

AGENDA

CITY COUNCIL
MONONA PUBLIC LIBRARY MUNICIPAL ROOM
1000 NICHOLS ROAD
MONDAY, AUGUST 15, 2016
7:30 P.M.

- A. Call to Order.
- B. Roll Call and Pledge of Allegiance.
- C. Approval of Minutes from August 1, 2016.
- D. Appearances.
- E. Public Hearing. (None)
- F. Consent Agenda.
 - 1. Approval of 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. Approval of Renewal Applications for 2016/2017 Operator Licenses:
 - a. Thomas G. DuPlayee, Breakwater
 - 3. Approval of 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. Approval of Renewal Applications for 2016/2018 Operator Licenses:
 - a. Kevin L. Ploessl, Waypoint Public House
- G. Council Action Items.
 - 1. Unfinished Business.
 - a. Consideration of Resolution 16-7-2109 Accepting a Public Service Commission Water Rate Increase (Finance Director) (Tabled 8/1/16).
 - 2. New Business.
 - * a. Consideration of Resolution 16-8-2111 Approving the Purchase of Police Body Cameras (Public Safety Commission).
 - * b. Consideration of Resolution 16-8-2112 Amending the 2016 Capital Budget to Purchase Police Body Cameras (Public Safety Commission).
 - c. Consideration of Ordinance 8-16-681 Permitting Dogs in Parks on an Interim Basis (Park & Recreation Board).

- *
 - d. Consideration of Resolution 16-8-2113 Accepting a Donation for and Approving the Purchase and Installation of Playground Equipment at Schluter Park (Park & Recreation Board).
 - e. 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 Library Director and Community Media Director
 - 2. Agendas, Supporting Documents, and Minutes are Available on the Monona Web Page – www.mymonona.com.
- I. Appointments.
- 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 August 11, 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 1, 2016

The regular meeting of the Monona City Council was called to order by Council President Chad Speight at 7:32 p.m.

Present: Alderpersons Jim Busse, Doug Wood, Mary O'Connor, and Brian Holmquist

Excused: Mayor Robert Miller and Alderperson Andrew Kitslaar

Also Present: City Administrator April Little, Public Works Director Dan Stephany, Finance Director Marc Houtakker, City Planner/Economic Development Director Sonja Reichertz, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

City Clerk Andrusz noted a correction by Alder Kitslaar in his report that the Library parking lot will be re-done. Alder O'Connor noted a correction in her report that the Transit Commission will discuss contract proposals for the 5-year bus service.

A motion by Alder Wood, seconded by Alder Holmquist to approve the Minutes of the July 18, 2016 City Council meeting as amended, was carried.

APPEARANCES

The following individuals appeared before the Council and spoke in favor parking changes:

Allen Blanch, 4510 Wallace Avenue
Michele O'Neill, 4508 Wallace Avenue

Council President Speight distributed chocolates to those present in honor of his 50th birthday.

PUBLIC HEARING

There is no Public Hearing.

CONSENT AGENDA

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

1. New Applications for 2016/2017 Operator Licenses:
 - a. Cathy J. Howland, Licali's Lakeside Liquor
 - b. Kenneth M. Ackerman, Speedway – Monona Drive
 - c. Margaret A. Bell, Speedway – Monona Drive
 - d. Tabathia P. Farland, Speedway – Monona Drive
 - e. Holly J. Lowry, Speedway – Monona Drive
 - f. Linda J. Sumlin, Speedway – Monona Drive
 - g. Ann P. Roberts, Speedway – Royal Avenue

- h. Scott M. Alvarado, Walgreens
 - i. Galen B. Slaght, Walgreens
2. Renewal Applications for 2016/2017 Operator Licenses:
- a. Scott T. Bennett, Breakwater
 - b. Brad A. Nesbit, Silver Eagle Bar & Grill
 - c. Stephen D. Martin, Speedway – Royal Avenue
 - d. Mark C. Rehberg, Waypoint Public House
3. Renewal Applications for 2016/2018 Operator Licenses:
- a. Jerry A. Hicks, PDQ Food Store
 - b. Rachel L. Zimmer, Silver Eagle & Tully's II
 - c. Joseph R. Devitt, Waypoint Public House
 - d. Carolyn E. Phelps, Waypoint Public House
4. 2016 Temporary Operator License Applications:
- a. Abigail E. King, Toyota Best Dam Bike Tour
 - b. Cheyenne K. Minton, Toyota Best Dam Bike Tour

UNFINISHED BUSINESS

Public Works Director Stephany reported High School Principal Paul Brost contacted him with information on student parking. None of the almost 200 student parking spaces go unoccupied; each costs \$110. The neighborhood won't allow modification of properties. There is no interest in cost sharing for a flashing beacon. He will attend the Public Works Committee meeting this Wednesday.

Alder O'Connor questioned how snow plowing and trash pick-up will be handled. Public Works Director Stephany responded the crew will clean up what they can and will come back to finish to the curb. He is considering contracting with the trash collection provider for a 6:00 a.m. start time, which will require an Ordinance amendment, or there will need to be a schedule change. The goal is to spread the parking among five streets. This will be revisited at the end of the school year. Council President Speight stated the restrictions are only to one block off of Monona Drive. He doesn't anticipate a decrease in parkers. City Administrator Little stated she may still coordinate a meeting with school officials as the Mayor would like to talk with them. The gates on East Coldspring Avenue are allowed based upon case law not statute; she may talk more with Madison about that.

A motion by Alder Holmquist, seconded by Alder O'Connor to approve Ordinance 7-16-680 Amending the Official Traffic Map of the City of Monona for Establishment of Alternate Side Parking, was carried.

Finance Director Houtakker noted that last year the Council approved a PSC analysis to calculate a water rate increase. A 15% increase was approved by the PSC and tonight the Finance & Personnel Committee approved the PSC's first option, which is to use the same rate structure as is currently used. The second option offered is a conservation rate for commercial properties with large multi-family properties included. A report of the effect of the changes on each category of user was reviewed.

Alder Busse stated he is not comfortable making a decision without Public Works Committee review, and while he understands the timing issue, he would like that first in future so a decision could be based upon Committee recommendation. Alder Wood stated he does not want to wait five years for the next increase as this is quite large all at once. Finance Director Houtakker stated the Council could, after 18 months of

this increase, do a simplified rate case increase using a percentage. A full study could be done 18 months after that if needed.

Next steps after Council approval is the PSC would hold a teleconference public hearing. 90 days after that the new rate takes effect. Notices of the hearing are published and could be on the water bill, website, and radio station. Council President Speight stated Wednesday's Public Works Committee agenda could be amended to include this item. Finance Director Houtakker stated that after a certain date in September, the process would have to start over and a new study would have to be done, so it would have to be approved at the next Council meeting.

No action was taken on a motion by Alder Wood, seconded by Alder Holmquist to approve Resolution 16-7-2109 Accepting a Public Service Commission Water Rate Increase.

A motion by Alder Busse, seconded by Alder Holmquist to table Resolution 16-7-2109 Accepting a Public Service Commission Water Rate Increase until the next meeting, was carried. Alder Wood voted against the motion.

NEW BUSINESS

A motion by Alder Holmquist, seconded by Alder O'Connor to suspend the rules and take action on Resolution 16-7-2110 Approval of Participation in a Wisconsin Department of Natural Resources Grant Titled "Wisconsin Assessment Money (WAM) – Contractor Services Award", was carried.

City Planner/Economic Development Director Reichertz reported she is not sure of the amount yet but it is between \$15,000 and \$30,000. Grant funds were leftover and are available to fund additional environmental investigation at the dry cleaner site in the Riverfront Development. Funds need to be used by the end of August. There is no match; the DNR does all the contracting and invoicing.

A motion by Alder O'Connor, seconded by Alder Holmquist to approve Resolution 16-7-2110 Approval of Participation in a Wisconsin Department of Natural Resources Grant Titled "Wisconsin Assessment Money (WAM) – Contractor Services Award", was carried.

A motion by Alder Wood, seconded by Alder Holmquist to suspend the rules and take action on the 2016/2017 Beer Garden Permit Application for Breakwater Monona, LLC d/b/a Breakwater, 6308 Metropolitan Lane, was carried.

Alder Wood reported the applicants provided the License Review Committee with the additional information that was requested. There will be up to 70 patrons allowed on the top level and up to 72 total allowed on the lower two levels.

A motion by Alder Wood, seconded by Alder Holmquist to approve the 2016/2017 Beer Garden Permit Application for Breakwater Monona, LLC d/b/a Breakwater, 6308 Metropolitan Lane, was carried.

City Administrator Little began Discussion of Recodification Section Recommendations. The results of the dogs in parks effort may modify the animal section. The City can no longer have an economic development grant to give back \$10,000 for Reserve Class B liquor licenses so that was removed. Sewer use may need changes based upon MMSD code changes. Council President Speight reported the hotel room tax and regulation of lodging may need revision. Air B&B's need regulation and now may be the time to address this. City Administrator Little responded this may be a zoning issue and questioned

whether the Plan Commission has discussed this. Alder Holmquist responded only habitable auxiliary buildings are addressed; the Public Safety Commission would address the number of non-related adults allowed per residence, which has been a concern of the Police Department. City Administrator Little will meet with the Public Safety Commission on this issue.

REPORTS

Alder Holmquist reported the Public Safety Commission did not meet as the meeting was not posted. It is re-scheduled for August 10 at 6:00 p.m.

Alder Busse reported the Plan Commission will meet at 7:00 p.m. Monday to discuss recodification.

Alder O'Connor reported the Community Media Committee will meet on Thursday to review proposals for equipment replacement in the Library Municipal Room.

City Clerk Andrusz reported Federal Court Judge Peterson has found that some of Wisconsin's photo ID law is unconstitutional and wants changes in absentee voting, proof of residence, and the length of residency requirement. Changes will not affect the August 9 Partisan Primary but may be in place for the November 8 General Election.

City Administrator Little reported the recodification will be available for public review and will be approved as a whole as one document in one Ordinance.

APPOINTMENTS

There were no Appointments.

ADJOURNMENT

A motion by Alder Busse, seconded by Alder O'Connor to adjourn, was carried. (8:17 p.m.)

Joan Andrusz
City Clerk

Resolution No. 16-7-2109
Monona Common Council

ACCEPTING A PUBLIC SERVICE COMMISSION WATER RATE INCREASE

WHEREAS, as directed by the Council, the Finance Director has researched and prepared a Water Rate Case for submittal to the Public Service Commission (PSC) for the purpose of providing sufficient revenues for the Water Utility to meet operational and future Capital expenses; and,

WHEREAS, the PSC reviewed the proposal and has recommended a fifteen percent (15%) increase in water rates; and,

WHEREAS, the PSC proposed two rate structures to implement the fifteen percent (15%) increase in water rates; and,

WHEREAS, the Common Council selected rate option _____.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Monona, Dane County, Wisconsin, that the PSC Water Rate Case recommendation which would increase water rates by fifteen (15%) 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 Recommended By:

Public Works Committee Recommendation: Option 2 – 8/3/16

Finance & Personnel Committee Recommendation: Option 1 – 8/1/16

Council Action:

Date Introduced: 7-18-16

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>16-7-2109</u>
		Ordinance Amendment No. _____

Title: Water Rate Increase

Policy Analysis Statement:

Brief Description Of Proposal:

Staff was authorized to submit a water rate case to the Public Service Commission. The PSC regulates the rates; rates were last increased in 2011. The PSC reviewed our water rate case and has recommended a 15% overall percent increase to our rates to Monona Water Utility. See page 2 for fiscal note on why the rate case was needed.

The PSC proposed two (2) rate structures to implement the 15% increase:

1. Current rate method. See pages 4-7
2. Conservations rates for nonresidential user. See pages 8-11

The City Council will need to choose one of the two methods.

Current Policy Or Practice:

Currently rates are based on the 2011 water rate case.

Impact Of Adopting Proposal: .

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:

Budget Amendment No. _____				No Budget Amendment Required <input checked="" type="checkbox"/>				
Account Number				Account Name	Budget Prior to Change	Debit	Credit	Amended Budget
Fund	CC	Account	Object					
				Totals				

Prepared By:

Department: Public Works
 Prepared By: Marc Houtakker
 Reviewed By:

Date: 7-14-16
 Date:

Why we needed a full increase

**City of Monona
POLICY AND FISCAL NOTE**

<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Update	Substitute No. _____ Resolution No. _____ Ordinance Amendment No. _____
--	---------------------------------	---

Title: Water Rate Increase

Policy Analysis Statement:

Brief Description Of Proposal:

Staff is requesting the authorization to submit a water rate case to the Public Service Commission. The PSC regulates the rates and the last time rates were increased was 2011. The PSC will review the water rate case and the PSC will recommend a percentage increase to our rates to Monona Water Utility.

Reason for the rate increase:

1. To meet debt coverage requirements
2. Water Utility lost its largest water user in 2014.
3. Since the last water rate increase the City has spent \$3,535,000 in replacing infrastructure and other capital items
4. Water Utility is planning to borrow another \$500,000 for 2016 projects

One major changes to water rates structure.

1. Established an inclining block rate for Commercial, Public Authority and Industrial customers or conservation rates. Currently residential customers only have conservation rates.

Current Policy Or Practice:

Currently rates are based on the 2011 water rate case.

Impact Of Adopting Proposal:

Fiscal Estimate:

<p><u>Fiscal Effect (check/circle all that apply)</u></p> <p><input type="checkbox"/> No fiscal effect</p> <p><input type="checkbox"/> Creates new expenditure account</p> <p><input type="checkbox"/> Creates new revenue account</p> <p><input type="checkbox"/> Increases expenditures</p> <p><input type="checkbox"/> Increases revenues</p> <p><input type="checkbox"/> Increases/decreases fund balance _____ Fund</p>	<p><u>Budget Effect:</u></p> <p><input type="checkbox"/> Expenditure authorized in budget</p> <p><input type="checkbox"/> No change to budget required</p> <p><input checked="" type="checkbox"/> Expenditure not authorized in budget</p> <p><input type="checkbox"/> Budget amendment required</p> <hr/> <p><u>Vote Required:</u></p> <p><input type="checkbox"/> Majority</p> <p><input checked="" type="checkbox"/> Two-Thirds</p>
---	--

Narrative/assumptions About Long Range Fiscal Effect:

Expenditure/Revenue Changes:

Budget Amendment No.				No Budget Amendment Required <input checked="" type="checkbox"/>				
Account Number				Account Name	Budget Prior to Change	Debit	Credit	Amended Budget
Fund	CC	Account	Object					
Totals								

Prepared By:

Department: Public Works Prepared By: Marc Houtakker Reviewed By:	Date: Date:
---	----------------



Current Rates

Usage	Residential	Non-Residential	Multi-Family
10 units (first 1,000 cubic ft.)	\$2.40 per 100 cubic ft.		
15 units (next 1,500 cubic ft.)	\$2.85 per 100 cubic ft.		
25 units (over 2,500 cubic ft.)	\$3.75 per 100 cubic ft.		
70 units (first 7,000 cubic ft.)		\$2.55 per 100 cubic ft.	\$2.55 per 100 cubic ft.
430 units (next 43,000 cubic ft.)		\$2.40 per 100 cubic ft.	\$2.40 per 100 cubic ft.
500 units (over 50,000 cubic ft.)		\$1.85 per 100 cubic ft.	\$1.85 per 100 cubic ft.

