read as follows:

Rabies vaccination tag. After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate and the year the vaccination was given and the name, address and telephone number of the supervising veterinarian.

**Decision:**

- Revise to read as indicated.
- Retain as written.

E. The following wording could be added to § 159-3B(3) pursuant to the wording in § 174.053, Wis. Stats.: "Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel if the other dog is currently immunized against rabies."

**Decision:**

- Delete § 168-2B(3).
- Revise as follows: \_\_\_\_\_
- Make no change.

B. Regarding § 168-2C, Required equipment: Subsection C(1), pertaining to brakes, could be deleted as covered by § 168-2J(2); and Subsection C(2), pertaining to unlawful sirens or bells, could be added to § 168-2J.

**Decision:**

- Delete § 168-2C(1); move § 168-2C(2) to Subsection J.
- Revise as follows: \_\_\_\_\_
- Make no change.

C. Section 168-4 contains various forfeiture amounts for violation of this chapter. Are any revisions desired? Note that the forfeiture amounts for violation of § 168-2B(3) or E are in line with § 346.82(2), Wis. Stats.

**Decision:**

- Revise as follows: Refer to general penalty section 1-4A.
- Retain as written.

**Ch. 175, Building Construction**

*Title 15, Ch. 1, of the 1994 Code*

- A. We have updated the references to ILHR Industry, Labor and Human Relations, to SPS Safety and Professional Services. Administrative Code references to "ILHR" and "COMM" have been updated to "SPS" references as appropriate.
- B. There is an incomplete sentence in § 175-8C, as follows:

*C. Application for permit. Application for a building permit shall be made in writing upon a blank form furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, and the name and address of the architect or designer, and shall describe the location of the building and the purpose for which it is to be used, and shall contain such other information as the Building Inspector may require. If an application is made by anyone other than the signed statement of approval. An application shall also be deemed incomplete if it is not accompanied by an approved zoning permit, where required...*

**Decision:**

- Revise as follows: \_\_\_\_\_
- Other: \_\_\_\_\_

C. Sections 175-9B(2), 175-39B(2), 175-55C and 175-66B(2) contain a reinspection fee of \$25. This fee is included in the proposed comprehensive fee schedule; should it be removed from this chapter?

**Decision:**

- Revise as follows: "Additional inspections or re-inspections shall be assessed at \$25 per inspection as set by the Common Council in the City's fee schedule."
- Revise as follows: \_\_\_\_\_
- Retain as written.

D. There is missing wording at the end of § 175-10A, which reads as follows:

A. Inspection by Building Inspector. . . After the issuance of such certificate, no structural part of such. . .

**Decision:**

- Add the following wording to the end of § 175-10A: \_\_\_\_\_
- Missing wording is attached separately.

E. In § 175-10C we have updated the reference to § 66.122, Wis. Stats., to § 66.0119, Wis. Stats.

F. The wording of § 175-15B requires revision in the second sentence, where the subject of "may also be subject to a penalty" is currently the Building Inspector. We will revise this wording to read "and such violation may also be subject to a penalty."

G. In § 175-17 we have updated the reference to COMM to SPS; however COMM 69 and COMM 70 no longer exist.

**Decision:**

- Delete references to COMM 69 and 70.
- Other: \_\_\_\_\_

H. Section 175-27F, Outdoor storage, should be reviewed against the provisions of § 480-10F, Outside storage, of the Zoning Chapter. For example, § 175-27F(2) pertains to outdoor

## Chapter 168

### BICYCLES AND PLAY VEHICLES

§ 168-1. Definitions.

§ 168-2. General bicycle regulations.

§ 168-3. Registration and licensing of bicycles.

§ 168-4. Bicycle penalties.

§ 168-5. Enforcement.

§ 168-6. Skateboards and in-line skates.

**[HISTORY: Adopted by the Common Council of the City of Monona as Title 10, Ch. 2, of the 1994 Code; amended in its entirety 10-18-2010 by Ord. No. 9-10-618. Subsequent amendments noted where applicable.]**

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§ 168-1. Definitions.

As used in this chapter:

**BICYCLE** — Every device propelled by the feet acting upon pedals and having wheels, any two of which are not less than 14 inches in diameter.

**BICYCLES' LANE** — That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.

**BICYCLE WAY** — Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.

**BIKE ROUTE** — Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.

**CARRIER** — Any device attached to a bicycle designed for carrying articles.

**PLAY VEHICLES** — Any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

**RIGHT-OF-WAY** — The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

§ 168-2. General bicycle regulations.

A. Parental responsibility. No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this section.

B. Street operation.

- (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the

bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three feet between his bicycle and the vehicle.

- (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
- (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.
- (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
- (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
- (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.
- (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.

C. Required equipment.

- (1) Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
- (2) It shall be unlawful for any bicycle to be equipped with a siren or whistle, or to use any bell or horn otherwise than as a reasonable warning to other users of the highway. Law enforcement officers shall be exempt from this subsection while acting in the performance of their official duties.

D. Display of license. Valid license stickers must be displayed on the bicycle so that it is clearly visible.

E. Bicycles not to be pulled by moving vehicles. No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle which is not designed to be towed by a bicycle on such highway.

## F. Operation on sidewalks.

- (1) Bicycles shall not be operated on Monona Drive sidewalks from the northern limits of the City to Winnequah Road and on the Yahara Cove Boardwalk at River Place.
- (2) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

## G. Mopeds prohibited on bicycle ways. No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way. Law enforcement officers shall be exempt from this subsection while acting in the performance of their official duties.

## H. Riding bicycle on bicycle lane.

- (1) Unless two-way traffic is authorized by the Common Council on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
- (2) \_\_\_\_\_
  - (a) Unless otherwise provided under Subsection H(2)(b) below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.
  - (b) A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.
- (3) Every person operating a bicycle upon a bicycle lane shall exercise due care and given an audible signal when passing a bicycle rider proceeding in the same direction.
- (4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.

## I. Riding bicycle on bicycle way.

- (1) Every person operating a bicycle upon a bicycle way shall:
  - (a) Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
  - (b) Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
- (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.

- (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

J. Lamps and other equipment on bicycles.

- (1) No person may operate a bicycle upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least 500 feet to the front of such bicycle. Such bicycle shall also be equipped with a red reflector that has a diameter of at least two inches of surface area so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to but not in lieu of the red reflector.
- (2) No person may operate a bicycle upon a highway, bicycle lane or bicycle way unless all braking equipment with which the bicycle was originally provided is in good working order. No person may operate a bicycle equipped with a coaster brake upon a highway or bicycle lane unless such brakes will enable the operator to make the rear wheel skid on dry, level, clean pavement.

K. Turns. Every person riding a bicycle upon any public street shall turn only at intersections as permitted, signal for all turns and stops, and pass to the left when passing vehicles or bicycles. Every person shall keep both hands on the handlebars when operating a bicycle.

L. Rentals. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license sticker or plate is attached thereto as provided herein and such bicycle is equipped with equipment required in this chapter.

**§ 168-3. Registration and licensing of bicycles.**

- A. Registration of bicycles. No person shall ride or use a bicycle customarily kept in the City of Monona upon any public street, highway, or alley in the City unless licensed and registered as herein provided.
- B. Registration form. Every owner or operator of any bicycle within the City shall, within 10 days of the acquisition of such bicycle, file and register with the Police Department his name and address, the name of the manufacturer of the bicycle, its identification number, style and a general description of the bike.
- C. Bicycle license. The Police Department shall provide and keep at the City Hall a suitable record of applications and registrations under this section. On receipt of payment of the license fee, the Department shall provide a suitable identification sticker or plate upon which shall be printed or stamped a distinguishing number. The owner shall affix and keep affixed to the bicycle for which identification is issued the original sticker or plate and shall keep the same clean and visible at all times. An unregistered bicycle may be impounded by the Police Department for a period of time not to exceed 30 days.

- D. License fee. The fee for such sticker or plate shall be as prescribed by Section 7-15-1. Such licenses are not transferable from person to person or bicycle to bicycle.
- E. Safe condition. No bicycle shall be registered which is in unsafe mechanical condition. The Chief of Police may suspend the registration of and remove the identification sticker or plate from any bicycle operated contrary to state law and City ordinance or operated while in unsafe mechanical condition, such suspension and removal to continue for not to exceed 30 days, provided such registration shall not be re-instated or such identification sticker or plate replaced while such bicycle is in unsafe condition. Such suspension and removal shall be in addition to other penalties provided hereunder.
- F. Cancellation or registration. The Police Department may cancel the registration of and remove the identification license from, or impound for a period of time not to exceed 30 days, any bicycle being operated upon any street in the City in an unsafe manner, or in violation of any State law or local ordinance; and such cancellation of registration and removal of license or impoundment, shall be in addition to the other penalties provided hereunder.

§ 168-4. Bicycle penalties.

→ Refer to general penalty section 1-4A

FINES TO BE IN THE FINE CODE SECTION

- A. Any person 16 years of age or older who shall violate any provision of this chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule or may be issued a citation and upon conviction thereof, shall be required to forfeit not more than \$30; except a violation of § 168-2B(3) or E which shall carry a forfeiture of not less than \$10 nor more than \$20 for the first offense, and not less than \$25 nor more than \$50 for the 2nd offense or subsequent conviction within a year.
- B. Any person 14 years of age through 15 years of age who shall violate any provisions of this chapter may be issued a citation and, upon conviction thereof, may be required to forfeit not more than \$30; except a violation of § 168-2B(3) or E which shall carry a forfeiture of not less than \$10 nor more than \$20 for the first offense, and not less than \$25 nor more than \$50 for the 2nd offense or subsequent conviction within a year and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than 30 days nor more than 90 days.
- C. Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

§ 168-5. Enforcement.

This chapter shall be enforced by bicycle monitors appointed by and under the jurisdiction of the Chief of Police and sworn police officers. The bicycle monitors need not be sworn police officers, but if they are not sworn officers, their enforcement authority shall be limited to enforcement of this chapter.

**§ 168-6. Skateboards and in-line skates. [Added 9-8-2009 by Ord. No. 08-09-599]**

- A. No person shall operate skateboards or in-line skates on any private property without written permission from the owner of the property or business.
- B. No person shall put down wax on any curb, edge, or any other surface upon which pedestrians or vehicles travel in the City of Monona.
- C. Anyone found to have violated this section shall be subject to the penalty as set forth in § 1-4.

City of Monona, WI

**Decision:**

- Revise as follows: (write-in above, or attach wording separately)
- Other: \_\_\_\_\_

H. Regarding the open burning provisions of § 232-14: the City might want to have this section reviewed by the Fire Chief as to whether it reflects current standards. The State Department of Natural Resources has promulgated a Model Ordinance for Outdoor Burning, Open Burning and Burning of Refuse which can be obtained from the Department's website: <http://dnr.wi.gov/topic/OpenBurning/Summary.html>

The model includes provisions on outdoor furnaces, which the City has regulated under Ch. 245, below.

**Decision:**

- Revise as follows: (attach revisions separately)
- Retain as written.

I. Section 232-16B refers to ILHR 51.03, Wis. Adm. Code, as follows. As previously mentioned, we are unable to determine the updated reference to ILHR 51. Please advise:

*Construction. The building shall be constructed of Class I - Fire Resistive construction as defined in ILHR 51.03, Wis. Adm. Code.*

**Decision:**

- Revise as follows: (write-in above, or attach wording separately)
- Other: \_\_\_\_\_

**Ch. 238, Fireworks**



*Title 7, Ch. 5, of the 1994 Code*

Fireworks are regulated by § 167.10, Wis. Stats. Section 238-1B(2) provides that any portion of Chapter 167 not set forth herein is adopted by reference. We note the following:

A. Fees for permits are included in the City's proposed comprehensive fee schedule. We propose to remove the fee of \$50 from § 238-1D(2) and \$25 from § 238-1E(2) and replace with wording that the fee is as established by the Common Council in the City's fee schedule.

**Decision:**

- Revise to replace fee amount with wording as indicated above.
- Revise as follows: \_\_\_\_\_
- Retain as written.

38 *Other changes in yellow, attached.*

## Chapter 238

ⓧ changes in yellow

### Regulation and Licensing of Fireworks

#### 238-1 Regulation of Fireworks.

- (a) **Fireworks Prohibited.** No person may possess, use, sell or possess with intent to sell fireworks except as allowed herein.
- (b) **Definitions.**
- (1) "Fireworks" means anything manufactured, processed or packaged for exploding, flying, hopping, jumping and/or emitting sparks or combustion which does not have another common use.
  - (2) Any portion of current Chapter 167 of the Wisconsin Statutes or as hereafter amended not otherwise set forth herein is hereby adopted by reference.
- (c) **Exclusions.** The general prohibition against fireworks shall not apply to or include any of the following:
- (1) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
  - (2) A toy snake which contains no mercury.
  - (3) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inches in outside diameter which does not contain magnesium, chlorate or perchlorate.
  - (4) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
  - (5) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.
  - (6) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
  - (7) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
  - (8) A cylindrical fountain that consists of one or more tubes and this is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
  - (9) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
  - (10) Fuel or a lubricant.
  - (11) A firearm cartridge, shotgun shell, explosives, ammunition and/or blasting agents handled or utilized as provided by law.
  - (12) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
  - (13) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
  - (14) Tobacco and a tobacco product.
  - (15) The use or sale of blank cartridges for circus or theatrical purposes, or signed purposes in athletic contest or sporting events, or use by militia, police or military organizations.
- (d) **Pyrotechnic Display Permits.**
- (1) This section shall not prohibit the use of fireworks for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals that have been granted a permit for such display by the City. No permits shall be issued to minors.

- (2) Application for permits shall be made in writing at least thirty (30) days in advance of the date of the display, unless good cause is shown for the need for a shorter time period, and shall specify: the name and address of the permit holder; the kind and quantity of fireworks which will be displayed; and the date and location of permitted use. In addition, applicants must submit a site plan and pay a fee of fifty dollars (\$50.00) at the time of application. After such permit has been issued, sale, possession, use and distribution of fireworks for such display shall be lawful for the purpose only. No permit granted hereunder shall be transferable.
- (3) Every such display shall be handled by a competent adult operator and shall be of such composition, character, and so located, discharged or fired as in the opinion of the Chief of Police, Fire Chief and/or his or her designee shall not be hazardous to property or endanger any person or persons.
- (4) Every permittee shall have and maintain adequate liability insurance with minimum limits of \$1,000,000.00 (One Million Dollars) bodily injury and property damage, combined single limit, naming the City, its officers, employees and agents as additional insureds. Said insurance shall indemnify and defend the City, its officers, employees and agents against all claims, liability, loss, damages or expenses, whether caused by or contributed to by the negligence of the City, its officers, employees or agents. Said insurance shall provide that the City receive written notice thirty (30) days prior to any cancellation, non-renewal or material changes in the policy. Proof of said insurance shall be submitted to the City.
- (e) **Permits For Allowable Devices.** In the City of Monona it shall only be legal to sell or offer to sell the devices listed in Paragraph (c)(1) through (9) (hereafter generally referred to as the ALLOWABLE DEVICES) subject to the following:
  - (1) No retail sales or offices to sell ALLOWABLE DEVICES from a permanent location shall occur without first obtaining a permit from the City. No permits shall be issued to minors.
  - (2) Application for such permit shall be made annually in writing at least thirty (30) days in advance of the sale or offer to sell, and shall specify: the name and address of the permit holder; the date on and after which sales or offers to sell shall be made; and the kind, quantity, and location of each device to be offered for sale. In addition, applicants shall pay a fee of twenty-five dollars (\$25.00) at the time of application. No permit granted hereunder shall be transferable.
  - (3) Any permits granted, shall be publicly displayed.
- (f) **Allowable Devices – Sale From Temporary Stands.**
  - (1) No sales or offers to sell ALLOWABLE DEVICES from a temporary stand or location should occur without first obtaining a ten day (10) permit from the City Clerk.
  - (2) All applications shall be submitted 30 days prior to commencing the prescribed activities.
  - (3) A separate application and fee shall be required for each ten (10) day permit.
  - (4) A permit and application is not transferable, and any change in equipment, ownership, or location shall require a new application.
  - (5) Application for such permit shall include satisfactory completion of any required forms and the payment of fees as prescribed by Section 7-15-1. The City shall make an investigation of the applicant to determine whether the applicant possesses the qualifications necessary for issuance of a permit under this Section. These investigating officials shall have four (4) business days from the time of application in which to report to the City Clerk their findings and recommendations.
  - (6) To be granted a permit, the following requirements shall be met:
    - a. Sales may only be permitted from properties zoned commercial under the City's zoning code; sales are prohibited from properties in other zoning classifications or from public properties or right-of-ways.
    - b. Applicants shall have written permission from the property owner to engage in such sales activity.
  - (7) Any permit granted, shall be publicly displayed.