PSC Option #1 (Same rate structure that is currently in place)

Usage	Residential	Non-Residential	Multi-Family
10 units (first 1,000 cubic ft.)	\$2.97 per 100 cubic ft.		
15 units (next 1,500 cubic ft.)	\$3.50 per 100 cubic ft.		
25 units (over 2,500 cubic ft.)	\$4.50 per 100 cubic ft.		
70 units (first 7,000 cubic ft.)		\$3.00 per 100 cubic ft.	\$3.00 per 100 cubic ft.
430 units (next 43,000 cubic ft.)		\$2.80 per 100 cubic ft.	\$2.80 per 100 cubic ft.
500 units (over 50,000 cubic ft.)		\$2.25 per 100 cubic ft.	\$2.25 per 100 cubic ft.

PSC Option #2 (PSC conservation rates for multifamily and Nonresidential)

Usage	Residential
10 units (first 1,000 cubic ft.)	\$2.97 per 100 cubic ft.
15 units (next 1,500 cubic ft.)	\$3.50 per 100 cubic ft.
25 units (over 2,500 cubic ft.)	\$4.50 per 100 cubic ft.

Multifamily Residential Class Customers

All water used quarterly - \$3.10 per 100 cubic feet

Nonresidential Class Customers

All water used quarterly - \$2.70 per 100 cubic feet

City of Monona
 Comparison of Revenue at Present Rates, Cost of Service and Proposed Rates

PSC Option #1 (Same rate structure that is currently in place)

	Cost of Service			Proposed Rates		
	Revenues at Present Rate	Revenue Required	Increase over Present Rates	Revenues	Increase over Present Rates	Percent of Cost of Service
Residential	\$ 616,718	\$ 767,852	25%	\$ 770,400	25%	100%
Multifamily Residents	\$ 98,920	\$ 127,243	29%	\$ 116,362	18%	91%
Commerical	\$ 259,108	\$ 300,346	16%	\$ 308,330	19%	103%
Industrial	\$ 1,958	\$ 2,075	6%	\$ 2,412	23%	116%
Public Authority	\$ 18,645	\$ 21,919	18%	\$ 22,322	20%	102%
Public Fire Protection	\$ 472,298	\$ 472,419	0%	\$ 472,298	0%	100%
	<u>1,467,647</u>	<u>1,691,854</u>	<u>15%</u>	<u>1,692,124</u>	<u>15%</u>	<u>100%</u>

PSC Option #2 (PSC conservation rates for multifamily and Nonresidential)

	Cost of Service			Proposed Rates		
	Revenues at Present Rate	Revenue Required	Increase over Present Rates	Revenues	Increase over Present Rates	Percent of Cost of Service
Residential	\$ 616,718	\$ 767,852	25%	\$ 770,400	25%	100%
Multifamily Residents	\$ 98,920	\$ 127,243	29%	\$ 127,412	29%	100%
Commerical	\$ 259,108	\$ 300,346	16%	\$ 299,400	16%	100%
Industrial	\$ 1,958	\$ 2,075	6%	\$ 2,292	17%	110%
Public Authority	\$ 18,645	\$ 21,919	18%	\$ 21,852	17%	100%
Public Fire Protection	\$ 472,298	\$ 472,419	0%	\$ 472,298	0%	100%
	<u>1,467,647</u>	<u>1,691,854</u>	<u>15%</u>	<u>1,693,654</u>	<u>15%</u>	<u>100%</u>



CITY OF MONONA WATER AND SEWER RATES

CURRENT RATES

Quarterly Service Charges

Meter Size	Water Service Charge	Sewer Service Charge
5/8"	\$21.00	\$38.53
3/4"	\$21.00	\$38.53
1"	\$35.10	\$56.19
1 ¼"	\$51.00	
1 ½"	\$72.00	\$86.70
2"	\$94.00	\$120.47
3"	\$193.50	\$218.39
4"	\$229.50	\$314.67
6"	\$342.00	
8"	\$463.50	
10"	\$652.50	
12"	\$846.00	

Quarterly Water Volume Charges

Usage	Residential	Non-Residential
10 units (first 1,000 cubic ft.)	\$2.40 per 100 cubic ft.	
15 units (next 1,500 cubic ft.)	\$2.85 per 100 cubic ft.	
25 units (over 2,500 cubic ft.)	\$3.75 per 100 cubic ft.	
70 units (first 7,000 cubic ft.)		\$2.55 per 100 cubic ft.
430 units (next 43,000 cubic ft.)		\$2.40 per 100 cubic ft.
500 units (over 50,000 cubic ft.)		\$1.85 per 100 cubic ft.

(100 cubic feet = 748 gallons, 1,000 cubic feet = 7,480 gallons)

Sewer Volume Charge

\$2.55 per 100 cubic feet

Quarterly Public Fire Protection Charge

\$0.174 per \$1,000 of assessed valuation of improvements
 (for example, \$200,000 home: \$ 0.174 x 200 = \$34.80)

Other Water Charges

Bulk Water Charge	\$30 per hook-up, plus volume charges
Water Hook-Up or Meter Reconnection Charge	\$30 during normal business hours \$45 after normal business hours

Rates updated January 1, 2015

MONONA WATER UTILITY
Comparison of Revenue
 at
Present Rates, Cost of Service and Proposed Rates

Customer Class	Cost of Service			Proposed Rates		
	Revenue at Present Rates	Revenue Required	Increase over Present Rates	Revenue	Increase over Present Rates	Percent of Cost of Service
Residential	\$616,718	\$767,852	25%	\$770,400	25%	100%
Multifamily Residential	\$98,920	\$127,243	29%	\$116,362	18%	91%
Commercial	\$259,108	\$300,346	16%	\$308,330	19%	103%
Industrial	\$1,958	\$2,075	6%	\$2,412	23%	116%
Public Authority	\$18,645	\$21,919	18%	\$22,322	20%	102%
Public Fire Protection	<u>\$472,298</u>	<u>\$472,419</u>	0%	<u>\$472,298</u>	0%	100%
Total	<u><u>\$1,467,647</u></u>	<u><u>\$1,691,855</u></u>	<u><u>15%</u></u>	<u><u>\$1,692,124</u></u>	<u><u>15%</u></u>	<u><u>100%</u></u>



MONONA WATER UTILITY

Proposed Water Rates and Rules

Public Fire Protection Service - - - F-1

Public fire protection service includes the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

Under Wis. Stat. § 196.03(3)(b), the municipality has chosen to have the utility bill the retail general service customers for public fire protection service.

Quarterly Public Fire Protection Service Charges:

\$0.174 per thousand dollars of assessed valuation of improvements.

This rate is based on total assessed valuation of improvements of \$678,590,254 and a total annual public fire protection charge of \$472,298. The total assessed valuation includes both taxable and tax- exempt parcels.

Customers who are provided service under Schedules Mg-1, Ug-1, or Sg-1 shall be subject to the charges in this schedule.

Billing: Same as Schedule Mg-1.

Private Fire Protection Service - Unmetered - - - Upf-1

This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.

Quarterly Private Fire Protection Service Demand Charges:

2 - inch or smaller connection - \$	33.00
3 - inch connection - \$	60.00
4 - inch connection - \$	99.00
6 - inch connection - \$	198.00
8 - inch connection - \$	315.00
10 - inch connection - \$	471.00
12 - inch connection - \$	627.00



PSC Proposal #1

Docket 3800-WR-109

Schedule 13

Page 2 of 6

14 - inch connection - \$	750.00
16 - inch connection - \$	897.00

Billing: Same as Schedule Mg-1.

General Service - Metered - - - Mg-1

Quarterly Service Charges (All Customer Classes):

5/8 -inch meter - \$	27.00	3 -inch meter - \$	195.00
3/4 -inch meter - \$	27.00	4 -inch meter - \$	285.00
1 -inch meter - \$	48.00	6 -inch meter - \$	480.00
1 1/4 -inch meter - \$	66.00	8 -inch meter - \$	720.00
1 1/2 -inch meter - \$	84.00	10 -inch meter - \$	999.00
2 -inch meter - \$	120.00	12 -inch meter - \$	1,305.00

Plus Volume Charges:

Residential Class Customers:

First	1,000	cubic feet used quarterly - \$2.97 per 100 cubic feet
Next	1,500	cubic feet used quarterly - \$3.50 per 100 cubic feet
Over	2,500	cubic feet used quarterly - \$4.50 per 100 cubic feet

Multifamily Residential Class and Nonresidential Class Customers:

First	7,000	cubic feet used quarterly - \$3.00 per 100 cubic feet
Next	43,000	cubic feet used quarterly - \$2.80 per 100 cubic feet
Over	50,000	cubic feet used quarterly - \$2.25 per 100 cubic feet

Residential Class Customers includes include single-family home, duplexes, and individually-metered condominiums, apartment buildings, and mobile home parks.

Multifamily Residential Class Customers includes master-metered multi-family dwelling units such as condominiums, apartment buildings, and mobile home parks.

Nonresidential Class Customers includes commercial, industrial, and public authority customers. Commercial customers include business entities and institutions, except governmental entities, that provide goods or services. Churches and parochial schools are not governmental and are classified as commercial. Industrial customers include customers who are engaged in the manufacture or production of goods. Public Authority customers include any department, agency, or entity of local, state, or federal government, including public schools, colleges, and universities.



Proposal #1

MONONA WATER UTILITY

Customer Water Bill Comparison at Present and Proposed Rates

Quarterly

Customer Type	Meter Size	Volume (100 Cubic Feet)	Bills at Old Rates	Bills at New Rates	Percent Change
Small Residential	3/4"	8	\$ 40.20	\$ 50.76	26%
Average Residential	3/4"	15	\$ 59.25	\$ 74.20	25%
Large Residential	3/4"	75	\$ 275.25	\$ 334.20	21%
Large Residential	3/4"	110	\$ 406.50	\$ 491.70	21%
Large Residential	3/4"	150	\$ 556.50	\$ 671.70	21%
Multifamily Residential	2"	500	\$ 1,305.00	\$ 1,534.00	18%
Multifamily Residential	2"	750	\$ 1,767.50	\$ 2,096.50	19%
Multifamily Residential	2"	1,000	\$ 2,230.00	\$ 2,659.00	19%
Multifamily Residential	3"	550	\$ 1,496.50	\$ 1,721.50	15%
Commercial	2"	750	\$ 1,767.50	\$ 2,096.50	19%
Commercial	2"	1,000	\$ 2,230.00	\$ 2,659.00	19%
Commercial	2"	1,250	\$ 2,692.50	\$ 3,221.50	20%
Commercial	4"	1,500	\$ 3,290.00	\$ 3,949.00	20%
Industrial	3/4"	25	\$ 84.75	\$ 102.00	20%
Industrial	3/4"	50	\$ 148.50	\$ 177.00	19%
Industrial	3/4"	75	\$ 211.50	\$ 251.00	19%
Industrial	1"	100	\$ 285.60	\$ 342.00	20%
Public Authority	1 1/2"	100	\$ 322.50	\$ 378.00	17%
Public Authority	2"	150	\$ 465.00	\$ 554.00	19%
Public Authority	2"	250	\$ 705.00	\$ 834.00	18%
Public Authority	2"	1,400	\$ 2,970.00	\$ 3,559.00	20%



MONONA WATER UTILITY
Comparison of Revenue
 at
Present Rates, Cost of Service and Proposed Rates

<u>Customer Class</u>	<u>Revenue at Present Rates</u>	<u>Cost of Service</u>		<u>Proposed Rates</u>		
		<u>Revenue Required</u>	<u>Increase over Present Rates</u>	<u>Revenue</u>	<u>Increase over Present Rates</u>	<u>Percent of Cost of Service</u>
Residential	\$616,718	\$767,852	25%	\$770,400	25%	100%
Multifamily Residential	\$98,920	\$127,243	29%	\$127,412	29%	100%
Commercial	\$259,108	\$300,346	16%	\$299,400	16%	100%
Industrial	\$1,958	\$2,075	6%	\$2,292	17%	110%
Public Authority	\$18,645	\$21,919	18%	\$21,852	17%	100%
Public Fire Protection	\$472,298	\$472,419	0%	\$472,298	0%	100%
Total	<u>\$1,467,647</u>	<u>\$1,691,855</u>	<u>15%</u>	<u>\$1,693,654</u>	<u>15%</u>	<u>100%</u>



MONONA WATER UTILITY

Proposed Water Rates and Rules

Public Fire Protection Service - - - F-1

Public fire protection service includes the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

Under Wis. Stat. § 196.03(3)(b), the municipality has chosen to have the utility bill the retail general service customers for public fire protection service.

Quarterly Public Fire Protection Service Charges:

\$0.174 per thousand dollars of assessed valuation of improvements.

This rate is based on total assessed valuation of improvements of \$678,590,254 and a total annual public fire protection charge of \$472,298. The total assessed valuation includes both taxable and tax- exempt parcels.

Customers who are provided service under Schedules Mg-1, Ug-1, or Sg-1 shall be subject to the charges in this schedule.

Billing: Same as Schedule Mg-1.

Private Fire Protection Service - Unmetered - - - Upf-1

This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.

Quarterly Private Fire Protection Service Demand Charges:

2 - inch or smaller connection - \$	33.00
3 - inch connection - \$	60.00
4 - inch connection - \$	99.00
6 - inch connection - \$	198.00
8 - inch connection - \$	315.00
10 - inch connection - \$	471.00
12 - inch connection - \$	627.00



14 - inch connection - \$	750.00
16 - inch connection - \$	897.00

Billing: Same as Schedule Mg-1.

General Service - Metered - - - Mg-1

Quarterly Service Charges (All Customer Classes):

5/8 -inch meter - \$	27.00	3 -inch meter - \$	195.00
3/4 -inch meter - \$	27.00	4 -inch meter - \$	285.00
1 -inch meter - \$	48.00	6 -inch meter - \$	480.00
1 1/4 -inch meter - \$	66.00	8 -inch meter - \$	720.00
1 1/2 -inch meter - \$	84.00	10 -inch meter - \$	999.00
2 -inch meter - \$	120.00	12 -inch meter - \$	1,305.00

Plus Volume Charges:

Residential Class Customers:

First	1,000	cubic feet used quarterly - \$2.97 per 100 cubic feet
Next	1,500	cubic feet used quarterly - \$3.50 per 100 cubic feet
Over	2,500	cubic feet used quarterly - \$4.50 per 100 cubic feet

Multifamily Residential Class Customers:

All water used quarterly - \$3.10 per 100 cubic feet

Nonresidential Class Customers:

All water used quarterly - \$2.70 per 100 cubic feet

Residential Class Customers includes include single-family home, duplexes, and individually-metered condominiums, apartment buildings, and mobile home parks.

Multifamily Residential Class Customers includes master-metered multi-family dwelling units such as condominiums, apartment buildings, and mobile home parks.

Nonresidential Class Customers includes commercial, industrial, and public authority customers. Commercial customers include business entities and institutions, except governmental entities, that provide goods or services. Churches and parochial schools are not governmental and are classified as commercial. Industrial customers include customers who are engaged in the manufacture or production of goods. Public Authority customers include any department, agency, or entity of local, state, or federal government, including public schools, colleges, and universities.



#2
~~PSC~~
 PSC Proposal

MONONA WATER UTILITY

Customer Water Bill Comparison at Present and Proposed Rates

Quarterly

Customer Type	Meter Size	Volume (100 Cubic Feet)	Bills at Old Rates	Bills at New Rates	Percent Change
Small Residential	3/4"	8	\$ 40.20	\$ 50.76	26%
Average Residential	3/4"	15	\$ 59.25	\$ 74.20	25%
Large Residential	3/4"	75	\$ 275.25	\$ 334.20	21%
Large Residential	3/4"	110	\$ 406.50	\$ 491.70	21%
Large Residential	3/4"	150	\$ 556.50	\$ 671.70	21%
Multifamily Residential	2"	500	\$ 1,305.00	\$ 1,670.00	28%
Multifamily Residential	2"	750	\$ 1,767.50	\$ 2,445.00	38%
Multifamily Residential	2"	1,000	\$ 2,230.00	\$ 3,220.00	44%
Multifamily Residential	3"	550	\$ 1,496.50	\$ 1,900.00	27%
Commercial	2"	750	\$ 1,767.50	\$ 2,145.00	21%
Commercial	2"	1,000	\$ 2,230.00	\$ 2,820.00	26%
Commercial	2"	1,250	\$ 2,692.50	\$ 3,495.00	30%
Commercial	4"	1,500	\$ 3,290.00	\$ 4,335.00	32%
Industrial	3/4"	25	\$ 84.75	\$ 94.50	12%
Industrial	3/4"	50	\$ 148.50	\$ 162.00	9%
Industrial	3/4"	75	\$ 211.50	\$ 229.50	9%
Industrial	1"	100	\$ 285.60	\$ 318.00	11%
Public Authority	1 1/2"	100	\$ 322.50	\$ 354.00	10%
Public Authority	2"	150	\$ 465.00	\$ 525.00	13%
Public Authority	2"	250	\$ 705.00	\$ 795.00	13%
Public Authority	2"	1,400	\$ 2,970.00	\$ 3,900.00	31%

X

Monona Water Utility
Residential Increase

Small User(1 or 2 household)

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge		21.00	27.00	27.00
Usage	8 CF	<u>19.20</u>	<u>23.76</u>	<u>23.76</u>
Total	8 CF	<u><u>40.20</u></u>	<u><u>50.76</u></u>	<u><u>50.76</u></u>

Average User(4 household or more)

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge		21.00	27.00	27.00
Usage	10 cf	24.00	29.70	29.70
Usage	8 CF	<u>22.80</u>	<u>28.00</u>	<u>28.00</u>
Total	18 CF	<u><u>67.80</u></u>	<u><u>84.70</u></u>	<u><u>84.70</u></u>

Large User(Usually Pools, summer water and leaks)

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge		21.00	27.00	27.00
Usage	10 cf	24.00	29.70	29.70
Usage	15 cf	42.75	52.50	52.50
Usage	10 Cf	<u>37.50</u>	<u>45.00</u>	<u>45.00</u>
Total	35 CF	<u><u>87.75</u></u>	<u><u>109.20</u></u>	<u><u>109.20</u></u>



Monona Water Utility
 Nonresidential and excluding Multifamily

Commercial Small Users

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge	3/4	21.00	27.00	27.00
Usage	12 CF	30.60	36.00	32.40
Total	12 CF	<u>51.60</u>	<u>63.00</u>	<u>59.40</u>

Commercial User- Restaurants

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge	1"	35.10	48.00	48.00
Usage	70 cf	178.50	210.00	-
Usage	35 cf	84.00	98.00	-
		-	-	283.50
Total	105 cf	<u>297.60</u>	<u>356.00</u>	<u>331.50</u>

Commercial User- Large Retail

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge	2"	94.00	120.00	120.00
Usage	70 CF	178.50	210.00	-
Usage	430 CF	1,032.00	1,204.00	-
Usage	35 CF	64.75	78.75	-
		-	-	1,444.50
Total	535 CF	<u>1,369.25</u>	<u>1,612.75</u>	<u>1,564.50</u>

Commercial User- Largest Users

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge	3"	193.50	195.00	195.00
Usage	70 CF	178.50	210.00	-
Usage	430 CF	1,032.00	1,204.00	-
Usage	494 CF	913.90	1,111.50	-
		-	-	2,683.80
Total	535 CF	<u>2,317.90</u>	<u>2,720.50</u>	<u>2,878.80</u>



Monona Water Utility
Multifamily

Multifamily Large Apts(5-8 unites)

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge	1"	35.10	48.00	48.00
Usage	50 CF	<u>127.50</u>	<u>150.00</u>	<u>155.00</u>
Total	50 CF	<u><u>162.60</u></u>	<u><u>198.00</u></u>	<u><u>203.00</u></u>

Multifamily Large Apts

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge	3"	193.50	195.00	195.00
Usage	70 CF	178.50	210.00	-
Usage	50 CF	120.00	140.00	-
		-	-	372.00
Total	120 CF	<u><u>492.00</u></u>	<u><u>545.00</u></u>	<u><u>567.00</u></u>

Multifamily Large Complexs

		Current Rate	Proposed Option #1	Proposed Option #2
Meter Charge	3"	94.00	120.00	120.00
Usage	70 CF	178.50	210.00	-
Usage	430 CF	1,032.00	1,204.00	-
Usage	15 CF	27.75	33.75	-
		-	-	1,596.50
Total	515 CF	<u><u>1,332.25</u></u>	<u><u>1,567.75</u></u>	<u><u>1,716.50</u></u>



MONONA WATER UTILITY

VOLUME SALES

2015 Water Usage DATA

Billing Periods per Year: Actual Latest 12 Months Ending:

Does the utility have class-based volume rates?
 Class-based rates are separate rate schedules for residential, commercial, or other special classes

Which rate schedules do you have?
 Non-Residential Multifamily Irrigation/Other

Volume Block	Residential	Non-Residential	Multifamily Residential
First 1,000	\$2.40		
Next 1,500	\$2.85		
Over 2,500	\$3.75		
First 7,000		\$2.55	
Next 43,000		\$2.40	
Over 50,000		\$1.85	

	Residential Units	Multifamily Residential Units	Commercial Units	Industrial Units	Public Authority Units	Irrigation/Other Units	Total
First 1,000	88,224	0	0	0	0	0	88,224
Next 1,500	49,279	0	0	0	0	0	49,279
Over 2,500	11,338	0	0	0	0	0	11,338
First 7,000	0	10,962	35,013	0	2,364	0	48,339
Next 43,000	0	18,644	44,002	0	1,947	0	64,593
Over 50,000	0	5,261	12,981	0	1,058	0	19,300
Total Units	148,841	34,867	91,996	0	5,369	0	281,073
Unit Revenues	394,700.25	82,431.55	218,902.80	0.00	12,658.30	0.00	708,692.90



Current Meters - 2015 DATA

SERVICE CHARGES

Billing Periods per Year: 4 Actual Latest 12 Months Ending: December 31, 2015

Meter Size	Charge	Residential		Multifamily Residential		Commercial		Industrial		Public Authority		Irrigation		Totals
		Average No. of Meters	Average No. of Meters	Average No. of Meters	Average No. of Meters	Average No. of Meters	Average No. of Meters	Average No. of Meters	Average No. of Meters	Average No. of Meters	Average No. of Meters	Average No. of Meters		
5/8"	\$21.00	78	0	5	0	0	0	0	0	0	0	0	0	83
3/4"	\$21.00	2,408	9	112	0	0	0	0	0	6	0	0	0	2,535
1"	\$35.10	11	20	67	0	0	0	0	0	3	0	0	0	101
1 1/4"	\$51.00	0	0	0	0	0	0	0	0	0	0	0	0	0
1 1/2"	\$72.00	0	10	37	0	0	0	0	0	8	0	0	0	55
2"	\$94.50	0	11	28	0	0	0	0	0	7	0	0	0	46
2 1/2"	\$0.00	0	0	0	0	0	0	0	0	0	0	0	0	0
3"	\$193.50	0	7	1	0	0	0	0	0	0	0	0	0	8
4"	\$229.50	0	0	1	0	0	0	0	0	0	0	0	0	1
6"	\$342.00	0	0	0	0	0	0	0	0	0	0	0	0	0
8"	\$463.50	0	0	0	0	0	0	0	0	0	0	0	0	0
10"	\$652.50	0	0	0	0	0	0	0	0	0	0	0	0	0
12"	\$846.00	0	0	0	0	0	0	0	0	0	0	0	0	0

**Total Meters
Fixed Revenues**

2,497	57	251	0	24	0	2,829
\$ 210,368	\$ 16,020	\$ 42,167	\$ -	\$ 5,875	\$ -	\$ 274,430

Total Volume Revenue

\$ 394,700.25	\$ 82,431.55	\$ 218,902.80	\$ -	\$ 12,658.30	\$ -	\$ 708,693
---------------	--------------	---------------	------	--------------	------	------------

Surcharges, etc.

\$0	\$0	\$0	\$0	\$0	\$0	0
-----	-----	-----	-----	-----	-----	---

Total Revenues Per Analysis

\$605,069	\$98,452	\$261,070	\$0	\$18,534	\$0	\$983,123
-----------	----------	-----------	-----	----------	-----	-----------

Total Actual Billed Revenues

\$615,680	\$101,214	\$253,258	\$0	\$18,534	\$0	\$988,686
-----------	-----------	-----------	-----	----------	-----	-----------

Dollar Variance

(\$10,611)	(\$2,762)	\$7,812	\$0	(\$1)	\$0	(\$5,563)
------------	-----------	---------	-----	-------	-----	-----------

Percent Variance (B)

-1.75%	-2.81%	2.99%	0.00%	0.00%	0.00%	-0.57%
--------	--------	-------	-------	-------	-------	--------

(A) The annual revenues from meter charges are based upon the number of bills issued annually.
 (B) If the percent variance is greater than 3%, the variance must be explained in detail in the Notes, Attachment 19.



**Resolution No. 16-8-2111
Monona Common Council**

APPROVING THE PURCHASE OF POLICE BODY CAMERAS

WHEREAS, the 2016 Capital Budget includes \$20,100 to purchase body cameras for the Monona Police Department; and,

WHEREAS, the department has been waiting for Panasonic to release their Arbitrator model body camera for almost two years; and

WHEREAS, the body cameras are now available, but pricing exceeds the budgeted amount, and additional funds have been provided through a Capital Budget amendment; and

WHEREAS, providing body cameras for all sworn police personnel will increase transparency and accountability of officers, provide valuable evidence for investigations and court proceedings; and

WHEREAS, the Public Safety Committee discussed this topic at its August 10, 2016 meeting and is recommending the purchase of the necessary body camera equipment.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Monona, Dane County, Wisconsin, that the Monona Police Department is authorized to order and purchase twenty (20) Panasonic Arbitrator Body Cameras from Baycom, 2040 Radisson Street, Green Bay Wisconsin, under the State Bid for \$28,500.

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 – 8/10/16

Council Action:

Date Introduced: 8-15-16

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>16-8-2111 & 16-8-2112</u>
		Ordinance Amendment No. _____

Title: POLICE BODY CAMERA SYSTEM

Policy Analysis Statement:

Brief Description Of Proposal:

The Public Safety Commission recommends the purchase of twenty (20) body cameras under the state bid for \$28,500. The City approved twenty (20) body cameras in the capital budget but only allocated \$20,100. The 2016 Capital Budget includes \$25,000 for security glass in the police department. The actually cost was \$14,317.60. Staff recommends the transfer of \$8,400 from this budget to cover the purchase.

Current Policy Or Practice:

In the approved 2016 capital budget.

Impact Of Adopting Proposal:

Purchase of 20 body cameras.

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:

Budget Amendment No. _____				No Budget Amendment Required <input checked="" type="checkbox"/> _____				
Account Number				Account Name	Budget Prior to Change	Debit	Credit	Amended Budget
Fund	CC	Account	Object					
400	57	57210	856	Body Cameras	20,100	8,400		28,500
400	57	57260	840	Security Glass	25,000		8,400	16,600
				Totals		8,400	8,400	

Prepared By:

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

Date 8/12/16
Date:

**Resolution No. 16-8-2112
Monona Common Council**

**A RESOLUTION AMENDING THE 2016 CAPITAL BUDGET TO PURCHASE
POLICE BODY CAMERAS**

WHEREAS, the 2016 Capital Budget includes \$20,100 to purchase body cameras for the Monona Police Department; and,

WHEREAS, the department has been waiting for Panasonic to release their Arbitrator model body camera for almost two years; and

WHEREAS, the body cameras are now available, but pricing exceeds the amount allocated in the current budget; and

WHEREAS, the 2016 Capital Budget includes \$25,000 to provide Security Glass updates to the dispatch center, and the cost to complete this work totals \$14,317.60; and,

WHEREAS, the Chief of Police is requesting the 2016 Capital Budget be amended to reallocate \$8,400 from the Dispatch Security Glass account to the Law Enforcement Portable Body Camera account to allow the purchase of all the necessary body camera equipment; and,

WHEREAS, the Public Safety Committee discussed this topic at its August 10, 2016 meeting and is recommending the 2016 Capital Budget be amended to reallocate \$8,400 to allow the purchase of all the necessary body camera equipment.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Monona, Dane County, Wisconsin, hereby authorizes amending the 2016 Capital Budget to reallocate \$8,400 to the 2016 Law Enforcement Body Camera account to complete the purchase of body cameras.

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 – 8/10/16

Council Action:

Date Introduced: 8-15-16

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>16-8-2111 & 16-8-2112</u>
		Ordinance Amendment No. _____

Title: POLICE BODY CAMERA SYSTEM

Policy Analysis Statement:

Brief Description Of Proposal:

The Public Safety Commission recommends the purchase of twenty (20) body cameras under the state bid for \$28,500. The City approved twenty (20) body cameras in the capital budget but only allocated \$20,100. The 2016 Capital Budget includes \$25,000 for security glass in the police department. The actually cost was \$14,317.60. Staff recommends the transfer of \$8,400 from this budget to cover the purchase.

Current Policy Or Practice:

In the approved 2016 capital budget.

Impact Of Adopting Proposal:

Purchase of 20 body cameras.

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:

Budget Amendment No. _____				No Budget Amendment Required <input checked="" type="checkbox"/> _____				
Account Number				Account Name	Budget Prior to Change	Debit	Credit	Amended Budget
Fund	CC	Account	Object					
400	57	57210	856	Body Cameras	20,100	8,400		28,500
400	57	57260	840	Security Glass	25,000		8,400	16,600
				Totals		8,400	8,400	

Prepared By:

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

Date 8/12/16
Date:

**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 No. 16-8-2113
Monona Common Council**

**ACCEPTING A DONATION FOR AND APPROVING THE PURCHASE AND
INSTALLATION OF PLAYGROUND EQUIPMENT AT SCHLUTER PARK**

WHEREAS, the 2016 Capital Budget includes \$20,000 to replace playground equipment and make improvements to Schluter Park; and,

WHEREAS, Monona resident Anne Wellman has requested to make a matching donation of \$20,000 to for a total of \$40,000 of playground equipment; and,

WHEREAS, Lee Recreation provided a playground plan that was favored by Ms. Wellman and city staff; and,

WHEREAS, the Parks & Recreation Board reviewed the proposals and discussed options at their August 9, 2016 meeting and has recommended that the award for installation of equipment and surfacing go to Lee Recreation.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Monona, Dane County, Wisconsin, that a \$20,000 donation from Anne Wellman for Schluter Park playground equipment is hereby accepted, and Lee Recreation is hereby awarded the bid for the purchase and installation of said playground equipment in an amount not to exceed \$40,000.