Changes

(\*) Refer to "Fee Schedule"

- (8) All signs associated with the sales activities shall comply with the City's sign regulations; such signs are prohibited from being attached to any traffic control device or utility pole and shall not be located in a public right-of-way or encroach on the vision clearance triangle of any intersection.

Instructions:

Submit a complete list of product names and the type of fireworks as listed in 1.

General Requirements:

1) Conditions of License include:

- a) Post "NO SMOKING" signs in fireworks and sales and storage areas.
- b) Storage shall be at least 10 feet from all sources of ignition and open flames.
- c) Only sparklers, snakes, caps, and/or party poppers can be offered for sale.

2) At least one portable fire extinguisher shall be within 50 feet of fireworks sales and/or storage area.

3) Fireworks prohibited in Chapter 238 will not be offered for sale.

~~4) Call 222-2528 with any questions.~~

- changes*
- (g) **Out-Of-State.** This section does not prohibit a residence wholesaler, dealer or jobber from selling fireworks at wholesale, if that wholesaler, dealer or jobber ships or delivers the fireworks outside of this state in sealed opaque containers by, as defined in Sec. 194.01(1), (2) and (11), Wis. Stats., common motor carrier, contract motor carrier or private motor carrier engaged in the business of shipping or delivering property, or to a person or group granted a permit under this section.
- (1) No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the City.
  - (2) No person may smoke where fireworks are stored or handled.
  - (3) A person who stores or handles fireworks shall immediately notify the City of the location, description and quantity of the fireworks.
  - (4) No wholesaler, dealer or jobber may store fireworks within fifty (50) feet of a dwelling.
  - (5) No person may store fireworks within fifty (50) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.
- (h) **Seizure.** The Chief shall seize, at the expense of the owner, all fireworks stored, handled, sold, possessed or used by any person who violates this section.
- (i) NFPA 1123 and NFPA 1126 are hereby adopted and incorporated by reference.
- dispensed*

- (2) Subsection B provides that violations of this article are subject to the general penalty in § 1-4 of the Code. However, a specific penalty is provided in § 272-4E(2) and F(2) of \$200 for any person submitting false information on an application; and in § 272-21A of \$1,000 for any violation of any provision of this article or any condition included on a license application or on the license itself or for providing any false or inaccurate information on a written application.

**Decision:**

- In § 272-23B revise "except as otherwise provided in Subsection A herein" to "except as otherwise provided herein."
- Revise as follows: \_\_\_\_\_
- Make no change.



**Art. II, Offenses** Ch. 272

*Title 11, Ch. 4, of the 1994 Code; amended in its entirety by Ord. No. 2-14-658*

No changes are recommended.

**Decision:**

- Retain as written.
- Revise as follows: \_\_\_\_\_



**Ch. 281, Juveniles**

*Title 11, Ch. 5, of the 1994 Code*

- A. The terms "juvenile" and "minor" are used interchangeably throughout this chapter. If both terms are meant to apply to "a person who is less than 18," we recommend the use of one term.

**Decision:**

- Change "minor" to "juvenile" throughout the Code.
- Revise as follows: \_\_\_\_\_
- Make no change; retain both terms.

- B. Section 281-1, Curfew.

- (1) Subsection A begins with curfew hours of 11:00 p.m. to 5:00 a.m. the next day for any person under 18 years of age; however, the subsection goes on to also list additional curfew hours by age. Should the following revision be made?

*Curfew established. It shall be unlawful for any person under 18 years of age to be present on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building or any other public place in the City of Monona ~~between the hours of 11:00 p.m. and 5:00 a.m. the next day~~, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore, during the following hours: youth 15 and under: weeknights (Sunday - Thursday) 10:00 p.m. to 5:00 a.m. the next day; weekends (Friday and Saturday) 11:00 p.m. to 5:00 a.m. the next day; youths age 16 and up to 18: weeknights (Sunday - Thursday) 11:00 p.m. to 5:00 a.m. the next day; weekends (Friday and Saturday) 12:00 a.m. to 5:00 a.m. the next day.*

**Decision:**

- Revise to read as indicated above.
- Revise as follows: \_\_\_\_\_
- Retain as written.

- (2) The wording of Subsection D(1) does not make sense. It could be revised to read as follows:

*The first time a juvenile is detained by a law enforcement officer of the City, as provided in Subsection D, the parent, guardian or person having legal custody of such juvenile shall be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by such juvenile or any other juvenile under the care of such parent, guardian or person having legal custody shall result in a penalty being imposed as hereinafter provided.*

**Decision:**

- Revise as suggested.
- Revise as follows: \_\_\_\_\_
- Make no change.

- (3) Subsection D(2) sets the penalty for violations of this section. Are these amounts still satisfactory? Additionally, there is missing/awkward wording at the end of the last sentence:

*Any minor person under 18 years of age who shall violate this section shall, upon conviction thereof, forfeit not less than \$1 nor more than \$25, together with the costs of prosecution, and upon a second offense conviction thereof, forfeit not less than \$1 nor more than \$50 and for each subsequent conviction.*

**Decision:**

Revise as follows: "...and upon a second or subsequent offense, upon conviction thereof, forfeit not less than \$1 nor more than \$50 and for each subsequent conviction."

Revise as follows: refer to fee schedule

Make no change. (same amount)

C. In § 281-4C(2) we have updated the reference to Section 946.71 or 946.715, Wis. Stats., to § 948.31, Wis. Stats.

D. In § 281-5A we will update "carbon copy" to "copy."

E. In § 281-5B we have updated the reference to Sections 48.17(2), 48.343, 48.344 and 48.345 of the Wisconsin Statutes to §§ 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats.

F. Section 281-6B(1) refers to § 938.255(2g), Wis. Stats., however that section does not contain a Subsection (2g).

**Decision:**

Revise as follows: \_\_\_\_\_

Other: Delete section

G. Section 281-6B(6) refers to § 938.348, Wis. Stats., however there is no such section.

**Decision:**

Delete § 281-6B(6).

Revise as follows: \_\_\_\_\_

H. Section 281-7, Truancy and school dropouts.

(1) Subsection E(1)(a) no longer matches § 118.163(2)(a), Wis. Stats., which reads as follows:

*Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.*

City of Monona, WI

**Decision:**

- (w) Revise to match statute.
- Revise as follows: \_\_\_\_\_
- Make no change.

(2) Subsection E(1)(b) could be revised to add "or other community service work as described in § 938.34(5g), Wis. Stats." to conform to § 118.163(2)(b), Wis. Stats.

**Decision:**

- (w) Add wording as indicated above.
- Make no change.

(3) Subsection E(2) no longer matches § 118.163(2m)(a), Wis. Stats., which reads as follows:

*...the court may suspend the person's operating privilege until the person reaches the age of 18. The court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.*

**Decision:**

- (w) Revise to match statute.
- Revise as follows: \_\_\_\_\_
- Make no change.

(4) The forfeitures in Subsection E(3)(b) are prescribed by § 118.163(1m), Wis. Stats., and should not be changed.

**Ch. 296, Massage Establishments**

*Title 7, Ch. 9, of the 1994 Code; amended in its entirety by Ord. No. 10-13-652*

This chapter requires massage establishments to be licensed by the City. Chapter 460, Massage Therapy and Bodywork, which was added to the statutes by 2001 Act 74, provides for state licensing of massage therapists; § 460.17 provides that "A city, village, town, or county may not enact an ordinance that regulates the practice of massage therapy or bodywork therapy by a person who is licensed by the affiliated credentialing board under this chapter." The City might want to consider the following revisions to this article.

- A. Should "massage technician" be updated to "massage therapist"?

- G. Display of license. Each license issued under the provisions of this chapter shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or carry a license card.
- H. Revocation of operator's license. Violation of any of the terms or provisions of the State law or of this chapter relating to operator's licenses by any person holding such operator's license shall be cause for nonrenewal, suspension, or revocation of the license. Any such action shall proceed in accordance with section 125.12 of the Wisconsin Statutes, and License Review Committee shall be the official hearing body. [Amended 11-3-2014 by Ord. No. 10-14-666]

**§ 272-23. Violations and penalties.**

- A. Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in § 272-1 of the Code of the City of Monona, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- B. Any person who shall violate any provision of this chapter of the Code of Ordinances of the City of Monona, except as otherwise provided in Subsection A herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in § 1-4, Penalties, of Ch. 1, General Provisions, of the Code of the City of Monona.
- C. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

ARTICLE II  
Offenses

ONLY

[Adopted as Title 11, Ch. 4, of the 1994 Code; amended in its entirety 3-3-2014 by Ord. No. 2-14-658]

**§ 272-24. Alcoholic beverages in public areas.**

- A. Regulations. It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the City of Monona or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the City except as licensed premises.
- B. Private property held out for public use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the City unless the property is specifically named as being part of a licensed premises.
- C. Leaving licensed premises with open container.

- (1) It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
- (2) It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.

D. Exceptions.

- (1) The provisions of this section may be waived by the Common Council for duly authorized events.
- (2) Any organization which has been issued a Temporary Fermented Malt Beverage and/or Temporary Wine License for a designated area pursuant to this Code of Ordinances, provided that the provisions of this article and Article I of this chapter are fully complied with.

E. Commercial quadricycles. It shall be unlawful for any passenger on a commercial quadricycle to consume a fermented malt beverage.

**§ 272-25. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**ALCOHOLIC BEVERAGE** — Includes all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain 1/2 of 1% or more of alcohol by volume and which are fit for use for beverage purposes.

**COMMERCIAL QUADRICYCLE** — Vehicle as defined in section 340.01(8m) of the Wisconsin Statutes, as may be amended from time to time.

**PUBLIC AREA** — Any location within the City which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.

**UNDERAGE PERSON** — Any person under the legal drinking age as defined by the Wisconsin Statutes.

**Chapter 281****JUVENILES**

- |   |  |
|---|--|
| § 281-1. Curfew.  | § 281-5. Enforcement and penalties.                  |
| § 281-2. Possession of controlled substances by juveniles.          | § 281-6. Dispositional authority of municipal court. |
| § 281-3. City jurisdiction over persons 12 through 17 years of age. | § 281-7. Truancy and school dropouts.                |
| § 281-4. Unlawful sheltering of minors.                             | § 281-8. Contributing to truancy.                    |

**[HISTORY: Adopted by the Common Council of the City of Monona as Title 11, Ch. 5, of the 1994 Code. Amendments noted where applicable.]**

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**§ 281-1. Curfew.**

- A. Curfew established. It shall be unlawful for any person under 18 years of age to be present on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building or any other public place in the City of Monona between the hours of 11:00 p.m. and 5:00 a.m. the next day, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore - youth 15 and under: weeknights (Sunday - Thursday) 10:00 p.m. to 5:00 a.m.; weekends (Friday and Saturday) 11:00 p.m. to 5:00 a.m.; youths age 16 and up to 18: weeknights (Sunday - Thursday) 11:00 p.m. to 5:00 a.m.; weekends (Friday and Saturday) 12:00 a.m. to 5:00 a.m.
- B. Exceptions.
- (1) This section shall not apply to a child:
    - (a) Who is performing an errand as directed by his parent, guardian or person having lawful custody.
    - (b) Who is on his own premises or in the areas immediately adjacent thereto.
    - (c) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
    - (d) Who is returning home from a supervised school, church or civic function, but not later than 30 minutes after the ending of such function.
    - (e) Who is participating in, going to, or returning from, an activity involving the exercise of their rights protected under the First Amendment to the United States Constitution or any equivalent rights under the Wisconsin Constitution, including freedom of speech, the free exercise of religion, and the right of assembly.

- (2) Unless flight by the child or other circumstances makes it impracticable, a law enforcement officer shall, prior to issuing a citation for an offense under this section, afford the child an opportunity to explain his or her reasons for being present in the public place. A law enforcement officer shall not issue a citation for an offense under this section unless the officer reasonably believes that an offense has occurred, and that none of the exceptions described in this subsection apply.
- (3) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- C. Parental responsibility. It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under 18 years of age to allow or permit such person to violate the provisions of Subsection A above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this section occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under 18 years of age to violate this section.
- D. Warning and penalty.
- (1) Warning. The first time a parent, guardian, or person having legal custody of a child who is taken into custody or issued a citation by a law enforcement officer for a violation of this section, such parent, guardian, or person having such legal custody shall be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- (2) Penalty. Any parent, guardian, or person having legal custody of a child described in Subsection A above who has been warned in the manner provided in Subsection D(1) herein and who thereafter violates this section shall be subject to a penalty as provided in § 1-4 of this Code. After a second violation within a six-month period, if the defendant, in a prosecution under this section, proves that he or she is unable to comply with this section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48 or Chapter 938, Wis. Stats. Any minor person under 18 years of age who shall violate this section shall, upon conviction thereof, forfeit not less than \$1 nor more than \$25, together with the costs of prosecution, and upon a second offense conviction thereof, forfeit not less than \$1 nor more than \$50 and for each subsequent conviction.

**§ 281-2. Possession of controlled substances by juveniles.**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

DRUG PARAPHERNALIA — Shall have the same meaning as the term is defined in Section 961.571 of the Wisconsin Statutes.

- B. Possession of drug paraphernalia. No person under 17 years of age may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter.
- C. Manufacture or delivery of drug paraphernalia. No person under 17 years of age may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter.
- D. Penalties. Any person who violates any provision of this section shall be subject to a disposition in accordance with Section 938.344(2e) of the Wisconsin Statutes as adopted by § 281-6 of this Code.

**§ 281-3. City jurisdiction over persons 12 through 17 years of age.**

- A. Adoption of state statute. Section 938.17(2), Wis. Stats., is hereby adopted and by reference made a part of this section as if fully set forth herein.
- B. Provisions of ordinance applicable to persons 12 through 17 years of age. Subject to the provisions and limitations of Section 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons 12 through 17 years of age may be brought on behalf of the City of Monona and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- C. No incarceration as penalty. The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this section.
- D. Additional prohibited acts. In addition to any other provision of the City of Monona Code of Ordinances, no person age 12 through 17 shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.
- E. Penalty for violations of Subsection D. Any person 12 through 17 years of age who shall violate the provisions of Subsection D shall be subject to the same penalties as are provided in § 1-4 of this Code exclusive of the provisions therein relative to commitment in the County Jail.

**§ 281-4. Unlawful sheltering of minors.**

A. No person shall intentionally shelter or conceal a minor child who:

- (1) Is a "runaway child", meaning a child who has run away from his or her parent, guardian or legal or physical custodian; or
- (2) Is a child who may be taken into custody pursuant to Section 48.19, Wis. Stats.