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: Parks & Recreation Board – 8/9/16

Council Action:

Date Introduced: 8-15-16

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>16-8-2113</u>
		Ordinance Amendment No. _____

Title: 2016 Schluter Park Playground Replacement

Policy Analysis Statement:

Brief Description Of Proposal:

The City of Monona issued an RFP for playground equipment, installation, and supply and installation of protective fall surfacing and border timbers not to exceed \$30,000. Four (4) proposals were received. Monona resident Anne Wellman has agreed to match the \$20,000 allocated to Schluter Park Playground Equipment as long as \$40,000 is spent on equipment that most closely match the design efforts from Lee Recreation. After staff and donor input, the Parks & Recreation Board recommended the proposal from Lee Recreation not to exceed \$40,000.

Parks & Recreation Director Jake Anderson notes that playgrounds at Arrowhead, Oneida, and Maywood Parks are from Lee Recreation. Lee Recreation is a qualified and reputable dealer of playground equipment, and their proposal most closely matched the requirements in the RFP and provided the best play value.

Current Policy Or Practice:

\$20,000 was in the capital budget for this project. The additional \$20,000 would be in the form of a financial donation from Anne Wellman.

Impact Of Adopting Proposal:

Playground installation would be scheduled for the end of September.

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:

Budget Amendment No. _____				No Budget Amendment Required _____				
Account Number				Account Name	Budget Prior to Change	Debit	Credit	Amended Budget
Fund	CC	Account	Object					
400	57	57620	849	Schluter Park	578,900	20,000		598,900
400	48	48500	000	Donations	0		20,000	20,000
Totals								

Prepared By:

Department: Parks & Recreation Prepared By: Jake Anderson, Parks & Recreation Director Reviewed By: Marc Houtakker	Date: 8/10/16 Date: 8/12/16
---	--



809 Bluebird Pass
Cambridge, WI 53523
Phone: 800-775-8937
Fax: 608-423-7655
Email: lane@leerecreation.com

QUOTATION

DATE: Aug. 10, 2016
TO: Jake Anderson
City of Monona Parks
1011 Nichols Rd.
Monona, WI 53716
FROM: Lana Lee
RE: Schluter Beach Park – Playground Proposal

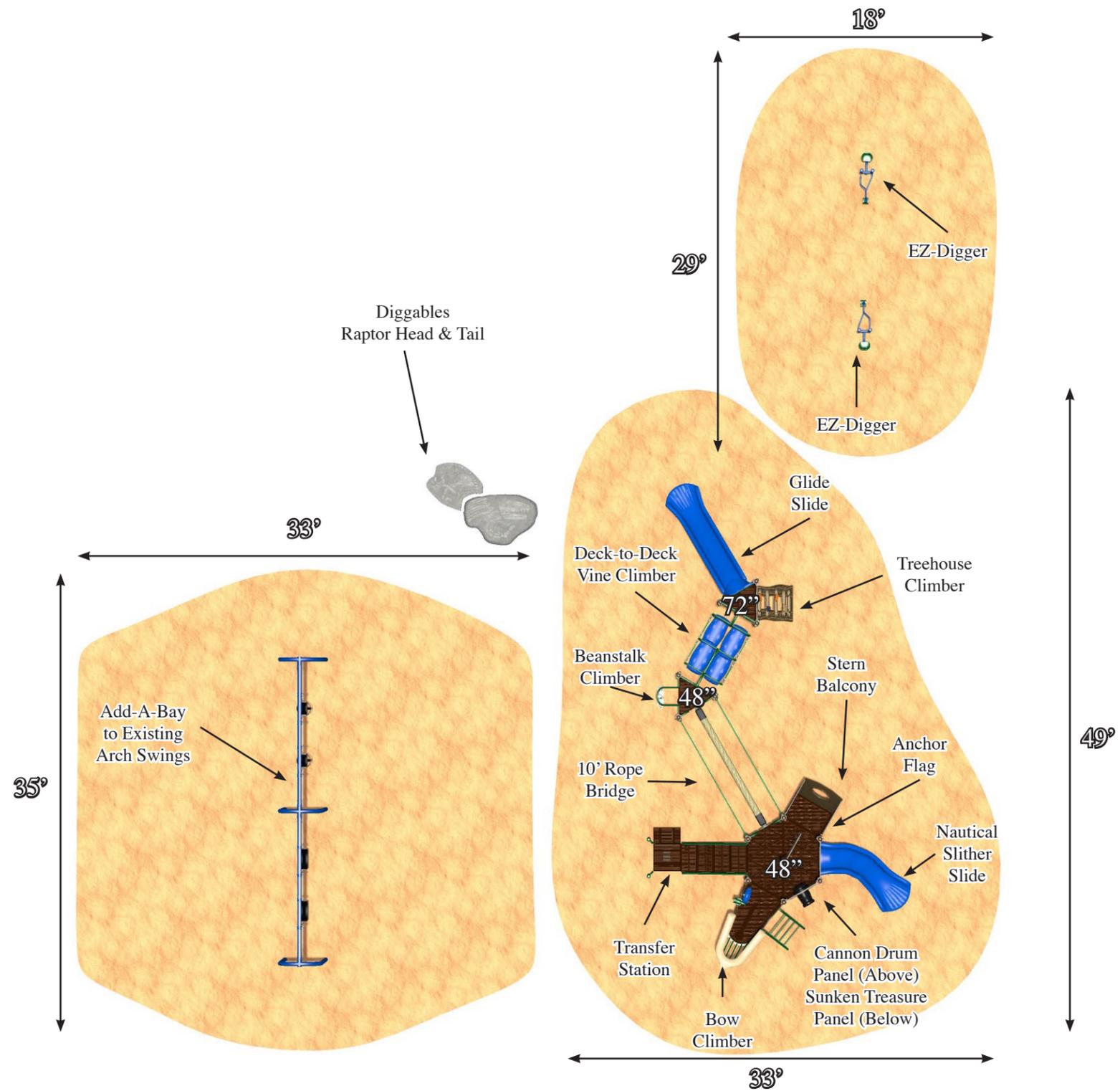
1-#PW080916	Challengers™ Modular Playstructure	\$27,730.00
	Structure Includes:	
	DECKS: 2-Triangle, 2 – ½ Hex	
	SLIDES: Glide Slide @ 72" Ht., Slither Slide @ 48" Ht.	
	CLIMBERS: Transfer Station, Tree House Climber, Deck-to-Deck Vine Climber, Beanstalk Climber, Nautical Bow with Steel Climber	
	ACTIVITY PANELS: Cannon Panel, Sunken Treasure Hunt, Nautical Stern Balcony	
	BRIDGE: 10' Rope Bridge	
	ROOFS/ARCHES: Nautical Anchor Flag	
1-#ZZXX0059	Raptor Rock Head	\$ 646.00
1-#ZZXX0060	Raptor Rock Tail	\$ 646.00
1-#ARCHSW	2-Bay Arched Swing Unit Includes 2 swing bays with 2 Belt Seats, 2 Tot Seats	\$ 1,065.00
2-#ZZXX0416	EZ Sand Diggers	\$ 1,330.00
	Subtotal Equipment	\$31,417.00
	Assembly/Installation	\$ 5,800.00
	TOTAL	\$37,217.00

Quote accepted by: _____ Date: _____

-
- TERMS: Net 30
 - Site Preparation, Resilient Surfacing is the responsibility of the Monona Parks Dept.
 - Lead-Time: 4 – 5 Weeks Upon Receipt of Order
 - Quote effective: Until 12-30-16

SCHLUTER BEACH PARK

MONONA, WI



(800) 775-8937 Main
 (608) 423-7655 Fax
 809 Bluebird Pass
 Cambridge, WI 53523
 info@leerecreation.com
 www.leerecreation.com

PROVIDING FUN ACROSS WISCONSIN SINCE 1995

Complies With:

- ASTM F1487-01
- ASTM F1487-98
- CPSC #325
- ADA-ADAAG

Design Number: PW080916

Use Zone:

of Users: 59

of Active Play Events: 21

Age Range: 2 to 5 and 5 to 12

Colors Shown:



SCHLUTER BEACH PARK

MONONA, WI

LR
LEE
RECREATION, LLC
(800) 775-8937 Main
(608) 423-7655 Fax
809 Bluebird Pass
Cambridge, WI 53523
info@leerecreation.com
www.leerecreation.com
PROVIDING FUN ACROSS WISCONSIN SINCE 1995



PART I, ADMINISTRATIVE LEGISLATION



Ch. 1, General Provisions

Art. I, Construction and Penalties

Title 1, Ch. 1, §§ 1-1-2, 1-1-3, 1-1-5, 1-1-7 and 1-1-8, of the 1994 Code

- A. In § 1-1M the wording "the Wisconsin Statutes for the year 1991-92" could be revised to read "the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time." See § 1-1N for similar wording.

Decision:

- Revise as indicated.
- Revise as follows: _____

- B. Section 1-4A, General penalty.

- (1) This section establishes a general penalty for violations of the Code, where no other penalty is provided, as follows: for a first offense, a forfeiture of not less than \$50 nor more than \$1,000; for a second offense within one year, a forfeiture of not less than \$100 nor more than \$2,000. Is this penalty still satisfactory?

Decision:

- Revise as follows: _____
- Retain as written. (bc)

- (2) Many municipalities also provide for a term of imprisonment on default of payment of the forfeiture and costs. The following is typical wording:

First offense-penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

Second and subsequent offenses-penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$100 nor more than \$2,000 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.

- We will update all references in the Code to “Section 7-15-1” to “the City’s fee schedule.” We have confirmed that any such reference has a corresponding fee in the schedule, unless otherwise noted in the comments below.

Statutory References

As part of our review of the Manuscript, all references to the Wisconsin Statutes and Wisconsin Administrative Code were checked and, where necessary, updated. Where a section has been repealed or where we were unable to determine the current reference a question has been included in the specific comments which follow.

ignore

Decision:

- Add underlined wording as set forth above. (PL)
- Revise as follows: (revisions are attached separately).
- Make no change.

(3) Section 1-4D(1) refers to the Forfeiture and Deposit Schedule. We have excluded the schedule from the Code and will revise the wording to read "Any person who shall violate any of the ordinances listed in the below Forfeiture and Deposit Schedule ~~established by the Municipal Court~~ shall pay the forfeiture listed, in addition to costs and surcharges. The deposit amount for the ordinances listed in the below Forfeiture and Deposit Schedule shall be the same as the forfeiture amount."

Fee, *Fee,* *Fee,*
approved by the City Council

Decision:

- Approve above revision. with edits
- Other: _____

Art. II, Adoption of Code

New

In conjunction with the publication of the new Code, we will provide the City with an ordinance to adopt the Code. This article is reserved for the inclusion of that ordinance following its adoption.



Ch. 7, Administrative Review

Delete chapter. Replace with "the provisions of Chapter 68 of the Wisconsin Statutes are hereby adopted and incorporated herein."

Title 4, Ch. 1, of the 1994 Code

- A. In § 7-3D we recommend the following revision: "The grant, denial, suspension or revocation of an alcohol beverage license under § 125.12(1), Wis. Stats." See § 68.03(5), Wis. Stats. If this change is made we will also change "a fermented malt beverage or intoxicating liquor license" in § 7-2A to "an alcohol beverage license" for the sake of consistency. See § 68.02(1), Wis. Stats.

Decision:

- Revise as indicated.
- Retain as written.

- B. The definition of "municipal authority" in § 7-4 could be revised as follows for consistency with § 7-1: "Includes the Common Council or a board, commission, committee, agency, officer, employee or agent of the City making a determination under § 7-1 . . ."

Decision:

- Revise as indicated.
- Retain as written.

- C. Section 7-5 currently reads "No department...may respond or intervene in a review proceeding under this chapter." We will make the following corrections: "A department, board, commission, agency, officer or employee of the City who or which is aggrieved may not initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the City but may respond or intervene in a review proceeding under this chapter initiated by another."
- D. In § 7-12A, "writ of certiorari" could be revised to remove "writ of." In § 68.13 (1), Wis. Stats., reference to a "writ of" certiorari has been removed because that remedy is now available in an ordinary action.

Decision:

- Revise to match statute as suggested.
- Retain as written.



Ch. 18, Boards, Commissions and Committees

Title 2, Ch. 4, of the 1994 Code

- A. Plan Commission, § 18-1. Section 18-1A provides that there shall be eight members: two Common Council Members and six citizen members. Section 62.23, Wis. Stats., states that the Plan Commission shall consist of seven members.

Decision:

- Revise as follows: _____
- Retain as written.

- B. In § 18-2, Zoning Board of Appeals.

- (1) We have updated the reference in Subsection A(1) to § 62.23(7)(e).
- (2) 2005 Act 34 established a requirement that two alternate members be appointed to the Board (previously alternate members were optional). See § 62.23(7)(e), Wis. Stats., which states:

The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd

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.

Decision:

- Updated references are correct as-is.
- Revise as follows: Add 245 UNLESS we delete 245-3

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: _____
- Retain as written.



Ch. 36, City Government

§ 2-1-1, of the 1994 Code

No changes are recommended.

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.

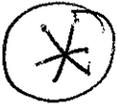
Decision:

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

Revise as follows: _____

Make no change.

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



Ch. 63, Finance and Taxation

Art. I, Finance

Title 3, Ch. 1, of the 1994 Code

- A. In § 63-8A we have updated the reference to § 66.042, Wis. Stats., to § 66.0607, Wis. Stats.
- B. In §§ 63-8H and 63-9 we have updated the reference to § 66.04(2), Wis. Stats., to § 66.0603(1m), Wis. Stats.
- C. Regarding the internal subsection references in § 63-18: certain references in Subsections F through J of this section seem possibly off by one subsection. Some of the references are to the subsection they are *in*, which are obviously incorrect. We have updated the references as seems appropriate, but please review the subsection references in Subsections F through J and confirm that they are correct.

Decision:

- Internal subsection references are correct as they appear. *muh*
- Revise as follows: _____

[Handwritten signature]

(1) We were unsure about the subsection references in Subsection G, which reads as follows:

G. In the event of a request for hearing, the City Clerk shall set the date and time for hearing upon receiving a written request under Subsection F.

Decision:

- Revise "under Subsection F or G" to: "under Subsection F." *muh*
- Other: _____

D. Section 63-18A and H refer to § 66.60(16), Wis. Stats., which subsection was repealed by 1999 Act 150. Should this reference be updated to § 66.0627, Special charges for current services, or § 66.0703, Special assessments?

Decision:

- Revise to § 66.0703, Special assessments.
- Revise to § 66.0627, Special charges for current services.

E. Section 63-18E contains an outdated reference to the Administrative Code, §§ PSC 113.132 and 113.133. Chapter PSC of the Administrative Code is titled "Service Rules for Electrical Utilities" and does not contain these sections. We were unable to determine the correct reference.

Decision:

Revise as follows: _____

Art. II, Special Assessments and Charges

Title 3, Ch. 2, of the 1994 Code

A. Section 63-20, Subsections C, D and F contain references to § 66.60, Wis. Stats., which subsection was repealed by 1999 Act 150. We have updated these references to § 66.0703, Special assessments.

(1) Section 66.0703(12) provides that an appeal of the determination shall be taken within 90 days after the date of the notice or of the publication of the final resolution. Should Subsection F be revised to change "40 days" to "90 days"?