B. Subsection A applies when the following conditions are present:

- (1) The person knows or should have known that the child is a child described in either Subsection A(1) or (2); and
- (2) The child has been reported to a law enforcement agency as a missing person or as a child described in Subsection A(1) or (2).

C. Subsection A does not apply to any of the following:

- (1) A person operating a runaway home in compliance with Section 48.227, Wis. Stats.; or
- (2) A person who shelters or conceals a child at the request or with the consent of the child's parent, guardian or legal or physical custodian except if the sheltering or concealment violates § 948.31, Wis. Stats.; or
- (3) A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Chapter 48, Wis. Stats.; that he or she is sheltering or concealing such child and provides the person or agency notified with all information requested.

**§ 281-5. Enforcement and penalties.**

- A. Citation process. For violations of §§ 281-2 through 281-4, juveniles may be cited by the citation process on a form approved by the City Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- B. Penalties. Violations of §§ 281-2 through 281-4 by a person under the age of 18 shall be punishable according to §§ 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.

**§ 281-6. Dispositional authority of municipal court.**

- A. Pursuant to the authority granted by Wisconsin Statutes Section 938.17(2), the City of Monona Municipal Court is granted the dispositional alternatives as outlined in Subsection B.

the law enforcement agency investigating the case for further investigation, the appropriate agency or person shall complete the investigation within 20 days after the date of the referral. If another referral is made to the district attorney, corporation counsel, or other appropriate official by intake or by the law enforcement agency investigating the case, it shall be considered a new referral to which the time limits of this subsection apply. The time periods in this paragraph may only be extended by a court upon a showing of good cause under s. 938.315. If a petition is not filed within the time periods in this paragraph and the court has not granted an extension, the petition shall be accompanied by a statement of reasons for the delay. The court shall grant appropriate relief as provided in s. 938.315 (3) with respect to a petition that is not filed within the applicable time period in this paragraph. Failure to object to the fact that a petition is not filed within the applicable time period in this paragraph waives any challenge to the court's competency to act on the petition.

(b) In delinquency cases in which there has been a case closure or deferred prosecution agreement, the petition shall be filed within 20 days after receipt of the notice of the closure or agreement. Failure to file within those 20 days invalidates the petition and affirms the case closure or agreement, except that the court shall grant appropriate relief as provided in s. 938.315 (3) with respect to a petition that is not filed within the time period specified in this paragraph and that failure to object if a petition is not filed within that time period waives any challenge to the court's competency to act on the petition. If a petition is filed within those 20 days or the time permitted by the court under s. 938.315 (3), whichever is later, the district attorney shall notify the parties to the agreement and the intake worker of the filing as soon as possible.

(2g) INDIAN JUVENILE; CONSULTATION WITH TRIBAL COURT. If the circumstances described in s. 938.24 (2r) (a) apply, before filing a petition under s. 938.12 or 938.13 (12) the district attorney or corporation counsel shall determine whether the intake worker has received notification under s. 938.24 (2r) (b) from a tribal official that a petition relating to the alleged delinquent act has been or may be filed in tribal court. If the intake worker has received the notification or if a tribal official has provided the notification directly to the district attorney or corporation counsel, the district attorney or corporation counsel shall attempt to consult with appropriate tribal officials before filing a petition under s. 938.12 or 938.13 (12).

(2m) NOTICE TO VICTIMS IF NO PETITION FILED. If a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12) and the district attorney or corporation counsel decides not to file a petition, the district attorney or corporation counsel shall make a reasonable attempt to inform the known victims of the juvenile's act that a petition will not be filed against the juvenile at that time.

(3) COURT ORDER FOR FILING OF PETITION. If the district attorney, corporation counsel, or other appropriate official under s. 938.09 refuses to file a petition, any person may request the court to order that the petition be filed and a hearing shall be held on the request. The court may order the filing of the petition on its own motion. The matter may not be heard by the court that orders the filing of a petition.

(4) TIME PERIOD FOR PROSECUTION. Section 939.74 applies to delinquency petitions filed under this chapter.

(5) CITATION AS INITIAL PLEADING. A citation issued under s. 938.17 (2) may serve as the initial pleading and is sufficient to confer the court with jurisdiction over the juvenile when the citation is filed with the court.

(6) TEMPORARY RESTRAINING ORDER AND INJUNCTION. If a proceeding is brought under s. 938.13, any party to or any governmental or social agency involved in the proceeding may petition the court to issue a temporary restraining order and injunction as provided in s. 813.122 or 813.125. The court shall follow the procedure under s. 813.122 or 813.125 except that the court may com-

bine hearings authorized under s. 813.122 or 813.125 and this chapter, the petitioner for the temporary restraining order and injunction is not subject to the limitations under s. 813.122 (2) (a) or 813.125 (2) and no fee is required regarding the filing of the petition under s. 813.122 or 813.125.

History: 1995 a. 77, 352; 1997 a. 35, 181; 2003 a. 284; 2005 a. 344; 2007 a. 199; 2009 a. 94; 2013 a. 321.

NOTE: 2003 Wis. Act 284 contains explanatory notes.

"Good cause" under sub. (2) (a) is defined. In Interest of F.E.W. 143 Wis. 2d 856, 422 N.W.2d 893 (Ct. App. 1988).

Delinquency and waiver petitions must both be filed to bring about a waiver hearing; the trial court may not proceed with a waiver hearing when the time limits under s. 48.25 for a delinquency petition are not complied with. In Interest of Michael J.L. 174 Wis. 2d 131, 496 N.W.2d 758 (Ct. App. 1993).

NOTE: The above annotations cite to s. 48.25, the predecessor statute to s. 938.25.

To the extent that sub. (1) prohibits the admission of delinquency adjudications in ch. 980 proceedings, it is repealed by implication. State v. Matthew A.B. 231 Wis. 2d 688, 605 N.W.2d 598 (Ct. App. 1999), 98-0229.

**938.255** Petition; form and content. (1) TITLE AND CONTENTS. A petition initiating proceedings under this chapter, other than a petition initiating proceedings under s. 938.12, 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a person under the age of 18". A petition initiating proceedings under s. 938.12, 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person under the age of 17". A petition initiating proceedings under this chapter shall specify all of the following:

(a) The name, birth date, and address of the juvenile and whether the juvenile has been adopted.

(b) The names and addresses of the juvenile's parent, guardian, legal custodian or spouse, if any; or if no such person can be identified, the name and address of the nearest relative.

(c) Whether the juvenile is in custody and, if so, the place where the juvenile is being held and the time he or she was taken into custody unless there is reasonable cause to believe that such disclosures would result in imminent danger to the juvenile or physical custodian.

(cg) If the petition is initiating proceedings under s. 938.13 (4), (6), (6m), or (7), the information required under s. 822.29 (1).

NOTE: Par. (cg) is created eff. 10-1-16 by 2015 Wis. Act 373.

(cm) If the petition is initiating proceedings under s. 938.13 (4), (6), (6m), or (7), whether the juvenile may be subject to the federal Indian Child Welfare Act, 25 USC 1901 to 1963, and, if the juvenile may be subject to that act, the names and addresses of the juvenile's Indian custodian, if any, and Indian tribe, if known.

(cr) 1. If the petition is initiating proceedings under s. 938.12 or 938.13 (12) and all of the following circumstances apply, a statement to that effect:

a. The juvenile is an Indian juvenile.

b. At the time of the alleged delinquent act, the juvenile was under an order of a tribal court, other than a tribal court order relating to adoption, physical placement or visitation with the juvenile's parent, or permanent guardianship.

c. At the time of the delinquent act the juvenile was physically outside the boundaries of the reservation of the Indian tribe of the tribal court and any off-reservation trust land of either that Indian tribe or a member of that Indian tribe as a direct consequence of a tribal court order under subd. 1. b., including a tribal court order placing the juvenile in the home of a relative of the juvenile who on or after the date of the tribal court order resides physically outside the boundaries of a reservation and off-reservation trust land.

2. If the statement under subd. 1. is included in the petition and if the intake worker, district attorney, or corporation counsel has been notified by an official of the Indian tribe that a petition relating to the delinquent act has been or may be filed in tribal court with respect to the alleged delinquent act, a statement to that effect.

(d) If violation of a criminal statute, an ordinance or another law is alleged, the citation to the appropriate law or ordinance as well as facts sufficient to establish probable cause that an offense

has been committed and that the juvenile named in the petition committed the offense.

(e) If the juvenile is alleged to come within the provisions of s. 938.13 (4), (6), (6m), (7) or (14) or 938.14, reliable and credible information which forms the basis of the allegations necessary to invoke the jurisdiction of the court and to provide reasonable notice of the conduct or circumstances to be considered by the court together with a statement that the juvenile is in need of supervision, services, care or rehabilitation.

(f) If the juvenile is being held in custody outside of his or her home, reliable and credible information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile and, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and credible information showing that the person who took the juvenile into custody and the intake worker have made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, and to make it possible for the juvenile to return safely home.

(g) If the petitioner knows or has reason to know that the juvenile is an Indian juvenile, if the juvenile is alleged to come within the provisions of s. 938.13 (4), (6), (6m), or (7), and if the juvenile has been removed from the home of his or her parent or Indian custodian, reliable and credible information showing that continued custody of the juvenile by the juvenile's parent or Indian custodian is likely to result in serious emotional or physical damage to the juvenile under s. 938.028 (4) (d) 1. and reliable and credible information showing that active efforts under s. 938.028 (4) (d) 2. have been made to prevent the breakup of the Indian juvenile's family and that those efforts have proved unsuccessful. The petition shall set forth with specificity both the information required under this paragraph and the information required under par. (f).

(2) If any of the facts in sub. (1) (a) to (cr), (f), and (g) are not known or cannot be ascertained by the petitioner, the petition shall so state.

(3) IF CERTAIN INFORMATION NOT STATED. If the information required under sub. (1) (d) or (e) is not stated the petition shall be amended under s. 938.263 (2) or dismissed.

(4) COPY TO JUVENILE, PARENTS, AND OTHERS. A copy of the petition shall be given to the juvenile and to the parents, guardian, legal custodian and physical custodian. If the juvenile is an Indian juvenile who is alleged to come within the provisions of s. 938.13 (4), (6), (6m), or (7), and who has been removed from the home of his or her parent or Indian custodian, a copy of the petition shall also be given to the Indian juvenile's Indian custodian and tribe.

History: 1995 a. 77, 352; 2001 a. 109; 2003 a. 284; 2005 a. 344; 2009 a. 94; 2015 a. 373, 381.

NOTE: 2003 Wis. Act 284 contains explanatory notes.

**938.263 Amendment of petition.** (1) TO CURE DEFECT. Except as provided in s. 938.255 (3), no petition, process or other proceeding may be dismissed or reversed for any error or mistake if the case and the identity of the juvenile named in the petition may be readily understood by the court; and the court may order an amendment curing the defects.

(2) BEFORE OR AFTER PLEA. With reasonable notification to the interested parties and prior to the taking of a plea under s. 938.30, the petition may be amended at the discretion of the court or person who filed the petition. After the taking of a plea, the court may allow amendment of the petition to conform to the proof if the amendment is not prejudicial to the juvenile.

History: 1995 a. 77; 2005 a. 344.

Sub. (2) did not authorize the trial court to *sua sponte* and without notice amend a juvenile petition charge to disorderly conduct and make a finding of guilt thereon after finding the juvenile not guilty of battery. The court's action unfairly prejudiced the juvenile's statutory and due process rights. *State v. Tawanna H.* 223 Wis. 2d 572, 590 N.W.2d 276 (Ct. App. 1998), 98-1404.

**938.265 Consultation with victims.** In a case in which the juvenile is alleged to be delinquent under s. 938.12 or to be in need

of protection or services under s. 938.13 (12), the district attorney or corporation counsel shall, as soon as practicable but before the plea hearing under s. 938.30, offer all of the victims of the juvenile's alleged act who have so requested an opportunity to confer with the district attorney or corporation counsel concerning the possible outcomes of the proceeding against the juvenile, including potential plea agreements and recommendations that the district attorney or corporation counsel may make concerning dispositions under s. 938.34 or 938.345. The duty to offer an opportunity to confer under this section does not limit the obligation of the district attorney or corporation counsel to exercise his or her discretion concerning the handling of the proceeding against the juvenile.

History: 1997 a. 181; 2005 a. 344.

**938.27 Notice; summons.** (1) SUMMONS; WHEN ISSUED. After a citation is issued or a petition has been filed relating to facts concerning a situation specified under s. 938.12, 938.125 or 938.13, unless the parties under sub. (3) voluntarily appear, the court may issue a summons requiring the parent, guardian and legal custodian of the juvenile to appear personally at any hearing involving the juvenile, and, if the court so orders, to bring the juvenile before the court at a time and place stated.

(2) SUMMONS; NECESSARY PERSONS. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the court, is necessary.

(3) NOTICE OF HEARINGS. (a) 1. The court shall notify, under s. 938.273, the juvenile, any parent, guardian, and legal custodian of the juvenile, any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile, and any person specified in par. (b) or (d), if applicable, of all hearings involving the juvenile under this subchapter, except hearings on motions for which notice must be provided only to the juvenile and his or her counsel. If parents entitled to notice have the same place of residence, notice to one constitutes notice to the other. The first notice to any interested party, foster parent, or other physical custodian described in s. 48.62 (2) shall be in writing and may have a copy of the petition attached to it. Notices of subsequent hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the date and time notice was given and the person to whom he or she spoke.

1m. The court shall give a foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

2. Failure to give notice under subd. 1. to a foster parent or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster parent or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person may request a rehearing on the matter during the pendency of an order resulting from the hearing. If the request is made, the court shall order a rehearing.

(b) 1. Except as provided in subd. 2., if the petition that was filed relates to facts concerning a situation under s. 938.13 and if the juvenile is a nonmarital child who is not adopted or whose parents do not subsequently intermarry as provided under s. 767.803 and if paternity has not been established, the court shall notify, under s. 938.273, all of the following persons:

a. A person who has filed a declaration of paternal interest under s. 48.025.

B. The following sections of the Wisconsin Statutes are hereby specifically adopted by reference for the dispositional authority of the Monona Municipal Court:

~~(1) Sec. 938.255(2g), Stats.~~

(2) Sec. 938.341, Stats.

(3) Sec. 938.342, Stats.

(4) Sec. 938.343, Stats.

(5) Sec. 938.344, Stats.

~~u (6) Sec. 938.348, Stats. Delete~~

(7) Sec. 938.355, Stats.

### § 281-7. Truancy and school dropouts.

A. Definitions. In this section:

**DROPOUT** — A child who ceased to attend school, does not attend a public or private school, technical college or home-based private education program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Section 118.15(1)(b) to (d) or (3), Wis. Stats.

**HABITUAL TRUANT** — A pupil who is absent from school without an acceptable excuse under Section 118.16(4), Wis. Stats., and Section 118.15 for part or all of five or more days on which school is held during a school semester.

**TRUANT** — A pupil who is absent from school without an acceptable excuse under Wis. Stats. Sections 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

B. Habitual truancy. No person under 18 years of age shall be a habitual truant from the school the person is supposed to be attending.

C. Dropout. No person who is at least 16 years of age but less than 18 years of age shall be a dropout.

D. Truancy. No person under the age of 18 years of age shall be a truant from the school the person is supposed to be attending.

E. Dispositions, truancy, habitual truancy, and school dropout.

(1) Habitual truancy. If the Court finds that a person under 18 years of age violates § 281-7B of this Code, the Court shall enter an Order making one or more of the following dispositions:

(a) Suspend the person's operating privileges, as defined in Wis. Stats. Section 340.01(40) for not less than 30 days nor more than one year. The Court shall immediately take possession of the suspended license and forward it to the

Department of Transportation, together with a notice stating the reason for and duration of the suspension.