Decision:

Change "40 days" to "90 days." *wh*

Revise as follows: _____

Make no change.

B. In § 63-21C, we have made the following updates:

"This section is adopted pursuant to ~~Sec. 66.62~~ § 66.0701, Wis. Stats. Except as provided above, the provisions of ~~Sec. 66.60~~ § 66.0703, Wis. Stats., including provisions regarding notice and hearing, shall apply to special assessments levied against multi-parcel developments in the City."

Art. III, Hotel-Motel Room Tax

Title 3, Ch. 5, of the 1994 Code

A. The definition of "gross receipts" in § 63-22 references the definition in § 77.51(4), Wis. Stats. That subsection was repealed by 2009 Act 2. Section 77.51 no longer contains a definition of "gross receipts."

Decision:

Delete definition of "gross receipts."

Revise as follows: _____

B. In § 63-23 we have updated the reference to § 66.75, Wis. Stats., to § 66.0615, Wis. Stats.

C. Section 63-23 states "Effective January 1, 1998, 30% or a maximum of \$35,000 of such tax shall be appropriated to the Monona Community Development Authority for purposes of

↳ For attorney review

City of Monona, WI

promoting economic developments.” This provision should be reviewed in accordance with 2015 Act 55 (state budget act) which amended § 66.0615 to delete wording allowing the tax to be spent directly by the municipality for tourism promotion; the tax now must be forwarded to a commission created under the statute or, if the municipality has not created a commission, to a tourism entity. The definition of "tourism entity" was also changed, and a new annual reporting requirement for municipalities (to the Department of Revenue) was imposed starting in 2017.

Decision:

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

D. Section 63-28 reads in part "...who fails to obtain a permit as required in Section 3-5-4(b) or (c)..." There are no subsections in original Section 3-5-4, which is now § 63-25. Although there are no subsections, § 63-25 does mention permits.

Decision:

- Update the reference to § 63-25.
- Update the reference as follows: _____

stop

Art. IV, Licenses

Title 7, Ch. 12, of the 1994 Code

Note that there are several references to an original but absent "Subsection (d)" in this article. We've updated these references based on subject matter to original Subsection (c), which is now § 63-31. Please confirm.

Decision:

- Retain as written.
- Revise as follows: _____

Ch. 70, Fire Department

Title 5, Ch. 2, of the 1994 Code

Provided that it reflects the current organization and procedures of the Fire Department, this chapter appears satisfactory as written.

Decision:

Retain as written.

Revise as follows: _____



Ch. 79, Grievance Procedures

Art. I, Access to Public Buildings, Services and Employment

Title 15, Ch. 5, of the 1994 Code

The City may want to review this article to ensure that it conforms to current City procedures for compliance with the Americans with Disabilities Act. We note, for example, that § 79-1 states that an ADA Coordinator has been appointed and an ADA Compliance Committee has been established. We do not find that committee among those listed on the City's website.

Decision:

Revise as follows: (attach revisions separately)

Retain as written.

Replace chapter with separate policy.



Ch. 94, Mayor and Common Council

Title 2, Ch. 2, of the 1994 Code

In § 94-2C we updated the reference to § 66.196, Wis. Stats., to § 66.0505, Wis. Stats. In § 94-3E we updated the reference to § 66.325, Wis. Stats., to § 323.14, Wis. Stats. Otherwise, if this chapter reflects the current procedures of the Council, no revisions are suggested.

Decision:

Revise as follows: (attach revisions separately)

Retain as written.

see chapter



Ch. 103, Officers and Employees

Title 2, Ch. 3, of the 1994 Code

A. Section 103-3B(2) states that the Building Inspector shall serve as the Health Commissioner in accordance with § 141.015, Wis. Stats., which section was repealed by 1993 Act 27. The City might want to review Chapter 251, Wis. Stats., Local Health Officials; and the current wording of § 62.09(1), Wis. Stats., city officers, which reads in

City of Monona, WI

part "...a local health officer, as defined in s. 250.01(5), or local board of health, as defined in s. 250.01(3),..." Note that §§ 263-9E and 296-7 of the Code refer to the "Health Officer."

Decision:

Revise as follows: *AW*

(2) Health ~~Commissioner~~ Officer. The Building Inspector shall serve as Health ~~Commissioner~~ Officer in accordance with ~~Sec. 141.015, Wis. Stats~~ as defined in § 250.01(5), Wis. Stats.

Revise as follows: _____

B. Section 103-6, Municipal Judge and Municipal Court.

(1) To conform to the wording in § 755.03, Wis. Stats., the following revision should be made in Subsection A(4): "...and a certified copy of the oath is filed with the ~~office of the State Administrator of Courts~~ office of Director of State Courts as required by Sec. 755.03, Wis. Stats."

Decision:

Revise as indicated. *AW*

Make no change.

(2) It would seem that Subsection B(1) could be revised as follows, since § 755.02 specifically pertains to the term of office of the Judge (already provided for in Subsection A) and is covered under the reference to "Chapter 755":

(1) Court established. The Municipal Court for the City of Monona is established pursuant to Sec. 755.02 and Chapter 755, Wis. Stats.

Decision:

Revise as indicated. *AW*

Retain as written.

(3) Section 800.03, Wis. Stats., was *repealed* and § 800.04, Wis. Stats., was *repealed/renumbered in part* to § 800.035 by 2009 Act 402. The City should review the current provisions of Ch. 800 Wis. Stats., and indicate how the wording/references in the following Subsection C(1) and (2) should be revised.

(1) Deposit schedule to be established. The Municipal Judge shall establish and submit to the Common Council for approval in accordance with Sec. 800.03(3), Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws except traffic regulations which are governed by Sec. 345.27, Wis. Stats., and boating violations governed by Sec. 30.77, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Monona Police Department.

(2) *Stipulation and deposit in lieu of court appearance. Persons cited for violations of City ordinances, resolution or bylaws for which a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Secs. 800.03, 800.04 and 800.09, Wis. Stats.*

Decision:

Revise as follows: (write in revisions above)

Revise as follows: (attach specific revisions separately) *in chapter 103*

C. In § 103-12B we have updated the reference to § 66.98, Wis. Stats., to § 66.0517, Wis. Stats.

D. Residency requirements.

(1) Section 103-16 requires City officials must be residents of the City. Section 66.0502, Wis. Stats., added by 2013 Act 20, prohibits the imposition of residency requirements on county or municipal employees, except that law enforcement, fire or emergency personnel (but not volunteers) may be required to live within 15 miles.

Decision:

Revise § 103-16 as follows: (write-in revisions below)

§ 103-16. Qualifications for elected officials.

No person shall be eligible for election as an official of the City of Monona unless he is a citizen of the United States and a resident of the City _____.

Retain as written. *(bc)*

(2) Section 103-18C also requires appointed officials to be City residents.

Decision:

Revise § 103-18C as follows: (attach revisions separately).

Delete § 103-18C.

Retain as written.

E. Section 103-20 states "Elected and appointed officials shall take and file the official oath within five days after notice of their election or appointment as provided in Sec. 61.21, Wis. Stats." Note that § 61.21 pertains to *villages*; § 62.09(4), which pertains to cities, states that "Every person elected or appointed to any office shall take and file the official oath within 10 days after notice of election or appointment."

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.
- Revise as follows: _____

Question - Does this section belong under Ch. 18?



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

- B. The City might want to compare § 238-1G(5) with the current wording of § 167.10(6)(e) of the statutes; see below:

(e) No person may store fireworks within 50 feet of a public assemblage or place where gasoline or volatile liquid is dispensed in quantities exceeding one gallon.

Decision:

- Change "sold" to "dispensed" in Subsection G(5).
- Revise as follows: _____
- Retain as written.

- C. Section 167.10(9)(b), Wis. Stats., provides that a person violating an ordinance adopted under § 167.10(5) shall forfeit not more than \$1,000. Should this penalty be added to this chapter?

Decision:

- Add a maximum penalty of \$1,000.
- Revise as follows: _____
- Make no change.



Ch. 245, Furnaces, Outdoor

§ 8-1-11 of the 1994 Code

This chapter regulates the use of preexisting outdoor furnaces and prohibits the installation of new outdoor furnaces. The forfeiture amounts in § 245-4 could be reviewed at this time for possible revision. [See comment under Ch. 232, Subsection H, above, regarding the model provisions.]

Decision:

- Retain as written.
- Revise as follows: violations of this section shall be subject to the general penalty set forth in section 1-4A. "

Chapter 1

GENERAL PROVISIONS

ARTICLE I Construction and Penalties

- § 1-1. Principles of Construction.
- § 1-2. Conflict of provisions.
- § 1-3. Effective date of ordinances.
- § 1-4. Penalties.

§ 1-5. City Clerk to maintain copies of documents incorporated by reference.

ARTICLE II Adoption of Code

[HISTORY: Adopted by the Common Council of the City of Monona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Construction and Penalties

[Adopted as Title 1, Ch. 1, §§ 1-1-2, 1-1-3, 1-1-5, 1-1-7 and 1-1-8, of the 1994 Code]

§ 1-1. Principles of Construction.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- A. Acts by agents. When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. City. "City" shall refer to the City of Monona, Dane County, Wisconsin.
- C. Code and Code of Ordinances. The words "Codes," "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the City of Monona unless the context of the section clearly indicates otherwise.
- D. Computation of time. In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law and any other City holiday designated by the Common Council.
- E. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- F. Gender. Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa; the masculine gender is used solely in the interest of brevity.

- G. General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
- H. Joint authority. All words purporting to give a joint authority to three or more City officers or employees shall be construed as giving such authority to a majority of such officers of other persons.
- I. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- J. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- K. Singular and plural. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one person or thing.
- L. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- M. Wisconsin statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1991-92, as amended.
- N. Wisconsin administrative code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

§ 1-2. Conflict of provisions.

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

§ 1-3. Effective date of ordinances.

- A. Code. The Code of Ordinances, City of Monona, Wisconsin, shall take effect from and after passage and publication as provided by state law.

- B. Subsequent ordinances. All Ordinances passed by the Common Council subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

§ 1-4. Penalties. [Amended 7-20-2009 by Ord. No. 07-09-596]

- A. General penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) First offense-penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000, together with the costs of prosecution.
 - (2) Second and subsequent offenses-penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$100 nor more than \$2,000 for each such offense, together with costs of prosecution.
- B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Other remedies.
- (1) The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
 - (2) Execution against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.
- D. Forfeiture and deposit schedule.
- (1) Any person who shall violate any of the ordinances listed in the below Forfeiture and Deposit Schedule shall pay the forfeiture listed, in addition to costs and surcharges. The deposit amount for the ordinances listed in the below Forfeiture and Deposit Schedule shall be the same as the forfeiture amount.
 - (2) Traffic citations and Chapter 125 violations. The deposit amounts set forth in the Revised Uniform State Traffic Deposit Schedule and adopted by the Wisconsin Judicial Conference, as may be amended, shall apply for traffic violations governed by § 345.27, Wis. Stats., boating violations governed by § 30.77, Wis. Stats., and alcohol violations governed by Chapter 125, Wis. Stats.

- (3) Unless otherwise provided for in this section or elsewhere in the Code of Ordinances, if a forfeiture for a violation is set with no penalty range then the deposit amount for that violation shall be the amount of the forfeiture, in addition to costs and surcharges. For offenses with a penalty range and a maximum forfeiture of \$100 or greater, then the deposit amount shall be \$100, in addition to costs and surcharges. For those violations that have a penalty range and a maximum forfeiture not exceeding \$100, then the deposit amount shall be the maximum forfeiture, in addition to costs and surcharges.

§ 1-5. City Clerk to maintain copies of documents incorporated by reference.

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

**ARTICLE II
Adoption of Code**

[An ordinance adopting the Code of the City of Monona and making certain substantive changes to existing ordinances of the Code is presently proposed before the Common Council. Upon final adoption, it will be included here as Article II of this chapter.]

Chapter 7

ADMINISTRATIVE REVIEW

- § 7-1. Review of administrative determinations.
- § 7-2. Determinations reviewable.
- § 7-3. Determinations not subject to review.
- § 7-4. Municipal authority defined.
- § 7-5. Persons aggrieved.
- § 7-6. Reducing determination to writing.
- § 7-7. Request for determination.
- § 7-8. Review of determination.
- § 7-9. Administrative review.
- § 7-10. Hearing of determination.
- § 7-11. Final determination.
- § 7-12. Judicial review.
- § 7-13. Legislative review.

[HISTORY: Adopted by the Common Council of the City of Monona of the 1994 Code. Amendments noted where applicable.]

Atty: City Council can deviate from the procedure set forth in Chapter 68. None of the changes here are critical. If the intent is to just follow the statute, I would recommend simply deleting the current chapter. In the absence of a local ordinance the statute automatically controls. That is preferable to passing an ordinance which mirrors the current statute, because if the statute changes we end up with a discrepancy between the two.
 Recommended: delete and add a one sentence section that simply states; "the provisions of Chapter 68 of the Wisconsin Statutes are hereby adopted and incorporated herein."

§ 7-1. Review of administrative determinations.

Any person aggrieved by an administrative determination of the Common Council or a board, commission, committee, agency, officer or employee of the City of Monona or agent acting on its behalf may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

§ 7-2. Determinations reviewable.

The following determinations are reviewable under this chapter:

- A. The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- B. The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in § 7-3D.
- C. The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- D. The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

~~E. The suspension or removal of a City officer except as provided in § 7-3B and G.~~

§ 7-3. Determinations not subject to review.

The following determinations are not reviewable under this chapter:

- A. A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Common Council.
- B. Any action subject to administrative or judicial review procedures under state statute or other provisions of this Code.
- C. The denial of a tort or contract claim for money required to be filed with the City under Sec. 62.25, Wis. Stats.
- D. The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor license under Chapter 125, Wis. Stats.
- E. Judgments and orders of a court.
- F. Determinations made during municipal labor negotiations.
- G. Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements or the City's personnel rules and regulations.

§ 7-4. Municipal authority defined.

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

MUNICIPAL AUTHORITY — Includes the Common Council, commission, committee, agency, officer, employee, or agent of the City making a determination under § 7-1 and every person, committee, or agency of the City to make an independent review under § 7-8B.

§ 7-5. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the City whose rights, duties or privileges are adversely affected by a determination of a municipal authority. ~~No department, board, commission, agency, officer or employee of the City who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the City but may respond or intervene in a review proceeding under this chapter initiated by another.~~

§ 7-6. Reducing determination to writing.

If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed, that such review may be obtained within 30 days, and the office or person to whom a request for review shall be addressed.

§ 7-7. Request for review of determination.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

§ 7-8. Review of determination.

- A. Initial determination. If a request for review is made under § 7-7, the determination to be reviewed shall be termed an initial determination.
- B. Who shall make review. A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the City, appointed by the Mayor without confirmation, shall be provided if practicable. X
- C. When to make review. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- D. Right to present evidence and argument. The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- E. Decision on review. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.

§ 7-9. Administrative appeal.

- A. From initial determination or decision on review.
- (1) If the person aggrieved had a hearing substantially in compliance with § 7-10 when the initial determination was made, he may elect to follow §§ 7-6 through 7-8, but is not entitled to a further hearing under § 7-10 unless granted by the municipal authority. He may, however, seek judicial review under § 7-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with § 7-10 when the initial determination was made, he shall follow §§ 7-6 through 7-8 and may appeal under this section from the decision made under § 7-8.

sections reversed from Wis Stats

- B. Time within which appeal may be taken under this section. Appeal from a decision on review under § 7-8 may be taken within 30 days of notice of such decision.
- C. How appeal may be taken. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

§ 7-10. Hearing on administrative appeal.