- (b) Order the person to participate in counseling or a supervised work program. The costs of such counseling or supervised work program may be assessed against the person, the parents or guardian of the person, or both.
- (c) Order the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from school program or place of worship. The Order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
- (d) Order the person to attend an educational program under Wis. Stats. Section 938.34(7d).
- (e) Order the Department of Workforce Development to revoke, under Wis. Stats. Section 103.72, a permit under Wis. Stats. Section 103.70 authorizing the employment of the person.
- (f) Order the person to be placed in a teen court program if all of the following conditions apply:
  - [1] The Chief Judge of the Judicial Administrative District has approved a teen court program established in the person's county of residence and the judge determines participation in the teen court program will likely benefit the person and the community.
  - [2] The person admits or pleads no contest in open court, with the person's parent, guardian or legal custodian present, to the allegations the person violated the civil law or ordinance.
  - [3] The person has not successfully completed participation in a teen court program during the two years before the date of the alleged civil law or ordinance violation.
- (g) Order the person to attend school.
- (h) Impose a forfeiture of not more than \$500 plus costs, subject to Wis. Stats. Section 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardians of the person, or both.
- (i) Impose any other reasonable conditions consistent with Wis. Stats. Section 118.163, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (j) Place the person under formal or informal supervision, as described in Wis. Stats. Section 938.34(2), for up to one year.

- (k) Order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (2) School dropout. If the Court finds a person is subject to and has violated § 281-7C of this Code, the Court may suspend the person's operating privilege, as defined in Wis. Stats. Section 340.01(40), until the person reaches the age of 18. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation along with a notice stating the reason for and the duration of the suspension.
- (3) Truancy. If the Court finds a person under 18 years of age violated § 281-7D of this Code, the Court shall enter an Order making one or more of the following dispositions:
  - (a) Order the person to attend school.
  - (b) Impose a forfeiture of not more than \$50 plus costs for the first violation, or a forfeiture of \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Section 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or the guardian of the person, or both.

**§ 281-8. Contributing to truancy.**

- A. Except as provided in Subsection B, any person 17 years of age or older who, by any act or omission, knowingly encourages or contributes to truancy, as defined under section 118.16(1)(c) of the Wisconsin Statutes, of a person 17 years of age or under shall be subject to a forfeiture of up to \$500.
- B. Subsection A does not apply to a person who has under his or her control a child who has been sanctioned under section 49.26(1)(h) of the Wisconsin Statutes.
- C. An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.



**Ch. 335, Peace and Good Order**

*Title 11, Chs. 1 to 3, of the 1994 Code*

A. We have updated the entries in the list of Wisconsin Statutes in § 335-1 to reflect the current numbering and section titles.

- (1) We have deleted § 125.08 (Proof of age), which was repealed by 1989 Act 31, § 947.047 (Littering shores), which was repealed by 1989 Act 335, and § 943.23(4), which was repealed by 1993 Act 92.

**Decision:**

§ 335-1 is satisfactory.

Revise as follows: \_\_\_\_\_

B. Section 335-2B and C refer to "Title 11" of the Code of Ordinances. Title 11 has been split into this chapter and three others: Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances. We have updated the references to Title 11 to refer to all of the new chapters; please confirm.

**Decision:**

Updating of Title 11 reference approved as-is.

Revise as follows: \_\_\_\_\_

C. In § 335-3A we recommend that the following wording be deleted: "the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Common Council, or." This wording is included in Subsection D of this section: "This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council, upon the recommendation of the Chief of Police, where proper safety precautions are taken."

**Decision:**

Delete indicated wording from § 335-3A.

Revise as follows: Spring Guns/Air Guns/Pneumatic are prohibited

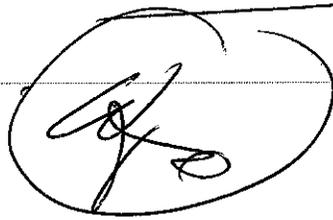
Make no change.

*but then BB guns/paintball is allowed - I don't think it should be - Discussion*

D. Section 335-4A(5) contains a penalty of a forfeiture of up to \$500. Is any revision desired?



*We WANT TO PROHIBIT BB GUNS TOO*



City of Monona, WI

**Decision:**

- Revise as follows: \_\_\_\_\_
- (w)  Retain as written.

E. Section 335-7E deals with loitering by underage persons where alcoholic beverages are dispensed. This topic would appear to be covered by Chapter 272, Intoxicating Liquor and Fermented Malt Beverages. Section 125.07, Underage and intoxicated persons; presence on licensed premises, of the statutes is adopted by reference in Chapter 272.

**Decision:**

- (w)  Delete § 335-7E as covered by Ch. 272.
- Retain § 335-7E.

F. Section 335-7G reads in part "nor shall any person use any sidewalks or any part of a street as a place for vending, selling, or dealing in merchandise, except as permitted in Title 7, Chapter 4 of this Code of Ordinances." Title 7, Ch. 4, is now Ch. 303, Mobile Homes, which does not match the subject matter here.

**Decision:**

- (w)  Revise to refer to Ch. 404, Transient Merchants.
- Revise as follows: \_\_\_\_\_

G. Section 335-8, Loud and unnecessary noise. This section should be reviewed against the provisions of § 480-10A of the Zoning Chapter, Noise. Said Zoning section regulates noise between the hours of 7:00 a.m. and 9:00 p.m., and 9:00 p.m. and 7:00 a.m. using decibel levels. This section uses "community standards" regulations and not specific decibel levels, and the timeframes regulated are different (10:00 a.m./p.m. instead of 9:00 a.m./p.m.). Is any revision necessary? At a minimum, perhaps the timeframes should be made consistent.

**Decision:**

- (w)  Revise § 335-8 to change the 10:00 timeframes to 9:00 to match the timeframes in § 480-10A.
- Revise as follows: \_\_\_\_\_
- Make no change.

H. In § 335-9, Disorderly conduct, indecent exposure is prohibited twice, in Subsection A(4), "indecently expose his or her person," and again at the end of Subsection B, "or to indecently expose his person."

**Decision:**

Delete Subsection A(4).

Retain as written.

(a)  Delete it from 335-9 B Delete "or to indecently expose his person."

I. The definition of "practitioner" in § 335-11B(2) no longer matches the definition of "practitioner" in § 961.01(19), Wis. Stats. Perhaps § 335-11B(2) could be deleted and § 335-11B(1) could be revised to read as follows:

No person shall possess 25 grams or less of marijuana, as defined in § 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner, as defined in § 961.01(19), Wis. Stats., while acting in the course of his or her professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.

**Decision:**

(a)  Revise as indicated above.

Revise as follows: \_\_\_\_\_

Make no change.

J. We question the need to retain § 335-13, Prostitution. Note that § 335-1 adopts by reference the following statutes: § 944.30, Wis. Stats., Prostitution; § 944.31, Wis. Stats., Patronizing prostitutes; and § 944.33, Wis. Stats., Pandering.

**Decision:**

(a)  Delete § 335-13.

Retain as written.

K. We have updated the reference to § 101.123(2)(c), Wis. Stats., in § 335-24B to § 101.123(4m).

*WFO*  
335-24  DELETE - COVERED IN 367

**Ch. 342, Property Maintenance**

**Art. I, Junked Vehicles and Appliances**

§ 10-5-8 of the 1994 Code

This article appears generally satisfactory. Note that the City has also, in Chapter 335, § 335-1, adopted by reference § 175.25, Storage of junked automobiles, of the statutes.

**Chapter 335**

**PEACE AND GOOD ORDER**

**ARTICLE I  
State Statutes Adopted**

- § 335-1. Offenses against state laws subject to forfeiture.
- § 335-2. Violations and penalties; attempt; parties to acts.

**ARTICLE II  
Offenses Against Public Safety and Peace**

- § 335-3. Regulation of firearms, explosives, and other missiles.
- § 335-4. Firearms in city buildings; certain weapons prohibited.
- § 335-5. Sale and discharge of fireworks restricted.
- § 335-6. Obstructing streets and sidewalks prohibited.
- § 335-7. Loitering prohibited.
- § 335-8. Loud and unnecessary noise prohibited.
- § 335-9. Disorderly conduct.
- § 335-10. Unauthorized presence on school property.
- § 335-11. Possession of controlled substances; marijuana.

- § 335-12. Obstruction of aisles and approaches in public halls.
- § 335-13. Prostitution.
- § 335-14. Theft of taxi service.
- § 335-15. Merchandise not to be placed on sidewalk or terrace.
- § 335-16. Sleeping in vehicles.
- § 335-17. Inhaling toxic vapors.
- § 335-18. Menacing or aggressive panhandling prohibited.
- § 335-19. Bullying, harassment.

**ARTICLE III  
Offenses Against Property**

- § 335-20. Littering prohibited.
- § 335-21. Theft of library material.
- § 335-22. Damage to public property.
- § 335-23. Trespass to property.
- § 335-24. Regulation of smoking.
- § 335-25. Theft.
- § 335-26. Advertisements on public or private property prohibited.
- § 335-27. Graffiti.

**[HISTORY: Adopted by the Common Council of the City of Monona as Title 11, Chs. 1 to 3, of the 1994 Code. Amendments noted where applicable.]**

**ARTICLE I  
State Statutes Adopted**

- § 335-1. Offenses against state laws subject to forfeiture.
  - A. The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City of Monona provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances.

Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- (1) 118.08 School Zones; Crossings.
- (2) 118.09 Safety Zones.
- (3) 118.10 School Safety Patrols.
- (4) 118.105 Control of Traffic on School Premises.
- (5) 118.11 School Fences.
- (6) 118.123 Reports and Records.
- (7) 118.163 Truancy.
- (8) 125.07 Underage and Intoxicated Persons; Presence on Licensed Premises; Possession.
- (9) 125.09 General Restrictions.
- (10) 134.65 Cigarette and Tobacco Products Retailer License.
- (11) 134.66 Restrictions on Sale or Gift of Cigarettes or Tobacco Products.
- (12) 167.10 Regulation of Fireworks.
- (13) 175.25 Storage of Junked automobiles.
- (14) 346.94(23) Commercial Quadricycles [346.94(23)(f) is expressly not adopted by reference and shall be regulated pursuant to § 272-24E of the Code of the City of Monona.
- (15) 939.05(2)(b) Aiding and Abetting.
- (16) 939.22 Words and Phrases Defined.
- (17) 940.19(1) Battery.
- (18) 940.291 Failure of a Police Officer to Render Aid.
- (19) 941.01 Negligent Operation of a Vehicle.
- (20) 941.10 Negligent Handling of Burning Materials.
- (21) 941.12(2),(3) Interfering With Firefighting.
- (22) 941.13 False Alarms.
- (23) 941.20(1) Reckless Use of Weapon.
- (24) 941.23 Carrying Concealed Weapon.
- (25) 941.235 Carrying a Firearm in a Public Building.

- (26) 941.24 Possession of Switchblade Knife.
- (27) 941.35 Emergency Telephone Calls.
- (28) 941.36 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes.
- (29) 941.37(1),(2) Obstructing Emergency or Rescue Personnel.
- (30) 942.05 Opening Letters.
- (31) 943.01(1) Criminal Damage to Property.
- (32) 943.11 Entry Into Locked Vehicle.
- (33) 943.125 Entry Into Locked Coin Box.
- (34) 943.13 Trespass to Land.
- (35) 943.14 Criminal Trespass to Dwellings.
- (36) 943.145 Criminal Trespass to a Medical Facility.
- (37) 943.15 Entry onto a Construction Site or into a Locked Building, Dwelling or Room.
- (38) 943.20(3)(a) Theft of Property.
- (39) 943.21(3) Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator, or Gas Station.
- (40) 943.22 Cheating Tokens.
- (41) 943.23(5) Operating Vehicle Without Owner's Consent.
- (42) 943.24 Issuance of Worthless Check.
- (43) 943.34(1)(a) Receiving Stolen Property.
- (44) 943.37 Alteration of Property Identification Marks.
- (45) 943.38(3) Forgery.
- (46) 943.41 Financial Transaction Card Crimes.
- (47) 943.50(4)(a) Retail Theft.
- (48) 943.55 Removal of a Shopping Cart.
- (49) 944.15 Public Fornication.
- (50) 944.17 Sexual Gratification.
- (51) 944.20 Lewd and Lascivious Behavior.
- (52) 944.21 Obscene Material or Performance.

- (53) 944.23 Making Lewd, Obscene or Indecent Drawings.
- (54) 944.30 Prostitution.
- (55) 944.31 Patronizing Prostitutes.
- (56) 944.33 Pandering.
- (57) 944.36 Solicitation of Drinks Prohibited.
- (58) 945.01 Definitions Relating to Gambling.
- (59) 945.02 Gambling.
- (60) 945.04 Permitting Premises to be Used for Commercial Gambling.
- (61) 946.40 Refusing to Aid Officer.
- (62) 946.41 Resisting or Obstructing Officer.
- (63) 946.42(2) Escape.
- (64) 946.46 Encouraging Violation of Probation, Extended Supervision or Parole.
- (65) 946.66 False Complaints of Police Misconduct. **[Added 9-8-2009 by Ord. No. 08-09-607]**
- (66) 946.69 Falsely Assuming to Act as Public Officer or Employee or a Utility Employee.
- (67) 946.70 Impersonating Peace Officers, Fire Fighters or other Emergency Personnel.
- (68) 946.72(2) Tampering with Public Records and Notices.
- (69) 947.01 Disorderly Conduct.
- (70) 947.012 Unlawful Use of Telephone.
- (71) 947.0125 Unlawful Use of Computerized Communication Systems. **[Added 5-20-2013 by Ord. No. 5-13-645]**
- (72) 947.013 Harassment.
- (73) 947.02 Vagrancy. **[Added 8-17-2009 by Ord. No. 08-09-600]**
- (74) 947.06 Unlawful Assemblies.
- (75) 948.01 Definitions Relating to Crimes Against Children.
- (76) 948.09 Sexual Intercourse With a Child Age 16 or Older.
- (77) 948.10 Exposing Genitals, Pubic Area, or Intimate Parts.
- (78) 948.11(1)(b) Exposing a Child to Harmful Material.
- (79) 948.21 Neglecting a Child.

- (80) 948.40 Contributing to the Delinquency of a Child.
- (81) 948.50 Strip Search by School Employee.
- (82) 948.51(3)(a) Hazing.
- (83) 948.60 Possession of a Dangerous Weapon by a Person Under 18.
- (84) 948.61(2)(a) Dangerous Weapons Other than Firearms on School Premises.
- (85) 948.63 Receiving Property From a Child.
- (86) 951.01 Definitions Relating to Crimes Against Animals.
- (87) 951.015 Construction and Application.
- (88) 951.02 Mistreating Animals.
- (89) 951.03 Dognapping or Catnapping.
- (90) 951.04 Leading Animal from Motor Vehicle.
- (91) 951.05 Transportation of Animals.
- (92) 951.06 Use of Poisonous and Controlled Substances.
- (93) 951.07 Use of Certain Devices Prohibited.
- (94) 951.08 Instigating Fights Between Animals.
- (95) 951.09 Shooting at Caged or Staked Animals.
- (96) 951.10 Sale of Baby Rabbits, Chicks and Other Fowl.
- (97) 951.11 Artificially Colored Animals; Sale.
- (98) 951.13 Providing Proper Food and Drink to Confined Animals.
- (99) 951.14 Providing Proper Shelter.
- (100) 951.15 Abandoning Animals.
- (101) 173.10 Investigation of Animal Cruelty Complaints.
- (102) 173.24 Reimbursement for Expenses.

**§ 335-2. Violations and penalties; attempt; parties to acts.**

- A. Penalty. In addition to the general penalty provisions of this Code in § 1-4 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates § 335-20 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the

Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

B. Attempt.

- (1) Whoever attempts to commit an act prohibited by this chapter, Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances, may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.
- (2) An attempt to commit an act prohibited by this chapter, Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances, requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

C. Parties to acts prohibited in this chapter, Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances.

- (1) Whoever is concerned in the commission of an act prohibited by this chapter, Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances, is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
- (2) A person is concerned in the commission of an act prohibited by these ordinances if he:
  - (a) Directly commits the act; or
  - (b) Intentionally aids and abets the commission of it; or
  - (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

ARTICLE II  
Offenses Against Public Safety and Peace

**§ 335-3. Regulation of firearms, explosives, and other missiles. [Amended 8-17-2009 by Ord. No. 08-09-601]**

- A. Discharge of firearms regulated. No person, except a law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow of any description in his possession or under his control within the City of Monona, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Common Council, or the firing or discharging of BB guns or paintball guns upon private premises by persons over 16 or under the direct personal supervision of a parent or guardian.
- B. Hunting prohibited. Hunting within the City of Monona is prohibited.
- C. Shooting into city limits. No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City of Monona.
- D. Shooting ranges. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council, upon the recommendation of the Chief of Police, where proper safety precautions are taken.
- E. Explosive devices. No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City without first obtaining a permit to do so from the Common Council or its designee.
- F. Throwing or shooting of arrows, stones, or other missiles prohibited.
- (1) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within 300 feet of any inhabited dwelling or building or any public park, square or enclosure.
  - (2) This Subsection shall not apply:
    - (a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
    - (b) To a supervised archery range approved by the Common Council.
    - (c) Within the interior of a single-family dwelling.
- G. Storage of gunpowder. No person shall keep or have, in any building or place owned or occupied by him, any greater quantity of gunpowder than 25 pounds, for any period longer than 10 hours. All gunpowder shall be securely kept in a metallic canister with a metallic cap or cover, and no such canister shall be opened at night.
- H. Definitions. For purposes of this section, a firearm is defined as any instrumentality from or with which a shot, bullet, paintball, or pellet may be discharged or expelled, regardless

of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

**§ 335-4. Firearms in city buildings; certain weapons prohibited. [Amended 12-5-2011 by Ord. No. 11-11-630]**

**A. Weapons in city buildings.**

- (1) Pursuant to section 943.13(1m)(c)4., Wis. Stats., no person shall enter or remain in any part of a building owned, occupied or controlled by the City of Monona while carrying a "weapon", as that term is defined in section 175.60(1)(j), Wis. Stats. This prohibition shall not apply to a person who leases residential or business premises in any such building, or if the weapon is in a vehicle driven or parked in a parking facility.
- (2) The City Administrator shall cause signs to be erected at all entrances to all such buildings providing notice that no person is to enter or remain in any such building while carrying such a weapon. Such signs shall be in the form and location as provided in section 943.13(2)(bm), Wis. Stats.
- (3) Nothing in this section shall be construed to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a weapon in any public building. Notwithstanding section 939.22(22), Wis. Stats., for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.
- (4) Nothing in this section shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to sections 941.23 or 941.235, Wis. Stats.
- (5) Any person violating this section shall be subject to a forfeiture of up to \$500 for each violation.

**B. Possession, sale, and manufacture of certain weapons prohibited.**

- (1) No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the City of Monona.
- (2) For the purpose of this section, the following definitions shall apply:  

CHURKIN — A round throwing knife consisting of several sharp points protruding from a rounded disc.

NUMCHUK OR NUNCHAKU — An instrument consisting of two or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.

SUCBAI — A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

C. Reckless use of weapons.

(1) Acts prohibited.

- (a) No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.
- (b) No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he is under the influence of an intoxicant.
- (c) No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.

- (2) Reckless conduct defined. "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

**§ 335-5. Sale and discharge of fireworks restricted.**

- A. Fireworks permit required. No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the City unless he shall be authorized by a fireworks permit as provided in Chapter 238, Fireworks, of the Code of the City of Monona. The term "fireworks" as used in this section shall be defined as provided in Section 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.
- B. State laws adopted. Sec. 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this Code of Ordinances as if fully set forth herein.

**§ 335-6. Obstructing streets and sidewalks prohibited.**

- A. Obstructing streets. No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City of Monona in such a manner as to:
  - (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
  - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or

- (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- B. Obstructing sidewalk prohibited. No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- C. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- NUISANCE — Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Monona.
- OBSTRUCT — To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
- SIDEWALK — Any sidewalk owned or maintained by the City. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.
- D. Free speech. This section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

**§ 335-7. Loitering prohibited.**

- A. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- LOITER — To sit, stand, loaf, lounge, wander or stroll in an aimless manner, pause or remain in an area for no obvious reason.
- NUISANCE — Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Monona.
- B. Public property loitering prohibited.
- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any police officer.
- (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

- (3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
- (4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.

C. Private property loitering prohibited.

- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.
- (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.
- (4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

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

E. Loitering by underage persons where alcohol beverage is dispensed. No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

- F. Loitering for purposes of prostitution prohibited. No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the sworn police officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:
- (1) Public Place is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.
  - (2) Known Prostitute or Panderer means a person who, within five years previous to the date of arrest for violation of this section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.
- G. No person shall congregate on any public sidewalk or on any part of a public street or street corner so as to obstruct the same, nor shall any person use any sidewalks or any part of a street as a place for vending, selling, or dealing in merchandise, except as permitted in Title 7, Chapter 4 of this Code of Ordinances.

**§ 335-8. Loud and unnecessary noise prohibited.**

- A. Loud and unnecessary noise prohibited. No person shall use within the City any equipment for the amplification of sound so as to cause such amplified sound to be transmitted into a public street, alley, or public place unless a permit has been granted, which states the time and place of the event, by the Chief of Police. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.
- B. Types of loud and unnecessary noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
- (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the properly line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use,

or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.

- (9) Exceptions. The provisions of this section shall not apply to:
- (a) Any vehicle of the City while engaged in necessary public business.
  - (b) Excavations or repairs of streets or other public construction by or on behalf of the City, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
  - (c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

C. Permits for amplifying devices.

- (1) Permit required. The use of loudspeakers or amplifying devices on the streets or in the parks of the City of Monona is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
- (2) Grounds or reasons for denial or allowance. The Chief of Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
- (3) Time restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

**§ 335-9. Disorderly conduct.**

A. Disorderly conduct prohibited. No person within the City of Monona shall:

- (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person;
- (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation;
- (3) With intent to annoy another, make a telephone call, whether or not conversation ensues;

- (4) Indecently expose his or her person;
  - (5) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.
- B. Defecating or urinating in public places. It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the City, or upon any private property in open view of the public, or in the halls, rooms without rest room facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

**§ 335-10. Unauthorized presence on school property.**

A. Unauthorized presence.

- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him from attending any school located within the City or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds adjacent thereto without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
- (2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection A(1), shall be guilty of trespass.
- (3) "Authorized person" shall:
  - (a) Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
  - (b) Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
  - (c) Any person utilizing a designated area for attending an athletic or other organized school event.

B. Disorderly conduct on public school property.

- (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's

published rules and regulations shall be considered in violation of this section. The published rules and regulations of the School System are incorporated as if fully set forth herein.

- (3) All entrances to the school buildings referred to in Subsection A shall be posted with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."
  - (4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a City summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.
- C. Loitering near school prohibited. No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the City of Monona or upon any Monona Grove School District grounds or within adjacent posted school zones on any day when such schools are in session.
  - D. Possession of intoxicating liquor and fermented malt beverages. No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
  - E. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

LOITER — To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

NUISANCE — Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Monona.

**§ 335-11. Possession of controlled substances; marijuana. [Amended 8-17-2009 by Ord. No. 08-09-605]**

- A. Possession of controlled substances. It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this Code of Ordinances.
- B. Possession of marijuana.
  - (1) No person shall possess 25 grams or less of marijuana, as defined in the Wisconsin Statutes, unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by the Wisconsin Statutes.

- (2) For purposes of this section, "practitioner" means:
- (a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
  - (b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
- (3) This section does not apply to any person who is charged with possession of more than 25 grams of marijuana.

**§ 335-12. Obstruction of aisles and approaches in public halls.**

No owner, lessee, or occupant of any room or hall used for public meetings shall permit the approaches, aisles, halls, passageways, or aisles leading to or between the seats, to be obstructed with any benches, chairs, stools, or by any other means whereby the free passage to, through, or from such room shall be in any manner impeded.

**§ 335-13. Prostitution.**

Any person who does any of the following is guilty of violating this section:

- A. Has or offers to have or requests to have non-marital sexual intercourse for any thing of value [Sec. 944.30(1), Wis. Stats.].
- B. Commits or offers to commit or requests to commit an act of sexual perversion for any thing of value [Sec. 944.30(2), Wis. Stats.].
- C. Is an inmate of a place of prostitution [Sec. 944.30(3), Wis. Stats.].
- D. Masturbates a person or offers to masturbate a person or requests to be masturbated for any thing of value [Sec. 944.30(4), Wis. Stats.].
- E. Commits or offers to commit or requests to commit an act of sexual contact for any thing of value [Sec. 944.30(5), Wis. Stats.].
- F. Enters or remains in any place of prostitution with intent to have non-marital sexual intercourse or to commit an act of sexual perversion, masturbation, or sexual contact with a prostitute [Sec. 944.31, Wis. Stats.].
- G. Solicits another to have non-marital sexual intercourse or to commit an act of sexual perversion, masturbation or sexual contact with a person the solicitor knows is a prostitute [Sec. 944.33(1)(a), Wis. Stats.].
- H. With intent to facilitate another in having non-marital intercourse or committing an act of sexual perversion, masturbation or sexual contact with a prostitute, directs or transports

the person to a prostitute or directs or transports a prostitute to the person [Sec. 944.33(1)(b), Wis. Stats.].

**§ 335-14. Theft of taxi service.**

Any person who hires a taxicab at any place and fails to pay the fare for such service upon exiting the taxicab in the City shall be subject to the penalties provided in § 1-4 of the Code of the City of Monona.

**§ 335-15. Merchandise not to be placed on sidewalk or terrace.**

- A. Unlawful to place articles on sidewalk. Except as provided in this section, no person shall place or deposit on any sidewalk or terrace or in any roadway, any cask, bottles, cans, or other substances or materials, excepting newspapers or magazines on sale and stands for the sale thereof, when consent therefor has been obtained from the occupant or owner of the abutting property, and when the same are placed only upon such portion of the sidewalk or terrace as shall be designated therefore by the Chief of Police.
- B. Merchandise not to be left on sidewalk. No person shall place and leave for more than two hours on the outer edge of the sidewalk in front of his store or building, dry goods, wares, or merchandise for purposes of loading and unloading, or in business districts in actual use for merchandising purposes.

**§ 335-16. Sleeping in vehicles. [Added 8-17-2009 by Ord. No. 08-09-603]**

- A. It shall be unlawful for any person to sleep or camp between the hours of 11:00 P.M. and 6:00 A.M., whether inside or outside of a vehicle, in or on any:
- (1) Public road, or
  - (2) Public property, or
  - (3) Private property, including but not limited to beaches, vacant lots, parking areas and commercial properties, unless the person sleeping or camping in or on such private property;
    - (a) Is an owner or lessee of such property or the house guest of such owner or lessee, or
    - (b) Has the permission of the owner of such property, his agent or the person in lawful possession of such property, and suitable sanitary facilities are available on such property to the person sleeping or camping in or on such property.
- B. Notwithstanding the above prohibition against sleeping on a public road, it is not the intent of this ordinance to prohibit persons, when necessary for their safety or the safety of others, to pull off the public road and sleep, whether inside or outside their vehicles.

- C. Anyone found to have violated this section shall be subject to the penalty as set forth in § 1-4.

**§ 335-17. Inhaling toxic vapors. [Added 8-17-2009 by Ord. No. 08-09-603]**

- A. No person shall inhale any substance or vapor, including but not limited to those containing ketone, aldehydes, organic acetates, ether chlorinated hydrocarbons, with intent to cause intoxication, stupefaction or hallucination, while the person is on a street, sidewalk, alley, public right-of-way, public park, other publicly-owned facility, or premises open to the general public whether the premises is publicly or privately owned and whether or not a fee is charged for the use of the premises.
- B. Anyone found to have violated this section shall be subject to the penalty as set forth in § 1-4.

**§ 335-18. Menacing or aggressive panhandling prohibited. [Added 8-17-2009 by Ord. No. 08-09-598]**

- A. Purpose. The purpose of this ordinance is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the City of Monona.
- B. Definitions. As used in this section:

A CONVERSATION OR GESTURE OR BOTH — Shall be construed as "threatening" if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money or goods by threat or coercion.

BEHAVIOR — Shall be construed as "aggressive" or "intimidating" if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare, or place open to the public because of fear, concern or apprehension.

INTERSECTION — Has the meaning designated in Section 340.01(25), Wis. Stats.

KNOWN PANHANDLER — A person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.

PUBLIC PLACE OR PLACE OPEN TO THE PUBLIC — Is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways or entrances in buildings or dwellings and the grounds enclosing them;

- C. In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in a manner or under circumstances manifesting an express or implied threat or coercion. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that

such person repeatedly and in a threatening fashion, beckons to, stops, or attempts to stop passer(s)-by; that such person engages passer(s)-by in threatening conversation; or that such person utilizes threatening bodily gestures. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

- D. In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in an aggressive or intimidating manner. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person continues to beckon to, accost or follow or ask passer(s)-by for a handout after the passer(s)-by has failed to respond or has told the person "no"; that such person engages in a course of conduct or commits any act which harasses or intimidates the passer(s)-by; or that such person utilizes or attempts to utilize bodily gestures or physical contact to impede the path of any passer(s)-by, including but not limited to unwanted touching or blocking the path or impeding the free movement of the passer(s)-by. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by aggressive or intimidating behavior. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- E. It shall be unlawful for any person to procure or attempt to procure a handout within 50 feet of an automatic teller machine (ATM) or within 25 feet of any open sidewalk cafe.
- F. Anyone found to have violated this section shall be subject to the penalty as set forth in § 1-4.

**§ 335-19. Bullying, harassment. [Added 5-20-2013 by Ord. No. 5-13-645]**

- A. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**BULLYING** — Is a form of harassment and is defined as an intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, slander, threaten or intimidate another person and which serves no legitimate purpose.

**COURSE OF CONDUCT** — Is defined as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

**HARASSMENT** — Is defined as any conduct; whether verbal, physical, written, or by means of any mode of communication; which:

- (1) Is prohibited by section 947.01, 947.012, 947.0125, or 947.013 of the Wisconsin Statutes; or

- (2) Is any intentional course of conduct which is likely to create an intimidating, hostile or offensive environment, and which serves no legitimate purpose.
- B. Prohibition. It shall be unlawful for any person to engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.
- C. Retaliation prohibited. No person shall retaliate against any person who reports any conduct which is prohibited by this section.
- D. Constitutionally protected activity. This section shall not be construed to apply to any constitutionally protected activity or speech.
- E. Parental responsibility. It shall be unlawful for any custodial parent or guardian of any unemancipated person under 18 years of age to allow or permit such person to violate the provisions of Subsection B above. The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of Subsection B by the same minor occurring within 90 days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.
- F. Penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided in § 1-4.