- A. Time of hearing. The City shall provide the appellant a hearing on an appeal under § 7-9 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the City Attorney and City Clerk who shall forthwith advise the Mayor of such appeal.
- B. Conduct of hearing. At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Mayor shall appoint an impartial decision maker who may be an officer, committee, board or commission of the City or the Common Council who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Mayor to conduct the hearing and report to the decision maker.
- C. Record of hearing. The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the City.
- D. Hearing on initial determination. Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

§ 7-11. Final determination.

- A. Within 20 days of completion of the hearing conducted under § 7-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- B. A determination following a hearing substantially meeting the requirements of § 7-10 or a decision on review under § 7-8 following such hearing shall be a final determination, judicial review of which may be obtained under § 7-12.

§ 7-12. Judicial review.

- A. Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- B. The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review established impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the City and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

§ 7-13. Legislative review.

- A. Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the Common Council or any of its boards, commissions, committees or agencies which may have jurisdiction.
- B. If in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the Common Council, board, commission, committee or agency shall be made part of the record on review under § 7-12.
- C. The Common Council, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under § 7-10.

CHAPTER 68

MUNICIPAL ADMINISTRATIVE PROCEDURE

- 68.001 Legislative purpose.
- 68.01 Review of administrative determinations.
- 68.02 Determinations reviewable.
- 68.03 Determinations not subject to review.
- 68.04 Municipalities included.
- 68.05 Municipal authority defined.
- 68.06 Persons aggrieved.
- 68.07 Reducing determination to writing.
- 68.08 Request for review of determination.
- 68.09 Review of determination.
- 68.10 Administrative appeal.
- 68.11 Hearing on administrative appeal.
- 68.12 Final determination.
- 68.13 Judicial review.
- 68.14 Legislative review.
- 68.15 Availability of methods of resolving disputes.
- 68.16 Election not to be governed by this chapter.

68.001 Legislative purpose. The purpose of this chapter is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by municipal authorities which involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th amendment to the U.S. constitution.

History: 1975 c. 295.

Investigatory and adjudicatory functions in administrative proceedings are discussed. *DeLuca v. Common Council*, 72 Wis. 2d 672, 242 N.W.2d 689 (1976).

68.01 Review of administrative determinations. Any person having a substantial interest which is adversely affected by an administrative determination of a governing body, board, commission, committee, agency, officer or employee of a municipality or agent acting on behalf of a municipality as set forth in s. 68.02, may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive. No department, board, commission, agency, officer or employee of a municipality who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the same municipality, but may respond or intervene in a review proceeding under this chapter initiated by another.

History: 1975 c. 295.

68.02 Determinations reviewable. The following determinations are reviewable under this chapter:

- (1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority, except an alcohol beverage license.
- (2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority, except as provided in s. 68.03 (5).

- (3) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

History: 1975 c. 295; 1981 c. 79.

68.03 Determinations not subject to review. Except as provided in s. 68.02, the following determinations are not reviewable under this chapter:

- (1) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the governing body of a municipality.
- (2) Any action subject to administrative or judicial review procedures under other statutes.
- (3) The denial of a tort or contract claim for money, required to be filed with the municipality pursuant to statutory procedures for the filing of such claims.
- (4) The suspension, removal or disciplining or nonrenewal of a contract of a municipal employee or officer.
- (5) The grant, denial, suspension or revocation of an alcohol beverage license under s. 125.12 (1).
- (6) Judgments and orders of a court.
- (7) Determinations made during municipal labor negotiations.
- (8) Any action which is subject to administrative review procedures under an ordinance providing such procedures as defined in s. 68.16.
- (9) Notwithstanding any other provision of this chapter, any action or determination of a municipal authority which does not involve the constitutionally protected right of a specific person or persons to due process in connection with the action or determination.

History: 1975 c. 295; 1981 c. 79.

68.04 Municipalities included. In this chapter, "municipality" includes any county, city, village, town, technical college district, special purpose district, or board or commission thereof, and any public or quasi-public corporation or board or commission created pursuant to statute, ordinance, or resolution, but does not include the state, a state agency, a corporation chartered by the state, or a school district as defined in s. 115.01 (3).

History: 1975 c. 295; 1993 a. 399; 2015 a. 196.

68.05 Municipal authority defined. "Municipal authority" includes every municipality and governing body, board, commission, committee, agency, officer, employee, or agent thereof making a determination under s. 68.01, and every person, committee or agency of a municipality appointed to make an independent review under s. 68.09 (2).

History: 1975 c. 295.

68.06 Persons aggrieved. A person aggrieved includes any individual, partnership, limited liability company, corporation, association, public or private organization, officer, department, board, commission or agency of the municipality, whose rights, duties or privileges are adversely affected by a determination of a municipal authority.

History: 1975 c. 295; 1993 a. 112.

68.07 Reducing determination to writing. If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of the right to have such determination reviewed, the time within which such review may be obtained, and the office or person to whom a request for review shall be addressed.

History: 1975 c. 295, 421.

68.08 Request for review of determination. Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

History: 1975 c. 295.

68.09 Review of determination.

- (1) INITIAL DETERMINATION. If a request for review is made under s. 68.08, the determination to be reviewed shall be termed an initial determination.
- (2) WHO SHALL MAKE REVIEW. A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such initial determination by another person, committee or agency of the municipality may be provided by the municipality.
- (3) WHEN TO MAKE REVIEW. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- (4) RIGHT TO PRESENT EVIDENCE AND ARGUMENT. The person aggrieved may file with the request for review or within the time agreed with the municipal authority written evidence and argument in support of the person's position with respect to the initial determination.
- (5) DECISION ON REVIEW. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

History: 1975 c. 295, 421.

68.10 Administrative appeal.

- (1) FROM INITIAL DETERMINATION OR DECISION ON REVIEW.
 - (a) If the person aggrieved did not have a hearing substantially in compliance with s. 68.11 when the initial determination was made, the person may appeal under this section from the decision on review and shall follow the procedures set forth in ss. 68.08 and 68.09.
 - (b) If the person aggrieved had a hearing substantially in compliance with s. 68.11 when the initial determination was made, the person may elect to follow the procedures provided in ss. 68.08 and 68.09, but is not entitled to appeal under this section unless granted by the municipal authority. The person may, however, seek review under s. 68.13. *Judicial Review (Section)*
- (2) TIME WITHIN WHICH APPEAL MAY BE TAKEN UNDER THIS SECTION. Appeal from a decision on review under s. 68.09 shall be taken within 30 days of notice of such decision.
- (3) HOW APPEAL MAY BE TAKEN. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.

History: 1975 c. 295, 421.

68.11 Hearing on administrative appeal.

- (1) TIME OF HEARING. The municipality shall provide the appellant a hearing on an appeal under s. 68.10 within 15 days of receipt of the notice of appeal filed or mailed under s. 68.10 and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing.
- (2) CONDUCT OF HEARING. At the hearing, the appellant and the municipal authority may be represented by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The municipality shall provide an impartial decision maker, who may

be an officer, committee, board, commission or the governing body who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. An appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in s. 805.07 (4) and must be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the decision maker. The hearing may, however, be conducted by an impartial person, committee, board or commission designated to conduct the hearing and report to the decision maker.

- (3) **RECORD OF HEARING.** The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the municipality.

History: 1975 c. 295; 1989 a. 139.

The review of a city council decision by an administrative review appeals board that included the mayor did not violate the requirement of an impartial decision maker when the mayor did not participate in making or reviewing the resolution. *City News & Novelty, Inc. v. City of Waukesha*, 231 Wis. 2d 93, 604 N.W.2d 870 (Ct. App. 1999), 97-1504.

68.12 Final determination.

- (1) Within 20 days of completion of the hearing conducted under s. 68.11 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- (2) A determination following a hearing substantially meeting the requirements of s. 68.11 or a decision on review under s. 68.09 following such hearing shall also be a final determination.

History: 1975 c. 295.

68.13 Judicial review.

- (1) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.
- (2) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

History: 1975 c. 295, 421; 1981 c. 289.

Judicial Council Note, 1981: Reference in sub. (1) to a "writ" of certiorari has been removed because that remedy is now available in an ordinary action. See s. 781.01, stats., and the note thereto. [Bill 613-A]

A litigant cannot bring a claim for money damages grounded upon 42 U.S.C. s. 1983 in a certiorari proceeding under ch. 68. Failure to join an s. 1983 claim with a ch. 68 certiorari action does not preclude the claimant from bringing an s. 1983 claim. *Hanton v. Town of Milton*, 2000 WI 61, 235 Wis. 2d 597, 612 N.W.2d 44, 99-1980.

The requirement of procedural due process is met if the state provides adequate post-deprivation remedies.

Certiorari under this section is an adequate remedy. Failure to pursue certiorari under this section barred a claim that procedural due process was denied. *Thorp v. Town of Lebanon*, 2000 WI 60, 235 Wis. 2d 610, 612 N.W.2d 59, 98-2358.

This section unambiguously provides authority for the remand of an agency final order for further proceedings necessary to insure the legislative purpose set forth in s. 68.001. The circuit court had authority to remand a s. 68.12 final determination based upon a reconsideration motion that presented newly discovered recantation evidence. *M.H. v. Winnebago County Department of Health & Human Services*, 2006 WI App 66, 292 Wis. 2d 417, 714 N.W.2d 241, 05-0871.

A court should not defer to a municipality's interpretation of a statewide standard. Doing so would give one locality disproportionate authority to influence state standards established by the legislature. If the language

of the municipality's ordinance appears to be unique and does not parrot a state statute but rather the language was drafted by the municipality in an effort to address a local concern, applying a presumption of correctness, the court will defer to the municipality's interpretation if it is reasonable. *Ottman v. Town of Primrose*, 2011 WI 18, 332 Wis. 2d 3, 796 N.W.2d 411, 08-3182.

A municipality's interpretation of its own ordinance is unreasonable if it is contrary to law, if it is clearly contrary to the intent, history, or purpose of the ordinance, or if it is without a rational basis. An interpretation that directly contravenes the words of the ordinance is also unreasonable. *Ottman v. Town of Primrose*, 2011 WI 18, 332 Wis. 2d 3, 796 N.W.2d 411, 08-3182.

A certiorari court cannot order a board to perform a certain act. Thus, a court on certiorari review was without statutory authority to provide the equitable relief requested in this case. Certiorari exists to test the validity of decisions by administrative or quasi-judicial bodies. The scope of certiorari extends to questions of jurisdiction, power and authority of the inferior tribunal to do the action complained of, as well as questions relating to the irregularity of the proceedings. *Guerrero v. City of Kenosha Housing Authority*, 2011 WI App 138, 337 Wis. 2d 484, 805 N.W.2d 127, 10-2305.

68.14 Legislative review.

- (1) The seeking of a review pursuant to s. 68.10 or 68.13 does not preclude a person aggrieved from seeking relief from the governing body of the municipality or any of its boards, commissions, committees, or agencies which may have jurisdiction.
- (2) If in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the governing body, board, commission, committee or agency shall be made part of the record on review under s. 68.13.
- (3) The governing body, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under s. 68.11.

History: 1975 c. 295.

68.15 Availability of methods of resolving disputes. This chapter does not preclude any municipality and person aggrieved from employing arbitration, mediation or other methods of resolving disputes, and does not supersede contractual provisions for that purpose.

History: 1975 c. 295.

68.16 Election not to be governed by this chapter. The governing body of any municipality may elect not to be governed by this chapter in whole or in part by an ordinance or resolution which provides procedures for administrative review of municipal determinations.

History: 1975 c. 295.

In order for a municipality to elect not to be governed by a particular section of ch. 68, the municipality must enact an ordinance that shows that it chooses to opt out of the particular section. *Tee & Bee, Inc. v. City of West Allis*, 214 Wis. 2d 194, 571 N.W.2d 438 (Ct. App. 1997), 96-2143.

Menu » Statutes Related » Statutes » Chapter 68

SUMMARY OF COMMITTEE / COMMISSION / BOARD MEMBERSHIP

Committee	Current Total #	City Council Members* (if Changes)	Proposed # (if Changes)	Chair votes?	Other Changes / Notes
Plan Commission	8	2; 1 must be chair		NO	Wis. Stats. Requires 7 members
Zoning Board of Appeals.	5	1; must be chair		YES	Must appoint two alternates; Wis. Stats.
Board of Review	5	1 may be appointed		NO	Must appoint two alternates; May appoint one employee. Wis. Stats.
Transit Commission	7	2 + Mayor /designee		YES	City Council member must share chairmanship
Senior Citizens Commission.	7	1 may be appointed		YES	
Library Board	7	1 may be appointed		YES	1 member must represent School District
Public Safety Commission	9	2; 1 must be chair		YES	Change to Committee to avoid confusion with Police and Fire Commission. Must include 1 member of Police and Fire Commission
Landmarks Commission.	5	1 may be appointed	7	YES	Increase during codification
Police and Fire Commission					
Community Media Committee	10	1; must be chair		DOES NOT SAY	1 member must represent School District
Community Development Authority	7	2		DOES NOT SAY	As stated in Wis. Stats. 66.1335(2). All must be residents.
Park and Recreation Board	9	2; 1 must be chair		DOES NOT SAY	
License Review Committee	5	1		YES	City Council member must be chair
Finance and Personnel Committee	3	3; Mayor is chair		YES	

SUMMARY OF COMMITTEE / COMMISSION / BOARD MEMBERSHIP

Committee	Current Total #	City Council Members*	Proposed # (if Changes)	Chair votes?	Other Changes / Notes
Public Works Committee	9	2	7	NO	As members leave
Distinguished Service Award	5	0		YES	Includes most recent former Mayor who is willing to serve
Committee on Sustainability	12	2; 1 must be chair	10	DOES NOT SAY	Decrease ASAP; quorum issues.
Facilities Committee	8	1; must be chair		NO	Includes one staff member and six members with industry experience.
<i>* Included in the total</i>					

Commissions FAQ 1

What is the difference between a committee and a commission or a board?

The terms "board" and "commission" are synonymous and are used interchangeably to refer to independent bodies authorized by ordinance or statute to perform a particular function in local government or administer a particular municipal department. Statutory boards and commissions include the plan commission, the zoning board of appeals, the board of review, the library board, the utility commission, the park board and the police and fire commission. Some of these boards are optional while others are mandatory. Members of boards and commissions are considered municipal officers and are appointed for specific terms. The composition, method of selecting members, duties and powers of statutory boards and commissions are set forth in the statutes authorizing or mandating the creation of such bodies.

Municipalities may create other, non-statutory boards and commissions to address local concerns and issues. The size, composition, function and powers of such bodies are as set forth in the ordinances creating them.

Committees are different from boards and commissions. Committees are sub-units of municipal governing bodies. Committees are created by the governing body and typically are comprised exclusively of governing body members. The state statutes contain no provisions relating to the appointment of committees by the common council or village board.

Committees perform various functions such as: conduct investigations, review and make recommendations concerning pending legislative proposals, monitor and report on the work of various municipal departments and officers, study particular problems and recommend possible solutions, and otherwise perform detailed work which it would not be feasible for the entire governing body to accomplish or which would be too time consuming for the entire body to perform.