ARTICLE III  
**Offenses Against Property**

**§ 335-20. Littering prohibited.**

- A. Littering prohibited. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the City of Monona, or upon property within the City owned by the Monona Grove School District or any private person, or upon the surface of any body of water within the City.
- B. Litter from conduct of commercial enterprise.
- (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
- (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
- (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection B(2) within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. The entire expense of picking up such litter, together with an additional

charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.

- C. Depositing of materials prohibited. It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Common Council or City Engineer pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.
- D. Distribution of commercial handbills and advertising matter prohibited. No person, except the owner, shall place or cause to be placed in or upon any automobile standing on the streets, alleys, or public places in the City for advertising purposes any commercial handbill, advertising material, cards, pamphlet, sticker or paper of any kind. It shall be unlawful to deliver any handbills or advertising material to any premises in the City except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

**§ 335-21. Theft of library material.**

- A. Definitions. For the purposes of this section, certain words and terms are defined as follows:

ARCHIVES — A place in which public or institutional records are systematically preserved.

LIBRARY — Any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the City of Monona and school libraries.

LIBRARY MATERIAL — Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.

- B. Possession without consent prohibited. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions

of this Code. The failure to return library material after its proper return date, after written notice from the library and City Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

- C. Concealment. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- D. Detention based on probable cause. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- E. Damaging material prohibited. No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this Subsection shall be subject to the penalties as set forth in § 1-4.
- F. Return demanded. No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Monona Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this Subsection shall be subject to the penalties as set forth in § 1-4.

**§ 335-22. Damage to public property.**

- A. Damaging public property. No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the City of Monona.
- B. Breaking of street lamps or windows. No person shall break glass in any street lamps or windows of any building owned or occupied by the City.

- C. Damaging fire hydrants and water mains. No person shall, without the authority of City authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

**§ 335-23. Trespass to property.**

- A. Trespass to property. No person shall enter or remain on any property after having been notified by the owner or occupant not to remain on the premises.
- B. Trespass to dwelling. No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

**§ 335-24. Regulation of smoking.** *This should be moved to CH 367*

*WFO*  
*DUPPE*  
*367*

- A. State statute adopted. The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this section as is fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this section.
- B. Smoking prohibited within or upon all buildings and equipment owned, leased or rented by the city. In recognition of a need to protect the health and comfort of the public and City employees from the detrimental effects of smoking, pursuant to the authority granted to the City by Sec. 101.123(4m), Wis. Stats., smoking as defined by Section 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings owned, leased or rented by the City of Monona, except in designated smoking areas.

**§ 335-25. Theft.**

No person shall intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property, where the value of the property does not exceed \$500.

**§ 335-26. Advertisements on public or private property prohibited.**

No person shall place any advertisement on any public property in any street, alley or public ground, or upon any street, alley or public ground, or upon any private property except by the permission of the owner thereof, but this section shall not apply to the posting of notices required by law.

**§ 335-27. Graffiti.****A. Definition.** For purposes of this section:

GRAFFITI — Any unauthorized drawing, figure inscription or painting appearing on sidewalks, streets, walls or any other place in public view.

**B. Prohibition.** Anyone who defaces or causes damage to the property of another by affixing graffiti to the property without the owner's consent shall be subject to the penalty provisions of § 1-4.**C. Clean up required.** Graffiti shall be removed by the property owner within two weeks of its application to the property.

City of Monona, WI

**Decision:**

- Revise to "with the root stump grubbed out or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of sidewalk to top of curb."
- Revise as follows: \_\_\_\_\_
- Wording is correct, make no change.

F. Please note that we have added the words "No person shall" in § 411-11D in order to create a complete sentence.

**Ch. 420, Vehicles, Abandoned**

*§§ 10-5-1 to 10-5-7, of the 1994 Code*

Provided that it reflects current procedures, this chapter appears satisfactory as written.

**Decision:**

- See revisions on enclosed copy
- No revisions needed



**Ch. 427, Vehicles, All-Terrain, Off-Road and Neighborhood Electric**

*Title 10, Ch. 4, of the 1994 Code*

- A. Please note that the following wording has been deleted from § 427-1 as it referred to the numbering of the old Code: "The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number."
- B. In 2009 the statutes were amended to change "neighborhood electric vehicle" to "low-speed vehicle." See 2009 Act 311 and §§ 346.94(22) and 349.26, Wis. Stats.

**Decision:**

- Change wording to "low-speed vehicle."
- Retain as written.

C. A penalty section could be added to this chapter.

**Decision:**



- Add a penalty section that refers to the general penalty in § 1-4.
- Add a penalty section worded as follows: \_\_\_\_\_
- No penalty section desired.

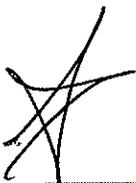


**Ch. 434, Vehicles and Traffic**

*Title 10, Ch. 1, of the 1994 Code*

- A. Wording has been deleted from the following sections as it referred to the numbering of the old Code:
  - From § 434-1: *"The statutory sections listed shall be designated as part of this Code by adding the prefix '10-1-' to each statute section number."*
  - From § 434-2D: *"The Administrative Code sections adopted by reference in Subsection A above shall be designated as part of this Code by adding the prefix '10-1-2-' to each statute or Administrative Code section number."*
- B. In § 434-1B we have replaced the reference to § 941.03, Highway obstruction, of the statutes, which was repealed by 1987 Act 399, with a reference to § 941.30, Recklessly endangering safety. We have deleted the reference to § 947.045, Drinking in motor vehicle on highway. This section was renumbered as § 346.935 by L. 1975, c. 297, and Chapter 346 of the statutes is already adopted by reference in § 434-1A.
- C. We will delete § 432-1C, which provides that references to the Wisconsin Statutes in this chapter mean the 1991-92 statutes. See Chapter 1, § 1-1M, which applies to the entire Code.
- D. In § 434-2A we will update the list of Administrative Code chapters as follows:

- ~~TRANS-5~~ Ch. Trans 305, Standards for Vehicle Equipment
- ~~TRANS-6~~ Ch. Trans 326, Motor Carrier Safety Requirements for Transportation of Hazardous Materials
- ~~TRANS-12~~ Ch. Trans 150, Leasing of Vehicles by Private Carriers
- ~~TRANS-18~~, Protective Headgear Standards [There is no Chapter Trans 18 in the current Administrative Code.]
- ~~TRANS-22~~ Ch. Trans 304, Slow Moving Vehicle Emblem
- ~~TRANS-305~~ Ch. Trans 305, Standards for Vehicle Equipment



434-5, OFFICER TRAFFIC MAP

General Code

SHOULD THIS BE DELETED?  
 WE TALKED ABOUT AN ANNUAL REP ORD  
 LISTING ALL SIGNS.  
 Adopt a separate Resolution  
 AL

City of Monona, WI

- E. Section 434-8A(14) prohibits parking a vehicle "Within six feet of the entrance to an alley, private road or driveway." The corresponding provision in § 346.53(4), Wis. Stats., reads "Within 4 feet of the entrance to an alley or a private road or driveway." Note that § 434-8C also indicates a distance of four feet.

Decision:

- Change 6 feet to 4 feet.
- Revise as follows: \_\_\_\_\_
- Make no change.

- F. Section 434-19A prohibits unnecessary sounds or noises by vehicles. Many municipalities in Wisconsin have adopted ordinances restricting the use of compression brakes, also known as "jake brakes." Following is sample wording:

No person shall use compression brakes or operate a motor vehicle using brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, unless such brakes are necessarily used in an emergency situation. The prohibition contained in this section shall not apply to fire, police, EMS and/or other emergency vehicles.

Decision:

- Add the above wording to § 434-19A.
- Provisions not desired.

- G. Section 434-23, Violations and penalties.

- (1) We have updated the reference to § 165.87, Wis. Stats., to § 757.05, Wis. Stats., in Subsection A.
- (2) In Subsections A and D(1) we will revise "violation of ... traffic violations" to "violation of ... traffic regulations."
- (3) The forfeitures established in Subsections C, D and E should be reviewed to ensure they are still satisfactory:
  - (a) Subsection C(2): violation of any provision of § 434-1B: not less than \$50 nor more than \$200.
  - (b) Subsection D(2): violations of § 434-17B or C: a forfeiture of not less than \$20 nor more than \$100, together with costs of prosecution and penalty assessment, and in default of payment thereof imprisonment until such forfeiture has been paid, but not to exceed 90 days.
  - (c) Subsection D(3): violation of parking regulations in §§ 434-8 through 434-17: \$30. Violations of the state's handicapped parking violations: minimum forfeiture of \$100. 150 Maximum \$300

is in fee schedule (set by stat.). Refer to 2013 Act 107 schedule instead. Law changed 12/15/13

- (d) Subsection E, other violations: a forfeiture of not less than \$20 nor more than \$100.

**Decision:**

- Revise as follows: (write in revisions above) *Sec 6 (3) (c)*
- Retain as written.

H. Section 434-24, Enforcement.

- (1) In Subsections A(1) and C(1)(a) we have updated the reference to § 66.12, Wis. Stats., to § 66.0114, Wis. Stats.
- (2) In Subsection C(2)(a) we will update "violation of nonmoving traffic offenses" to "violation of nonmoving traffic regulations."
- (3) In Subsection C(3) we have deleted the reference to § 343.27, Wis. Stats., which section was repealed by 1989 Act 170.

**Ch. 443, Water and Sewer Utilities**

*Title 9, Ch. 1, of the 1994 Code*

The City could take this opportunity to have this chapter reviewed by someone technically competent and familiar with its enforcement to determine whether any revisions are necessary.

- A. There is missing or awkward wording in the following sentence from § 443-8A:

Obstruction of such fire hydrants is hereby declared to create a situation which is imminently dangerous to the persons and property of all residents within the area of such fire hydrants and the same provide a substantial hindrance *in the efficient and effective control of fire by the City's right to regulate the use of street right-of-way by abutting property owners, the following regulations are enacted.*

**Decision:**

- Revise as follows: "...and the same provide a substantial hindrance in the efficient and effective control of fire. ~~By~~ By the City's right to regulate the use of street right-of-way by abutting property owners, the following regulations are enacted."
- Revise as follows: (write in revisions above)
- Retain as written.

- B. Section 443-22 contains a penalty of a fine of not less than \$50 nor more than \$500. Is any revision desired?

## Chapter 427

### VEHICLES, ALL-TERRAIN, OFF-ROAD AND NEIGHBORHOOD ELECTRIC

**§ 427-1. State all-terrain vehicle laws adopted.**

**§ 427-2. Unauthorized operation of motor vehicles on public or private property.**

**§ 427-3. Neighborhood electric vehicles.**

**[HISTORY: Adopted by the Common Council of the City of Monona as Title 10, Ch. 4, of the 1994 Code. Amendments noted where applicable.]**

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**§ 427-1. State all-terrain vehicle laws adopted.**

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this section or are prohibited by this section:

- A. Section 23.33(2), Registration.
- B. Section 23.33(3), Rules of operation [including Subsections (a) through (i)]
- C. Section 23.33(4), Operation on or near highway [including Subsections (a) through (e)]
- D. Section 23.33(5)(a)(c), Age restrictions.
- E. Section 23.33(6), Equipment requirements [including Subsections (a) through (e)]
- F. Section 23.33(7), Accidents [including Subsections (a) and (b)]
- G. Section 23.33(1), Definitions [including Subsections (a) through (n)]

**§ 427-2. Unauthorized operation of motor vehicles on public or private property.**

- A. Definitions. For purposes of this section, the terms below shall be defined as follows:

**MOTOR VEHICLE** — For purposes of this section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this section shall not be so defined while:

- (1) It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites

provided such operation is by persons having legitimate business on such lands or sites;

- (2) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
- (3) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

OFF-ROAD — Any location which:

- (1) Is not a paved or maintained public street or alley; or
- (2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
- (3) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.

OPERATION — The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

UNAUTHORIZED — Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

B. Unauthorized off-road operation prohibited.

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Common Council, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the City streets, alleys, parks, sidewalks, bikeways, parking lots or on any public highway use on the City streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

**§ 427-3. Neighborhood electric vehicles. [Amended 7-7-2008 by Ord. No. 6-08-581]**

- A. "Neighborhood electric vehicle" means a self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the United States Department of Energy, and that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR §§ 571.3(b) and 571.500. Neighborhood electric vehicle does not include a golf cart.

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- B. A person may operate a neighborhood electric vehicle on any City street that has a speed limit of 35 miles per hour or less, subject to the following restrictions:
- (1) The person operating the neighborhood electric vehicle must hold a valid Wisconsin operator's license or a valid operator's license from another state.
  - (2) The neighborhood electric vehicle must be duly registered with and titled by the State of Wisconsin in accordance with applicable state statutes and regulations.

**Chapter 434**

**VEHICLES AND TRAFFIC**

**ARTICLE I  
General Provisions**

- § 434-1. State traffic laws adopted.
- § 434-2. State administrative code provisions adopted.
- § 434-3. Official traffic signs and control devices; prohibited signs, signals and markers.
- § 434-4. School bus warning lights.
- § 434-5. Official traffic map.

**ARTICLE II  
Street Traffic Regulations**

- § 434-6. No heavy traffic routes.
- § 434-7. Speed limits.

**ARTICLE III  
Parking Regulations**

- § 434-8. Stopping or parking prohibited in certain specified places.
- § 434-9. Leaving keys in vehicle prohibited; parking vehicles with motor running.
- § 434-10. Unattended motorized machinery.
- § 434-11. Parking prohibited during certain periods.

- § 434-12. Parking prohibited zones.
- § 434-13. Parking of vehicles over 12,000 pounds or 16 feet restricted.
- § 434-14. Emergency snow removal regulations.
- § 434-15. Unlawful removal of parking citations.
- § 434-16. Operation of motor vehicles in public parking lots.
- § 434-17. Removal of illegally parked vehicles.
- § 434-18. Temporary parking and use restrictions.

**ARTICLE IV  
Miscellaneous Provisions**

- § 434-19. Disturbance of peace with a motor vehicle.
- § 434-20. Motor vehicles on pedestrian ways.
- § 434-21. School crossing guards.
- § 434-22. Driving over curbing or safety islands prohibited.

**ARTICLE V  
Enforcement and Penalties**

- § 434-23. Violations and penalties.
- § 434-24. Enforcement.

**[HISTORY: Adopted by the Common Council of the City of Monona as Title 10, Ch. 1, of the 1994 Code. Amendments noted where applicable.]**

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ARTICLE I  
General Provisions

**§ 434-1. State traffic laws adopted. [Amended 8-17-2009 by Ord. No. 08-09-597]**

- A. Statutes adopted. Pursuant to the provisions of Section 349.06 of the Wisconsin Statutes, except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110 and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty for violation thereof is a forfeiture are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 110, 340 through 349 incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the City of Monona, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this section.
- B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:
- (1) Section 941.01, Negligent Operation of Vehicle Off Highway.
  - (2) Section 941.30, Recklessly endangering safety.
  - (3) Section 943.11, Entry into Locked Vehicle.
  - (4) Section 943.23, Operating Motor Vehicles Without Owners Consent.
- C. Statutes specifically incorporated by reference. Whenever this chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1991-92 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- D. General references. General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.
- E. Operators to be licensed. Section 343.05 of the Wisconsin Statutes is hereby adopted by reference, except the provisions of subsection (5) of said statute which impose a criminal penalty. The penalty for violation of this section shall be the monetary forfeitures set forth in section 343.05(5), Wis. Stats., for the respective offenses listed.
- F. Operating while suspended, revoked, ordered out-of-state or disqualified. Section 343.44 of the Wisconsin Statutes is hereby adopted by reference, except the provisions of subsection (2) of said statute which impose a criminal penalty. The penalty for violation

of this section shall be the monetary forfeitures set forth in section 343.05(2), Wis. Stats., for the respective offenses listed.

**§ 434-2. State administrative code provisions adopted.**

- A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein.

TRANS 5, Standards for Motor Vehicle Equipment

TRANS 6, Transportation of Explosives by Motor Vehicle

TRANS 12, Leasing of Vehicles by Private Carriers

TRANS 18, Protective Headgear Standards and Specifications

TRANS 22, Standards and Specifications - Design and Mounting SMV Emblem

TRANS 305, Standards for Vehicle Equipment (added per Ordinance 08-09-606, adopted September 8, 2009)

- B. Non-compliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of Subsection A or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in § 434-1 of this chapter.

- C. Safety checks.

- (1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
- (2) Authority of officer. Any law enforcement officer of the City is hereby empowered whenever he or she shall have reason to believe that any provision of this section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
- (3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the

secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the Department of the issuing officer within the time specified in the order.

- D. Penalty. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in § 434-23, together with the costs of prosecution and applicable penalty assessment.

**§ 434-3. Official traffic signs and control devices; prohibited signs, signals and markers.**

- A. Duty of Director of Public Works to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 434-3, require the erection of traffic control devices for enforcement, the Director of Public Works with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Director of Public Works, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the City of Monona.
- B. Code numbers to be affixed to official traffic control devices. The Director of Public Works shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection A, a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- C. Prohibited signs and markers in highways. No person other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or, where applicable, the Wisconsin Department of Transportation. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection D.
- D. Removal of unofficial signs, markers, signals and traffic control devices. The Director of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works to the Common Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

§ 434-4. School bus warning lights.

A. \_\_\_\_\_

- (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in § 434-1 to the contrary and except as provided in Subsection B below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least 100 feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district, with the exception of streets or highways with four or more lanes.
- (4) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than 20 feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

B. Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

**§ 434-5. Official traffic map.**

There is hereby established an Official Map upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one way streets and alleys, school crossings, and any other restrictions and limitations as directed by the Common Council. A violation of the restriction or limitation shown on the official traffic map shall be a violation of this section. A copy of the official traffic map shall be maintained in the office of the City Clerk, the Police Department, and the Municipal Court. The Council may from time to time make additions or deletions from the official traffic map, and the City Engineer shall keep such official traffic map current.

★ NOTES P. 75

[Dann Ryan Lasky]

Dec 17/16  
Adopt Yes & separate Resolution

REPLACED BY ANNUAL REP ORD WITH A LISTING OF ALL SIGNS ★

ARTICLE II  
**Street Traffic Regulations**

**§ 434-6. No heavy traffic routes.**

All vehicles having a gross weight in excess of 6,000 pounds are considered "heavy traffic" vehicles. The following streets or portions of streets are declared "No Heavy Traffic Routes":

- A. Bridge Road.
- B. Frost Woods Road.
- C. Owen Road.

**§ 434-7. Speed limits.**

- A. State speed limits adopted. The provisions of Secs. 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this section as if fully set forth herein, except as specified by Subsection C below pursuant to Sec. 349.11 (3)(c), Wis. Stats.
- B. Posted limits. No person shall drive a vehicle in excess of any speed limit established by law and indicated by official signs.
- C. Speed limits modified. The Common Council hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits under authority granted by state law as follows: The speed limits are as hereafter set forth upon the following streets between the limits designated:

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Broadway	40	Entire length
Femrite Drive, eastbound	25	At Seventh Day Adventist School (900 Femrite Drive)
Monona Drive	20	At Monona Grove High School (4400 Monona Drive) and Nichols Elementary School (5301 Monona Drive), during regular school days
Monona Drive	30	From the North City Limits (beginning at 3735 Monona Drive) to its intersection with U.S. Highway 12 and 18

ARTICLE III  
**Parking Regulations**

**§ 434-8. Stopping or parking prohibited in certain specified places.**

- A. Parking prohibited at all times. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
- (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curbline running parallel or generally parallel thereto or in the absence of a sidewalk 10 feet beyond the curbline.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
  - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (8) In any place or manner so as to obstruct, block or impede traffic.
  - (9) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (11) Upon any bridge.
  - (12) Upon any street or highway within the City limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (13) In a loading zoning.
  - (14) Within ~~5~~<sub>4</sub> feet of the entrance to an alley, private road or driveway.

- (15) In any municipal park when said park is closed to the public.
- B. Parking in driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- C. Vehicles not to block private drive, alley or fire lane. No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- D. Prohibitions involving parking vehicle for repair, display for sale.
- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the City of Monona for the purpose of repairing said vehicle or to display such vehicle for sale.
- (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
- (a) Consent to display the vehicle has been given by the owner or lessee of the premises; and
- [1] No person shall park any vehicle for the purpose of advertising such vehicle for sale on private property in the City of Monona except in areas zoned single-family, two-family, and multifamily (SF, TF, and MF).
- (b) No person may display a vehicle for sale upon private premises unless the following conditions are met:
- [1] Consent to display the vehicle has been given by the owner or lessee of the premises; and
- [2] The owner of the vehicle is on the premises or resides there; and
- [3] The vehicle displayed for sale is parked entirely on the premises; and
- [4] The premises contains only two vehicles displayed for sale; and
- [5] The advertisement or sign for sale of the vehicle is not larger than two square feet.
- [6] These restrictions shall not apply to any person or business that engages in the regular business of selling vehicles in compliance with the Municipal Code for the City of Monona.

**§ 434-9. Leaving keys in vehicle prohibited; parking vehicles with motor running.**

- A. Leaving keys in vehicle. No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- B. Parking vehicles with motor running. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than 30 minutes within 300 feet of any residence within the City of Monona between the hours of 10:00 p.m. and 7:00 a.m.

**§ 434-10. Unattended motorized machinery.**

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

**§ 434-11. Parking prohibited during certain periods.**

Parking in excess of 24 hours prohibited. No person shall park any motor vehicle, trailer, semi-trailer or mobile home on any City street or City parking lot for 24 or more consecutive hours.

**§ 434-12. Parking prohibited zones.**

- A. Parking for advertising on Monona Drive prohibited. No vehicle shall be parked primarily for advertising purposes in those areas on Monona Drive in which signs are prohibited. Accordingly no person shall park a vehicle in the Retail Business or Commercial/Industrial District on Monona Drive in the area from 10 feet from the building line to the front property line for the primary purpose of advertising; and no person shall park a vehicle in such area which has affixed thereto or mounted or constructed thereon any sign carrying advertising material. Vehicles having lettered thereon identifying material or trade slogans customarily found on commercial vehicles may be parked in such area during normal business hours but no person shall park such vehicle in such area when the business located on the premises is closed.
- B. Parking in fire lanes prohibited. No person except the operator of an emergency vehicle shall park in a fire lane. A fire lane for the purpose of this Subsection is defined as an area designated by the Fire Chief pursuant to the City's Fire Prevention Code and indicated by signs or pavement markings.

**§ 434-13. Parking of vehicles over 12,000 pounds or 16 feet restricted.****A. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**LARGE VEHICLE** — As any automobile, truck, trailer, truck power unit, bus, recreational vehicle and/or combinations of vehicles weighing in excess of 12,000 pounds, or over 16 feet in length (including accessories, racks or other physical extensions) or having a height of more than eight feet from the roadway.

**MOTOR BUS** — A motor vehicle designed primarily for the transportation of persons rather than property and having a passenger capacity of 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches (also see Wisconsin Statute 340.01(31)).

**SCHOOL BUS** — A motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with s. 347.44(1) for the purpose of transporting passengers as defined in Wisconsin Statute 340.01(56).

**B. Restriction as to hours.**

- (1) 6:00 p.m. - 6:00 a.m. No person shall park or leave standing any large vehicle upon any street between the hours of 6:00 p.m. and 6:00 a.m.
- (2) 6:00 a.m. - 6:00 p.m. No person shall park or leave standing any large vehicle upon any street between the hours of 6:00 a.m. and 6:00 p.m. for more than two hours, unless otherwise lawfully parked and engaged in continuous loading and unloading. The City Council may designate specific truck parking zones.

**C. Bus parking.**

- (1) The operator of a school bus or motor bus may park in areas zoned single-family, two-family or multifamily district pursuant to the Monona Municipal Code only for the amount of time reasonably necessary for the continuing loading or unloading of the school bus or motorbus.
- (2) This restriction shall not apply to buses parked in areas designated on school property.

**D. Removal.** Any vehicle unlawfully parked under Subsection B or C may be removed from the street by order of a law enforcement officer, pursuant to § 434-17 and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties prescribed.

**§ 434-14. Emergency snow removal regulations. [Amended 8-4-2008 by Ord. No. 8-03-578]**

- A. Placing snow in streets. It is unlawful for any person to:
- (1) Plow or otherwise remove accumulated snow from a private parking lot and deposit same on a city street or right-of-way.
  - (2) Plow snow from a private driveway and deposit same on a city street in such a manner as to decrease the drivable width of any such street.
  - (3) Plow snow from a private driveway and deposit same in such a manner as to block or decrease the useable width of any other private driveway or to block a fire hydrant.
- B. Interference with snow removal. It is unlawful for any person to obstruct, harass, prevent or otherwise interfere with any employee of the city engaged in snow removal service or to obstruct, cause damage to or otherwise interfere with any city owned, leased or contracted vehicle used in conjunction with snow removal services.
- C. Snow removal operations (parking). It shall be unlawful for any person to park or cause to be parked any vehicle on any public street within the City of Monona at any time within 12 hours after a snow fall of two inches or more, unless within such time the public street has been cleared of snow.
- D. Mayor may declare a general or limited snow emergency. Whenever the Mayor or the Mayor's designee, after consultation with the Chief of Police and/or Director of Public Works, determines that an emergency exists because of existing or threatened snow or ice conditions which necessitate prompt removal of accumulations of ice and snow from such streets and highways, the Mayor or the Mayor's designee may by appropriate public media declare a general or limited snow emergency during which the following emergency snow parking regulations shall be in force in the City.
- E. General snow emergency. During a declared general snow emergency no person shall park any vehicle at any time on a designated snow emergency route and no person shall park any vehicle on any other street within the City.
- F. Limited snow emergency. During the declared limited snow emergency no person shall park any vehicle at any time on a designated snow emergency route.
- G. Designated snow emergency routes. The following streets or portions thereof within the City are designated snow emergency routes:

**Name of Street**

Dean Avenue (Monona Drive to Winnequah Road)

Nichols Road

Owen Road

Frost Woods Road

Femrite Drive

**Name of Street**

Bridge Road (Owen Road to U.S. 12 and 18)

Winnequah Road

Midmoor Road

Schluter Road (Nichols Road to Winnequah Road)

Maywood Road (Nichols Road to McKenna Road)

McKenna Road (Maywood Road to Dean Avenue)

Shore Acres Road (Dean Avenue to Nichols Road)

- H. Termination of emergency. A snow emergency may be terminated by public announcement in the appropriate public media declaring the termination.
- I. Signs and posting. The Director of Public Works shall place appropriate "Snow Emergency Route" signs on or along the streets or portions thereof designated in Subsection G and shall also place appropriate signs at or reasonably near the City limits on all State and County Trunk Highways and connecting highways informing motorists that snow emergency and snow removal parking regulations may be in effect in the City.

**§ 434-15. Unlawful removal of parking citations.**

No person other than the owner or operator thereof shall remove a City notice of parking violation or other parking citation from a motor vehicle.

**§ 434-16. Operation of motor vehicles in public parking lots.**

- A. Unlicensed operators prohibited. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or in any private parking lot held out for the use of parking for the general public.
- B. Traffic regulations applicable. All provisions of § 434-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot and on any private parking lot or road held out for use for the general public for parking or vehicular traffic.

**§ 434-17. Removal of illegally parked vehicles. [Amended 8-4-2008 by Ord. No. 8-03-578]**

- A. Hazard to public safety. Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.
- B. Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.

- C. Removal by police officer. Any law enforcement officer after issuing a notice of parking violation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.
- D. Removal by private service. Any law enforcement officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- E. Towing and storage charges. In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

**§ 434-18. Temporary parking and use restrictions. [Added 9-16-2013 by Ord. No. 9-13-650]**

- A. The Chief of Police or Director of Public Works, or their respective designee, may prohibit or restrict parking, standing, pedestrian use, or use by any bicycle or other play vehicle, on any portion of a public street, public sidewalk or City owned property when either of them determine it to be necessary for the public safety, health or welfare. The authority granted herein includes the authority to temporarily close such areas for any and all use.
- B. The authority granted in this section shall be limited to no greater than 10 days. Any longer period, or extension of any previous declaration, must be approved by the Mayor and must not exceed 180 days.
- C. Whenever any street, sidewalk, or City owned property is closed or its use restricted as provided herein, the official making such declaration shall:
  - (1) Ensure appropriate signage and/or barriers are erected to ensure the public is notified of the restrictions;
  - (2) The Chief of Police and Director of Public Works shall be promptly notified of such declaration and the period of time the restrictions shall remain in effect. The Chief of Police and Director of Public Works, or their respective designees, shall consult each other whenever reasonably practicable prior to making any such declaration.
  - (3) If the declaration involves the closure of any public street, the official making such declaration shall take all reasonably appropriate action to ensure alternative access to private property is provided; or if not reasonable possible, the period of time access is not provided is minimized.

- D. Any person violating a declaration under this section shall be subject to the penalty provided in § 434-23.
- E. Any vehicle parking or standing in violation of a declaration under this section may be removed from the street or City owned property by order of any law enforcement officer pursuant to § 434-17 and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalty prescribed in Subsection D above.

ARTICLE IV  
**Miscellaneous Provisions**

**§ 434-19. Disturbance of peace with a motor vehicle.**

- A. Unnecessary noise prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the City of Monona.
- B. Unnecessary smoke prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the City.
- C. Unnecessary acceleration and display of power prohibited. It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- D. Avoidance of traffic control device prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- E. Operation in restricted area prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This section shall specifically include, but not be limited to:
  - (1) Public park property;
  - (2) Cemetery properties;
  - (3) School District property;
  - (4) Medical facilities;

- (5) Funeral homes;
- (6) Service stations;
- (7) Grocery stores;
- (8) Restaurants;
- (9) Financial institutions; and
- (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

F. Stopping and parking prohibited. It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this section may be removed or towed by the property owner at the vehicle owner's expense.

**§ 434-20. Motor vehicles on pedestrian ways.**

No person shall operate or park any motor vehicle on any pedestrian way within the City of Monona except maintenance vehicles.

**§ 434-21. School crossing guards.**

Pursuant to Sec. 349.215, Wis. Stats., those adult persons appointed by the Police Department or Monona Grove School District to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

**§ 434-22. Driving over curbing or safety islands prohibited.**

- A. Driving over curbing prohibited. It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the City of Monona.
- B. Driving over safety zones or islands prohibited. Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

**ARTICLE V  
Enforcement and Penalties**

**§ 434-23. Violations and penalties.**

- A. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections

814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 757.05 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

B. Other sanctions.

- (1) By court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu or imprisonment.
- (2) By municipality. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the City, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

C. Forfeitures for violation of uniform moving traffic regulations.

- (1) Uniform offenses. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 434-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses.
- (2) Miscellaneous. The forfeiture for violation of any provision of § 434-1B of this chapter shall not be less than \$50 nor more than \$200.

D. Forfeitures for parking violations.

- (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in § 434-1 as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- (2) Penalty for violations of § 434-17B or C. Any person violating § 434-17B or C shall, upon conviction thereof, be subject to a forfeiture of not less than \$20 nor more than \$100, together with costs of prosecution and penalty assessment, and in default of payment thereof shall be imprisoned until such forfeiture has been paid, but not to exceed 90 days. Vehicles parked in violation of § 434-17B or C may be ticketed and towed in accordance with § 434-17D and E.
- (3) Penalty for other parking violations. The forfeiture for violation of parking regulations in §§ 434-8 through 434-17 shall be \$30. Violations of the state's handicapped parking violations shall be subject to a minimum forfeiture of \$100.