Committees are solely creatures of the governing body and consequently have only as much authority as delegated to them by the governing body. Typically,

committees merely recommend actions to the governing body.

Chapter 18

BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE I
Boards and Commissions

- § 18-1. Plan Commission.
- § 18-2. Zoning Board of Appeals.
- § 18-3. Board of Review.
- § 18-4. Transit Commission.
- § 18-5. Senior Citizens Commission
- § 18-6. Library Board.
- § 18-7. Public Safety ~~Commission.~~
- § 18-8. Landmarks Commission.
- § 18-9. Police and Fire Commission.
- § 18-10. Community Media Committee.
- § 18-11. Community Development Authority.
- § 18-12. Park and Recreation Board.

- § 18-14. Finance and Personnel Committee.
- § 18-15. Public Works Committee.
- § 18-16. Distinguished Service Award Committee.
- § 18-17. Committee on Sustainability.
- § 18-18. Facilities Committee.



Change to
Committee
in all
sections

ARTICLE III
Rules for Boards, Commissions and Committees

- § 18-19. Classification of Boards, Commissions and Committees.
- § 18-20. Meetings.
- § 18-21. Appointment of alternate members.
- § 18-22. Attendance standard.

ARTICLE II
Committees

- § 18-13. License Review Committee.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 2, Ch. 4, of the 1994 Code. Amendments noted where applicable.]

ARTICLE I
Boards and Commissions

§ 18-1. Plan Commission.

A. Composition. The Commission shall consist of two Common Council members, one of whom, at the discretion of the Mayor, shall chair the Commission, and six citizens, all of whom may vote. The Mayor may appoint himself or herself as one of the Common Council members, without being subject to confirmation by the Council. The Mayor, if not appointed as a full member, and City Administrator and/or their designees shall be ex officio non-voting members of the Commission. Commission members shall elect a vice-chair who shall act as chair of the meetings in the absence of the chair. If both the chair and vice-chair are absent, the members in attendance shall elect a chair to act just for that meeting. The chairperson shall not vote except in the case of a tie.

B. Appointment; term of office.

- (1) Council members. The Common Council members shall be appointed by the Mayor, subject to confirmation by the Council, during April for the duration of his current term of office on the Common Council. The term of office on the Commission shall begin ~~May 1.~~ ← on the third Tuesday of April.
- (2) Citizen members. The six citizen members shall be appointed by the Mayor, subject to confirmation by the Council, during April for terms of three years beginning ~~May 1.~~ The terms of the citizen members shall be staggered so that not more than two such regular appointments are made annually.

C. Powers. The Council may employ experts and a staff, and pay for their services, and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for the Commission by the Council, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Council. The Commission shall have the powers and perform the functions enumerated in Sec. 62.23, Wis. Stats., and as prescribed by the Common Council.

D. Master Plan. Subject to the approval of the Common Council, the Commission shall make and adopt a master plan for the physical development of the City including any areas outside of its boundaries which, in the Commission's judgment, bear relation to the development of the City. The Commission shall keep such master plan current as required by this Code of Ordinances and the master plan.

E. Zoning permits. Under the City's Zoning Code, the Commission shall hear applications for zoning permits for all districts except the single-family residence district and the two-family residence district. The Commission shall grant or deny such applications, and shall direct the Zoning Administrator to issue or refuse to issue zoning permits under the City's Zoning Code.

F. Occupancy permits. This Subsection shall apply only to those uses, structures and buildings for which the Commission has granted a zoning permit. The authority to issue an occupancy permit for a use, structure or building for which a zoning permit has already been granted shall vest in the Commission, but the Commission may delegate this authority to the Zoning Administrator. Appeals of decisions of the Zoning Administrator to issue or refuse to issue occupancy permits shall be made to the Commission.

G. Advisory Economic Development Committee. The Common Council may create an Advisory Economic Development Committee to the Plan Commission. This Advisory Committee shall consist of five members nominated by the Mayor, subject to confirmation by the Council for three years, except that of those first appointed, one shall serve for one year, two shall serve for two years and two for three years. Vacancies shall be filled for an unexpired term of members whose terms become vacant. The Committee shall:

- (1) Evaluate needs and opportunities for various types of future economic growth (industrial, office and commercial) that would be most directly beneficial to the

residents of Monona, both as sources of goods and services and as sources of employment for Monona residents.

- (2) Recommend to the Commission detailed plans for the future development of Monona Drive as a center of retail and services activity for Monona.
- (3) Recommend to the Commission detailed plans for the future development of the Broadway area, recognizing that different areas will be appropriate for different uses.
- (4) Recommend detailed plans for points of access to the planned South Beltline, as these locations will be of prime importance to Monona's long-term industrial growth.
- (5) Hold joint meetings with the City of Madison Plan Commission, or other appropriate body, to discuss areas of mutual concern.
- (6) Review and recommend to the Commission revision of the City Zoning Code.

H. Advisory environmental committee. The Common Council may create an Advisory Environmental Committee to the Plan Commission. This Advisory Committee shall consist of five members nominated by the Mayor, subject to confirmation by the Council for three years, except that of those first appointed, one shall serve for one year, two shall serve for two years and two for three years. Vacancies shall be filled for an unexpired term of members whose terms become vacant. The Committee shall:

- (1) Study issues which may affect the present and future environment in Monona and its surroundings.
- (2) Recommend to the Commission plans, programs or ordinance changes which would improve the living or working environment in Monona.
- (3) Hold joint meetings with the City of Madison Plan Commission, or other appropriate body, to discuss areas of mutual concern.
- (4) Review and recommend to the Commission revision of the City Zoning Code.

§ 18-2. Zoning Board of Appeals.

Wis. Stats. require
2

A. Creation and membership.

- (1) A Zoning Board of Appeals is hereby established with the powers, duties and qualifications as set forth in this section, and in Sec. 62.23(7)(e), Wis. Stats.
- (2) The Zoning Board of Appeals shall consist of five members appointed by the Mayor, subject to confirmation by the Council for three years, except that of those first appointed, one shall serve for one year, two shall serve for two years and two for three years. Vacancies shall be filled for the unexpired term of members whose terms become vacant. The Mayor may appoint ~~one or~~ two alternate members for 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. The members shall serve

without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing. A Council member shall be appointed as the chair, provided the appointment is concurrent with membership of the Council. The chair shall be one of the five voting members of the Board.

- B. Powers. The Zoning Board of Appeals shall have those powers prescribed in Chapter 480, Zoning, of this Code.

§ 18-3. Board of Review.

- A. Composition. The Board of Review shall consist of a Chairperson, four citizen members, and two alternates, all of whom shall be residents of the City and one of whom may be a Council member and one of whom may be employed by the City. The Chairperson shall not vote except in the case of a tie.

Change wherever there is "May 1" in this chapter to: "on the third Tuesday of April."

- B. Appointment; term of office.

- (1) Council members. If the Mayor chooses to appoint a Council member, the Mayor shall appoint the Council member for a one-year term commencing ~~May 1~~. The appointment of the Council member shall be subject to confirmation by the Council.
- (2) Citizen members. Members of the Board shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be three years beginning May 1 and shall be staggered so that not more than two such regular appointments are made annually.
- (3) Alternates. Alternates shall be appointed by the Mayor, subject to confirmation by the Council, for a term of one year, beginning ~~May 1~~. The alternate members shall be designated "first alternate" and "second alternate" by the Mayor. Alternates shall act, with full power, only when a member of the Board refuses to vote because of conflict of interest or when a member is absent.
- (4) Chair. The Mayor, subject to confirmation by the Council, shall appoint annually the Chair who shall hold office for one year and until his successor is appointed and qualifies. The term of office of the Chair, except when appointed to fill a vacancy, shall commence on ~~May 1~~ of the year of appointment. The Chair shall have all qualifications, powers and duties of a Board member, but shall not vote except to break a tie.

- C. Functions and powers.

- (1) Meetings. The Board shall meet annually at any time during the thirty-day period beginning on the second Monday in May at the City Hall. The Board, through its Clerk, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. A majority shall constitute a quorum and a majority vote of a quorum shall be required to raise or lower the Assessor's valuation of any property. Two members may hold an evidentiary hearing, but no member may vote or constitute part of a quorum for purposes of determining an assessment unless the member attended the hearing of the evidence, or received a transcript or a mechanical recording of the

hearing not less than five days prior to the meeting and read such transcript or listened to such recording, or received a copy of a summary of the hearing and all exceptions thereto not less than five days prior to the meeting at which the determination is made.

- (2) Duties. The Board shall have the functions and duties prescribed by the Wisconsin Statutes, particularly Section 70.47 thereof.
- D. Clerk. The City Clerk shall serve as Clerk of the Board. The Clerk may not vote. The Clerk shall keep an accurate record of all Board proceedings.

§ 18-4. Transit Commission.

- A. Composition. The Commission shall consist of the Mayor or his designee, and two Council members (both of whom shall share the Chairmanship of the Commission) and four citizens, all of whom may vote. The Mayor may appoint himself or herself as one of the Common Council members, without being subject to confirmation by the Council. The Mayor, if not appointed as a full member, and the City Administrator or designee shall be an ex-officio non-voting member of the Commission and the City Administrator or designee shall serve as its secretary.
- B. Appointments.
- (1) Council member. The Council members of the Commission shall be appointed by the Mayor subject to confirmation by the Council. The Council members shall serve a one-year term commencing May 1 of each year or until his successors are appointed and confirmed by the Council.
- (2) 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.
- C. Functions and powers. The Commission shall have the following functions and powers:
- (1) It shall be the general duty of the Commission to develop and recommend to the Common Council policies on the various elements of transportation and transportation facilities for the purpose of providing for the safe, efficient and economical movement of persons and goods in the City of Monona and the metropolitan area of service and recommendations for the purchase of vehicles. These elements shall be limited to the operation of mass transportation, bus and/or taxi vehicles and all matters usual or necessary to operate transportation by bus or disabled persons.
- (2) Supervise and direct the expenditure of the Transit Budget with authority:
- (a) By the Commission Chairman to authorize emergency mechanical repairs for transit equipment up to \$1,000.

- (b) By the Commission to authorize repairs for any transit equipment owned by the City up to a maximum amount of \$5,000 with the written consent of the Mayor.
 - (c) By the Commission to generally amend line items [other than those discussed in Subsection C(2)(a) and (b) above] within the Transit Budget up to \$1,000, provided no changes are made in the amount committed to regular urban service or specialized services.
- (3) On or before September 1 of each year submit a budget to the Finance and Personnel Committee to carry out existing policy of the Council with alternates for suggested changes.
 - (4) Report to the Mayor and Council within 45 days after the close of each calendar quarter upon the financial status of the regular urban bus service and specialized services.

§ 18-5. Senior Citizens Commission.

- A. Composition. The Commission shall consist of ~~seven citizens, one 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-year term commencing May 1. The appointment of the Council member shall be subject to Council confirmation.
 - (2) Citizen members. The Commission members shall be appointed by the Mayor, ~~subject to confirmation by the Council.~~ The terms shall be three years beginning May 1 and shall be staggered so that not more than two such regular appointments are made annually.
- C. Functions and powers. The Commission shall investigate the needs of senior citizens of the City, shall develop programs and services specifically to serve senior citizens, and provide public information regarding senior citizens' programs and services to the people of the City and to the Council, and shall have such other duties as prescribed by the City Council.

§ 18-6. Library Board.

- A. Composition. The Library Board shall consist of the ~~School District Administrator (or his designee) and six citizen members, one of whom shall 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 Board.
- B. Appointment; term of office.

- (1) Council member. The Mayor shall appoint the Council member for a one-year term commencing May 1. The appointment of the Council member is subject to confirmation by the Council.
- (2) Citizen members. The citizen members shall be appointed by the Mayor, subject to confirmation by the Council, for terms of three years beginning July 1. The term of citizen members shall be staggered so that not more than two such regular appointments are made annually.
- (3) School district member. The Monona Grove School District Superintendent, or his designee, shall be appointed to the Board by the Mayor, subject to confirmation by the Council, for a term of three years. The term of office on the Board shall begin July 1.

C. Functions and powers. The Board shall have the power outlined in Chapter 43, Wis. Stats.

§ 18-7. Public Safety ~~Commission~~. [Amended section change to committee in section o. 6-13-646]

- A. Composition. The Commission shall consist of two Council members, one of whom shall be Chair, six citizens, and one member of the Police and Fire Commission, all of whom may vote. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Commission. The Commission shall hear appeals pursuant to the City's Fire Code. The Commission may adopt written notes outlining the procedure for processing such appeals.
- B. Appointment; term of office.
 - (1) Council member. The Council members shall be appointed by the Mayor, subject to confirmation by the Council. The term of office on the Commission shall be for one year beginning May 1.
 - (2) Citizen members. The six citizen members shall be appointed by the Mayor, subject to confirmation by the Council. The terms of citizen members shall be three years beginning May 1 and shall be staggered so that not more than two such regular appointments are made annually.
 - (3) Police and Fire Commission member. A member of the Police and Fire Commission shall be selected for a term of one year beginning May 1 by the Police and Fire Commission, subject to confirmation by the Council.
- C. Functions and powers.
 - (1) The Commission shall be advisory to the Common Council.
 - (2) The Commission shall review and recommend ordinances affecting public safety to the Common Council.
 - (3) The Commission shall review and recommend ordinances and policies relating to the organization and operation of the Police and Fire Departments and the Emergency Medical Service units.

- (4) The Commission shall not possess the functions or the powers prescribed for a Police and Fire Commission in Secs. 62.13(3), (4)(a), (5) and (7), Wis. Stats., including but not limited to hiring, firing, disciplining, or promotion of personnel; nor shall the Commission conduct any hearing or other quasi-judicial proceeding. None of the functions and powers in this Subsection shall be construed to include the functions and powers of the Police and Fire Commission. Add: Prevention
- (5) The Commission shall hear appeals pursuant to the City's Fire Code. The Commission may adopt written notes outlining the procedure for processing such appeals.
- (6) The Commission shall establish and modify all fees and charges of the Emergency Medical Services other than the base transport fee at a minimum of once annually. Said fees shall approximate the cost incurred by the city to obtain, administer, and provide such goods and services.

§ 18-8. Landmarks Commission.

- A. Composition. The Commission shall consist of five citizens, one 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-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 years beginning May 1 and shall be staggered so that not more than two 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.

Delete #1 and #2 and replace with the following: The Landmarks Commission may designate as a landmark or landmark site any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historical, architectural or cultural significance to the city, such as historic structures or sites, after following the criteria listed in Sec. 480-20.

§ 18-9. Police and Fire Commission.

See § 112-1 of the Code of the City of Monona.

Move sec. 112-1.A. to sec. 18-9, but leave the rest of Chapter 112 as is.