- E. Other violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than \$20 nor more than \$100.

**§ 434-24. Enforcement.**

A. Enforcement procedures.

- (1) How enforced. This chapter shall be enforced in accordance with Section 66.0114, Sections 345.20 to 345.53 and Chapter 800, Wis. Stats., and other applicable provisions of the Wisconsin Statutes and this section.
- (2) Applicable court procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the Municipal Court in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

B. Citations.

- (1) Uniform citation and complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) Parking citations. The City Attorney and Chief of Police shall recommend to the Common Council a citation for use in enforcing the non-moving traffic offenses in this chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in § 434-1, and all provisions regarding nonmoving traffic violations in this chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

C. Deposits and stipulations.

- (1) Uniform traffic offenses.
  - (a) Who may make. Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with Sec. 66.0114(1)(b) of the Wisconsin Statutes whenever

the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes.

- (b) Delivery or mailing of deposit and stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Municipal Judge and approved by the Common Council. Deposits may be brought or mailed to the Police Department within five days of the issuance of the citation in lieu of court appearance.
- (2) Non-moving traffic offenses.
- (a) Direct payment of penalty permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
  - (b) Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a) within 15 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the City Attorney for prosecution.
  - (c) Registration suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within 28 days after the citation is issued, the City may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection C(3) below.
  - (d) Bond. Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) Notice of demerit points and receipt. Every officer accepting a forfeited penalty or money deposit under this section shall receipt therefore in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this section shall comply with the provisions of Sections 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.
- (4) Registration suspension program.

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

**MONONA STRATEGIC PLAN UPDATE – 2016**

DEPARTMENT: Fire & EMS		STAFF: Scott Sullivan
<b>SECTION</b>	<b>STRATEGY / TACTIC ACCOMPLISHED:</b>	
6D	1. Replacement of Fire Apparatus- Scheduled to be delivered Jan '17	
	2.	
	3.	
	4.	
	5.	
<b>SECTION</b>	<b>IN PROGRESS:</b>	<b>DEADLINE</b>
3D	1. Regular Inspections of Multi-Family & Commercial Buildings	Ongoing/Completed on a bi-annual basis
6D	2. Monitor Dane-Com	Ongoing – Talks continue with Fitchburg to purchase a slot on their Gateway to allow for the Monona Fire channel to be utilized on the Dane-Com system
6H	3. Implement Vehicle Replacement Schedule	Ongoing- NFPA replacement schedule will continue to be utilized.
	4.	
<b>SECTION</b>	<b>NOT STARTED:</b>	<b>REASON / ITEM NEEDED TO PROGRESS</b>
	1.	
	2.	
	3.	
	4.	
	5.	
<b>SECTION</b>	<b>NEW PRIORITIES 2017 - 2019</b>	<b>DEADLINE</b>
6D	1. Review & Update Standard Operating Guidelines and Procedures	This will be a living document that will need to be updated as technology and research result change.
2D	2. Discussion and action on a new Public Safety Building	This will be a multi-year project to determine the needs, location and funding for the project.
6H	3. Replacement of Radios to provide the best communication possible to our members	This will be a multi-year project
6D	4. Replacement of Defibrillator	This will be a two year project. The first defibrillator is scheduled to be replaced in 2017 and the second is scheduled to be replaced in 2021.

**MONONA STRATEGIC PLAN UPDATE – 2016**

DEPARTMENT: Law Enforcement & Communications		STAFF: Walter Ostrenga
SECTION	STRATEGY / TACTIC ACCOMPLISHED:	
6E	1. Replacement of Police Vehicles – Two vehicles replace in 2016.	
6E	2. Dispatch security upgrades – Security glass and metal door installed in 2016.	
6E	3. PD kitchen, interview rooms, ammo storage area updates. – Improvements made during 2014-2015.	
6H	4. Upgrade Video Storage Systems. Accomplished 2014.	
6H	5. Replace Scheduling and Playback Server. Scheduling is an online account not requiring a server.	
SECTION	IN PROGRESS:	DEADLINE
6E	1. Communications Study	Committee completed 2016 study and has recommendations for the council.
6E	2. Monitor DaneCom	Ongoing – The latest information is that DaneCom will go live on 11/1/16. Minimal effect on PD operations, as we use the Madison 800 MHz system for 99% of our operations.
6E	3. Implement Vehicle Replacement Schedule	Ongoing on yearly basis.
6E	4. Review & Update General Orders and Standard Operating Procedures.	Ongoing. Partially funded by CVMIC.
2B	5. Create Options, Solutions & Funding for Bike and Pedestrian Safety	The PD has purchased 2 new bikes in 2016. Brad Brunn is working with the UniverCity group on bike/pedestrian issues.
2B	6. Gather Data to Identify Bike and Pedestrian Issues	Data provided to Brad Brunn.
SECTION	NOT STARTED:	REASON / ITEM NEEDED TO PROGRESS
6E	1. Recruitment of minority police candidates.	Currently no openings. Issues in the past have been proper schooling and certification which impact budget.

MONONA STRATEGIC PLAN UPDATE – 2016

SECTION	NEW PRIORITIES 2017 - 2019	DEADLINE
6E	1. Discussion and action on a new Public Safety Building	This is a multi-year project. Council is asked to review the Bray Study so that needs, location and funding can be reviewed.
6E	2. Procurement of Body Cameras.	Project was delayed due to product not available by manufacturer. Cameras have been ordered and are expected to be in service by October 2016.

### Major Projects / Issues:

- **2017 Budget** – Capital budgets have been submitted, and meetings with department heads are underway. Operating budgets are due the end of September. Insurance costs are a big driver of the operating budgets. We are working with Hausmann Johnson to obtain health insurance estimates, and are awaiting the quote from the current provider, Physicians Plus, due mid-September. The Affordable Care Act has given us a new learning curve.

### Planning / Development:

- **Riverfront Project:** Awaiting proposals from two very interested developers, with very different focuses.

### Personnel / Administration:

- **Code Enforcement:** Code inspector applications are due September 18. We have posted this position with McFarland and with Madison College in the hopes of attracting applicants from their property management / real estate program who could train for a future building inspector position.
- **WPPA Police Union** – Previously, we agreed to take the continued arbitration hearing off the calendar for now and had a confidential conference August 11 to discuss settlement of the successor collective bargaining agreement, as well as the pending grievances. The discussion did not lead to a resolution. We expect to hear back when their attorney returns from vacation in early September. Either party may contact the arbitrator to put the second day of the pending Grievance Arbitration back on the calendar, and either party may contact the mediator to set a date for mediation of the Collective Bargaining Agreement. We are now working with Tom Crone, a labor attorney specialist, on this difficult issue.
- **Fire Union** – Negotiations begin September 9.
- **Public Works Department** – Assisted with a termination and hiring in the utility section.

### Meetings / Training Attended:

- Edger (Economic Development, Government & Education Roundtable)
- Matt Ackerman with CVMIC inspected City facilities for insurance purposes August 31.

### Upcoming

- **UniverCity:** Kick-Off is September 14<sup>th</sup>, 5:30-7 PM, at the Aldo Leopold Nature Center. Please let us know if you wish to attend.
- **Tourism** – Sonja and I will meet again with Kristie Schilling September 6 to discuss economic development, local businesses, hotel tax/tourism, and other issues.

# MONTHLY DEPARTMENT HEAD REPORT TO COUNCIL

**DEPARTMENT:** Administrative Services

**MONTH OF:** August 2016

## Accomplishments:

## Major Projects / Issues:

### Health Insurance for 2017:

- We have received preliminary quotes from our broker and are expecting our renewal numbers from Physicians Plus in mid-September.
- We are exploring the option of adding a high-deductible health plan combined with a fully-funded deductible/Health Savings Account as an option for employees for 2017.

### Labor Relations:

- Initial bargaining with International Association of Firefighters for successor contract is scheduled for Sept. 9.
- See City Administrator's report for update on negotiations with Wisconsin Professional Police Association.

## In Progress / Routine Duties:

Bi-monthly payroll and time tracking, personnel files and new-hire onboarding, recruiting, worker's compensation, troubleshooting IT issues as needed and coordinating weekly IT projects with consultants, website content and maintenance.

## Upcoming Objectives / Events:

2017 budgets.

## Personnel:

### Recent Resignations:

1. Full-Time Maintenance Worker has resigned, effective Sept. 9
2. Full-Time Municipal Court Clerk has announced her retirement date of Nov. 1

### Recently Hired:

1. Full-time Utility Operator Justin Sutkay; start date is Sept. 6
2. Full-time Utility Operator Jeff Gwaltney; start date is Sept. 12

### Currently Recruiting:

1. Full-time Parks Maintenance Worker
  - 10 applications received to date
  - Posting closes on Sept. 18
2. Full-time Municipal Court Clerk
  - 40 applications received to date
  - Posting closes on Sept. 6
3. Part-time Code Enforcement Officer
  - 2 applications received to date
  - Posting closes on Sept. 18
4. Half-time Youth Services Librarian
  - No new hire after the second round of recruiting this year
  - LTE term of this position has been extended through the end of this year.

# MONTHLY DEPARTMENT HEAD REPORT TO COUNCIL

**DEPARTMENT:** City Clerk

**MONTH OF:** August 2016

## Accomplishments:

Completed the minutes of the July 26 License Review Committee and August 1 and August 15 City Council and Finance & Personnel Committee meetings.

Mailed letters and agendas to businesses, prepared and mailed packets, and facilitated the August 30 (re-scheduled due to conflicts) License Review Committee meeting.

Attended the Wisconsin Municipal Clerks Association annual Conference in Appleton.

Met with Mayor Miller regarding a potential Capital Budget purchase of up-dated ADA-compliant voter machines.

Responded with the Finance & Personnel Committee's decision to a claim against the City.

Election duties: Performed the public test of voter equipment; completed and organized in-person Absentee voting; up-dated the polling place bulletin boards with required current postings; printed and prepared poll books and Absentee ballot log; purchased coffee and muffins for Election Inspectors; organized, prepared, and gathered polling place materials; set up the polling places assisted by Bob Johnson; successfully facilitated the August 9 Partisan Primary; modemed results to the Dane County Clerk; prepared, posted, and distributed results reports to Council, staff, and City website; received Election Night materials from Chief Inspectors; picked up remaining materials at the polling places (Bob Johnson did all the take-down at St. Stephen's!); organized and reviewed election documents for delivery to the Dane County Clerk; convened the last Municipal Board of Canvassers with Alene Houser and Leah Kimmell to count late-arriving Absentee ballots (this will no longer be required); prepared payroll requests; entered election results and registrations into the WisVote system; re-organized Election supplies; organized and archived Election documents; followed up with Chief Inspectors on issues that occurred at the Election; began preparations for the General Election; ordered a Voter directional sign facilitated by Dan Stephany; ordered "I Voted" stickers; worked on DS200 signage; ordered Absentee envelopes.

## Major Projects / Issues:

- Complete the minutes for the June 2 Board of Review hearing.
- Complete the minutes for the August 30 License Review Committee meeting.
- Complete the required election statistics report in WisVote.
- Complete the required election cost report in WisVote.
- Get information on procedures required by new voting laws.
- Meet with Chief Inspectors prior to the General Election to review new laws.
- Schedule enough workers to handle voter registrations and Absentee voters the week before the General Election.
- Schedule workers for pre-processing Absentee ballots the Saturday before the General Election.
- Purge files and file new alcohol and business license applications.

## In Progress / Routine Duties:

Daily deposits; accounts payables; invoice coding and distribution; credit applications; issue Provisional licenses and approved Operator's and other licenses; staff meetings; update WisVote; enter voter registrations and absentee ballot requests as received; file and purge voter registration forms; compile building inspection forms for Appraiser; compile documents and payments for mailing to EMS Medical Billing Associates; publish minutes, public notices, and Ordinances as required; counter-sign documents; perform Notary duties; prepare Council Consent Agenda; work with other staff members on licenses, accounts payables, open records requests, claims against the City, etc.

## Upcoming Objectives / Events:

- Work on an Ordinance amendment regarding City staff selling beer at City park events.
- File over 500 voter registration forms from the April 5 election and those received since then.

## Personnel:

Followed up with Election Inspectors who didn't respond to the mailing regarding General Election availability.

# MONTHLY DEPARTMENT HEAD REPORT TO COUNCIL

**DEPARTMENT:** Public Works & Utilities

**MONTH OF:** August 2016

## Accomplishments:

- Crews continue to work on the annual pavement marking throughout the City, which should be wrapped up by September 9<sup>th</sup>.
- Crews assisted our brush collection contractor with collecting brush from the July storms.
- Crews repaired storm main on Parkway, and completed asphalt repairs on Parkway.
- Crews completed repairs to a storm inlet on Winnequah Road.
- Crews completed repairs to a storm inlet, concrete curb repair and asphalt on Sylvan.
- Crews lowered the storm inlet in the yard at Monona Motors.
- Crews installed street signs and posts at locations recently approved by council.
- Crews cleaned equipment and participated in National Night Out.
- Crews completed tree trimming at various locations throughout the City.
- Crews completed another round of stump grinding throughout the City.

## Major Projects / Issues:

- City Hall staff has been getting calls for gypsy moths again this summer. Similar to last summer, our city forester will monitor each location that we receive complaints from, and complete the egg count later this summer. The counts will be turned into the state to determine if we qualify for spraying in 2017. Please see the City website for more information.
- The Schluter Park project is underway. Both storm sediment removal structures are in place. Winnequah Road box location has been paved. The park shelter utility connections have been completed. The dredging of the channel needs more work. The survey indicated more material needs to be dredged. The contractor will mobilize and complete the dredging the week of September 5<sup>th</sup>.
- Strand Associates continues work on design for the 2017 road reconstruction project.
- All road work has been completed for the year.
- The solid waste and recycling collection contract expires at the end of the year. The RFP for a new contract is due in mid-September.

## In Progress / Routine Duties:

- Completed meter changes and meter reading for the month.
- Completed daily rounds at the wells and lift stations, collected required water samples, and complete diggers hotline locates for the month.
- Clean floor drains at the shop, complete inventory of shop items, and complete shop maintenance for the month.
- Coordinate City projects with our engineers.
- Continuing with research and review of specifications for vehicles scheduled to be replaced in 2017.

## Upcoming Objectives / Events:

- Staff is currently preparing the 2017 draft capital budget, and will soon start work on the 2017 operating budget.

## 2017 Road Reconstruction Project Update/Schedule:

Bridge Rd; Broadway to Winnequah, 1,003' (tentative for 2017)

Tonyawatha; Winnequah to Progressive, 2,376'

Schultz; Tonyawatha to Winnequah, 381'

Dean, Winnequah to Tonyawatha, 634'

Progressive, Tonyawatha to Winnequah, 264'

McKenna, Dean to Greenway, 1,267'

# MONTHLY DEPARTMENT HEAD REPORT TO COUNCIL

Total Length; 4,922'

- 50% design completed
- Public Information Meeting 1 – July 19, 2016
- Public Information Meeting 2 – July 21, 2016
- 90% design – early October
- Assessment meetings – October and November 2016
- Public Information Meeting 3 – November 10, 2016
- Final plans and specifications – end of November
- Bid advertisement – early December
- Bid award meetings – January 2017
- Construction begins – April 2017
- Construction ends – September 2017

## **Personnel:**

- All staff positions are filled.