§ 18-10. Community Media Committee. [Amended 10-6-2014 by Ord. No. 8-14-665]

- A. ~~Composition. The Committee shall consist of one Council member and eight citizen members and one member representing the Monona Grove School District. The Mayor and City Administrator shall be ex-officio non-voting members of the Committee.~~
- B. Appointments.
- (1) Council member. The Council member of the Committee shall be appointed by the Mayor subject to confirmation by the Council. The Council member shall serve for a one-year term commencing May 1st of each year, or until his successor is appointed by the Mayor and confirmed by the Council. ~~The Council member shall serve as chair of the Committee.~~
 - (2) Citizen members. The eight citizen members shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be for three years beginning May 1st and shall be staggered so that not more than two such appointments are made annually.
 - (3) Monona grove school district member. The Monona Grove School District Superintendent, or his designee, shall be appointed to the Committee by the Mayor, subject to confirmation by the Council, for a term of three years beginning May 1st.
- C. Duties and responsibilities. The Community Media Committee is established to advise and assist the Media Coordinator in the carrying out of his/her duties. The Committee shall perform the responsibilities and duties assigned by the Common Council, including but not limited to:
- (1) Coordinate with the Administrator to assure the general health of broadband telecommunication, radio, and other media outlets in the community.
 - (2) Monitor and review programming provided over the BTN and radio and to make recommendations to users especially with respect to public access and/or local origination programming.
 - (3) Recommending the purchase of equipment to upgrade the City BTN and radio.
 - (4) Promoting the use of the citizen access channel over the BTN, radio, and other media outlets and related programming.
 - (5) Form sub-committees as needed.

§ 18-11. Community Development Authority.

- A. Creation and composition. There is hereby created a Community Development Authority for the City with membership as provided in Sec. 66.1335(2), Wis. Stats.
- B. Appointment; term of office. The members of the Authority shall be appointed by the Mayor as provided in Sec. 66.1335, Wis. Stats.

- C. Functions and powers. The Authority shall have all of the functions and powers set forth in Sec. 66.1335(4), Wis. Stats., except that the Authority shall not have or exercise the powers of the City Plan Commission under 62.23 Wis. Stats.
- D. Authority to report to council. The Authority shall make monthly and annual reports to the Council on the actual and contemplated activities of the Authority.

§ 18-12. Park and Recreation Board.

- A. Composition. The Park and Recreation Board shall consist of ~~two Council members and seven citizen members~~. The Mayor and City Administrator shall be ex-officio non-voting members of the Board.
- B. Appointments.
 - (1) Council members. The Council members of the Board shall be appointed by the Mayor subject to confirmation by the Council. The Council members shall serve for a one-year term commencing May 1st of each year, or until their successors are appointed and confirmed by the Council. ~~One of the Council members shall be designated by the Mayor to serve as Chair of the Board.~~
 - (2) Citizen members. The seven citizen members shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be three years beginning May 1st and shall be staggered so that not more than two such appointments are made annually.
- C. Duties and responsibilities. The Board shall have the following duties and responsibilities which shall be advisory except as otherwise provided:
 - (1) To review and recommend to the Council policies necessary for the governance of the City parks and recreation facilities and programs which shall take into consideration, and attempt to provide for, the social, physical and cultural well being of the citizens of the City.
 - (2) To review and recommend to the Finance Committee all budgetary, revenue and expenditure proposals relating to park and recreation facilities and programs.
 - (3) To review and recommend to the Community Recreation Director rules and regulations necessary for the effective management of the City parks and recreation facilities and programs.
 - (4) To perform such duties and have such responsibilities as the Council shall from time to time, by ordinance, resolution, or by law, direct.
 - (5) The Park and Recreation Board shall be designated as the official tree governing committee to review and make recommendations regarding tree planting, maintenance, removal, landscaping and enforcement.

ARTICLE II
Committees

§ 18-13. License Review Committee.

- A. Composition. The Committee shall consist of ~~one Council member, and four citizens, all of whom may vote.~~ The Mayor, City Administrator, and City Clerk or their designees, shall be an ex-officio non-voting members of the Committee.
- B. Appointment; term of office.
- (1) Council members. The Council member shall be appointed by the Mayor, subject to confirmation by the Council, for a one-year term beginning May 1.
 - (2) Citizen members. The citizen members shall be appointed by the Mayor, subject to confirmation by the Council, for terms of two years beginning May 1. The terms of the citizen members shall be staggered so that not more than two such appointments are made annually. Initial members may be appointed to one-year terms if necessary to accomplish the staggered terms.
- C. Functions and powers. The Committee has the responsibility and duty to review and examine all applications for the granting of all fermented malt beverage licenses, and intoxicating liquor licenses, to receive all recommendations relating thereto from Staff, and to review and make recommendations as to the subsequent granting of all such licenses by the Council. The Committee shall also review and examine all applications for licenses or permits required in Chapters 63, Art. IV, 145, 159, 191, 198, 238, 272, Art. I, 296, 303, 328, 395, Art II, 404 and 457 of this Code, except where the City Clerk is specifically empowered to issue such license or permit without review and has done so. All other license or permit applications shall be reviewed by the Committee and the Committee shall recommend issuance or denial to the Council. The Committee shall also review the City's policies and procedures regarding licensing and make recommendations regarding amendment of those policies and procedures to the Council.

§ 18-14. Finance and Personnel Committee.

- A. Composition. The Committee shall consist of the ~~Mayor, who shall be the Chairperson, and two Council members, all of whom may vote.~~ The City Administrator, or his designee, shall be ex-officio, non-voting members of the Committee. "his/her"?
- B. Appointment; term of office. The members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The members shall serve one-year terms commencing May 1 of each year.
- C. Functions and powers. The Committee shall have the following functions and powers:
- (1) To review the audit procedures of the City and to supervise implementation of recommendations made by the City's auditors.
 - (2) To investigate various options for borrowing funds for capital and outlay expenditures.

and "to review and recommend"

- (3) To recommend appropriate depositories for City funds.
- (4) To review claims against the City, whether budgeted or unbudgeted.
- (5) To review the City's accounting procedures.
- (6) At its option, to review all ordinances and resolutions having a fiscal impact on the City.
- (7) To receive and review the executive budget from the Mayor and City Administrator, and to receive comments from the public and advisory boards, commissions, and committees on the contents of the budget, and to propose a legislative budget to the Council.
- (8) To review recommendations for revenue generation by the City, including investment of City funds.
- (9) To review all franchises granted by the City.
- (10) To review any intergovernmental contracts entered into by the City.
- (11) To review all personnel matters, including establishment of wage and salary schedules for management and unclassified employees. Such matters as may be under the exclusive jurisdiction of the Police and Fire Commission are excluded from this review.
- (12) To review all labor contracts and labor relations policies of the City.

§ 18-15. Public Works Committee.

- A. Election to dispense with Board of Public Works. The City hereby elects not to be governed by the provisions of Sec. 62.14, Wis. Stats., relating to a Board of Public Works. The City hereby vests all authority and power of the Board of Public Works in the Public Works Committee. The Chairperson of the Committee shall not vote except to break a tie.
- B. Composition. The Committee shall consist of two Council members and seven citizen members. The Mayor, City Administrator and City Engineer shall be ex-officio non-voting members of the Committee.
- C. 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-year term commencing May 1 of each year, or until their successors are appointed and confirmed by the Council. One of the Council members shall be designated by the Mayor to serve as Chairperson of the Committee.
 - (2) Citizen members. The seven citizen members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the first citizen

Committee members shall be staggered so that three are appointed for one-year terms, two are appointed for two-year terms, and two are appointed for three-year terms. Thereafter each citizen Committee member shall be appointed for a two-year term commencing May 1 of the year of appointment and they shall serve until their successors are appointed and confirmed by the Council.

D. Powers and duties. The Committee shall have the following powers and duties:

- (1) Powers and duties of the Public Works Committee. The Committee shall have all of the powers and duties of the Board of Public Works as set forth in Sec. 62.14, Wis. Stats., including, but not limited to, control of construction and maintenance of streets, alleys, sidewalks, gutters, storm sewers and other public works projects.
- (2) Recommendations on transportation issues. To review and make recommendations to the Council on all transportation related topics including, but not limited to, bus service, taxis, bicycles and all forms of public and/or mass transit service.
- (3) Review of Official Map. To review and make recommendations to the Council regarding amendments or other revisions of the Official Map of the City, including street names and installation of traffic control signs and devices.
- (4) Management of utilities. The review and report to the Council on the general operation of all municipal utilities.¹

§ 18-16. Distinguished Service Award Committee. [Added 2-1-2010 by Ord. No. 1-10-610; 1-21-2014 by Ord. No. 1-14-655; 4-8-2014 by Ord. No. 3-15-670]

A. Composition. The Committee shall consist of the most recent former Mayor who is willing and able to serve and four citizens, all of whom may vote. The City Clerk or his/her designee shall be an exofficio non-voting member of the Committee.

his or
"his/her"?

B. Appointment; term of office.

- (1) Citizen members. The citizen members shall be appointed by the Mayor, subject to confirmation by the Council, for terms of three years beginning May 1. The terms of the citizen members shall be staggered so that not more than two such appointments are made annually. Initial members may be appointed to one-year terms if necessary to accomplish the staggered terms.

C. Functions and powers. The Committee has the responsibility to review volunteer citizen length and breadth of service to the community. Awards are considered for all citizen volunteers with at least 10 years of cumulative service. Recommendations for the award for three individuals are considered at an annual meeting to be held no later than 60 days prior to the award event. Distinguished Service Awards are presented at the City's annual Appreciation Event and consists of a lapel pin specially designed for this purpose and a Certificate of Appreciation. The Committee also makes recommendations for the Mayoral Award.

1. Editor's Note: Former Sec. 2-4-23, which immediately followed this subsection, was repealed 8-4-2014 by Ord. No. 8-14-663.

§ 18-17. Committee on Sustainability. [Added 09-20-2010 by Ord. No. 8-10-616]

- A. ~~Composition. The Committee on Sustainability shall consist of two Council members and 10 citizen members.~~ The Mayor and City Administrator 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-year term commencing May 1 of each year, or until their successors are appointed and confirmed by the Council. ~~One of the Council members shall be designated by the Mayor to serve as Chairperson of the Committee.~~
 - (2) Citizen members. The 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 years beginning May 1st and shall be staggered so that not more than three 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.

§ 18-18. Facilities Committee. [Added 12-03-2012 by Ord. No. 11-12-640]

- A. ~~Composition. The Facilities Committee shall consist of one Council member, one staff member, and six citizen members, consisting of members with experience in HVAC, electrical, plumbing, construction, architecture, civil, or landscape work. The Council member shall serve as chair and shall not vote except in the event of a tie breaker.~~ The Mayor and City Administrator shall be ex-officio non-voting members of the Committee.
- B. Appointments.
- (1) Council member. The Council member of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The Council member shall serve for a one-year term commencing May 1 of each year, or until his/her successor is appointed and confirmed by the Council.
 - (2) Citizen members. The six 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 years, beginning May 1 and staggered each year.

C. Duties and responsibilities. The Committee shall have the following duties and responsibilities which shall be advisory except as otherwise provided:

- (1) To provide direction and support, from inception to completion, to all City committees and departments involved in facility-related projects.
- (2) To use design and construction experience to assist in the completion of the final design and budget.
- (3) To monitor projects through bidding, construction, project closeout, and assist with one-year punch if requested.
- (4) To review projects for energy efficiency.
- (5) To ensure that each project follows the "Facility Development Process"
- (6) To assist in the creation of a preventive maintenance program and maintenance cost control.

add: , which is a list of procedures approved by the committee.

ARTICLE III
Rules for Boards, Commissions and Committees

§ 18-19. Classification of Boards, Commissions and Committees.

A. Classifications. There are four types of review bodies established by the Council. They are:

- (1) Standing committees, commissions and boards.
- (2) Non-standing committees, commissions and boards.
- (3) Special (statutory) boards and commissions.
- (4) Ad Hoc committees.

B. Definitions of classifications.

add: typically

add: s

- (1) Standing committees, commissions and boards. Standing committees, commissions, and boards are those bodies that must be chaired by the Mayor or a Council member, and which meet at least on a monthly basis.
- (2) Non-standing committees, commissions and boards. Non-standing committees, commissions and boards are those bodies for which this Code of Ordinances does not require that the Mayor or a Council member serve as chair of the group.
- (3) Special boards and commissions. Special boards and commissions are those bodies whose composition, duties and functions are specifically prescribed by the Wisconsin Statutes.
- (4) Ad Hoc committees. Ad Hoc committees are committees created for a special purpose and for a limited duration of time. They may be created and their members

appointed by the Mayor with Council confirmation. When the Ad Hoc committee has fulfilled the charge given to it by the Mayor, the committee shall be disbanded.

C. Classification of existing committees, commissions and boards. The existing committees, commissions and boards of the Council are classified as follows:

(1) Standing committees, commissions and boards.

- (a) Plan Commission.
- (b) Finance and personnel committee. *Capitalize*
- (c) License Review Committee.
- (d) Public Works Committee.
- (e) Public Safety ~~Commission~~ *Committee*
- (f) Parks and Recreation Board.
- (g) Sustainability Committee.
- (h) Facilities Committee.

(2) Non-standing committees, commissions and boards.

- (a) Senior Citizens ~~Commission~~ *Committee*
- (b) Landmarks ~~Commission~~ *It is Commission - see 62.23(em)*
- (c) ~~Broadband Telecommunications Citizens Commission~~ ←
- (d) Distinguished Service Committee.

Replace with:
Community Media
Committee

~~(e) Parks Gifts Committee.~~ ← Delete

(3) Special boards and commissions.

- (a) Board of Review.
- (b) Police and Fire Commission.
- (c) Zoning Board of Appeals.
- (d) Library Board.
- (e) Transit ~~Commission~~ *Commission - yes per 66.1021*
- (f) Community Development Authority.

§ 18-20. Meetings.

A. Standing committees, commissions and boards. All standing committees, commissions and boards shall meet at least monthly at regularly scheduled days and times. Meetings

shall be noticed by the City Clerk in accordance with Ch. 19, Wis. Stats. Special meetings may be called by the chair and any two committee, commission, or board members upon written request therefor to the City Clerk.

- B. Non-Standing Committees, Commissions and Boards; Special Boards and Commissions; Ad Hoc Committees. All non-standing committees, commissions and boards; special boards and commissions; and Ad Hoc committees may meet on a monthly basis at regularly scheduled days or times or at the call of the chair. Meetings shall be noticed by the City Clerk in accordance with Chapter 19, Wis. Stats. Special meetings may be called by any two committee, commission or board members upon written request therefore submitted to the City Clerk.
- C. Quorum. Every commission, committee, or board is deemed to have a quorum present for the purpose of transacting business if at least 51% of the voting members are present, unless this Code of Ordinances statutes require a different quorum, in which case such provisions shall apply:
- D. Records and reports. Every commission, committee, or board shall keep a written summary of its proceedings and shall file copies of same with the City Clerk.

§ 18-21. Appointment of alternate members.

- A. Unless otherwise provided by statutes or ordinance, the Mayor, subject to confirmation by the Council, may appoint citizens to serve as alternates to a committee, commission, or board. A citizen member appointed as an alternate shall act with full power only when a member of the committee, commission, or board refuses to vote because of conflict of interest or is absent.
- B. If more than one alternate is appointed, the Mayor shall designate who shall serve as first alternate, second alternate, etc.

§ 18-22. Attendance standard.

Members appointed to Common Council committees or to any other standing City board, commission or committee are required to attend a minimum of two-thirds of the meetings in each six-month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this section may result in the removal and replacement of the official found to be in noncompliance.

Chapter 36

CITY GOVERNMENT

§ 36-1. City government.

[HISTORY: Adopted by the Common Council of the City of Monona as § 2-1-1 of the 1994 Code. Amendments noted where applicable.]

§ 36-1. City government.

The City of Monona is a body corporate and politic, with the powers and privileges of a municipality at common law and conferred by Chapter 62, Wis. Stats., other acts of the Legislature, the Constitution of the State of Wisconsin and Charter Ordinance 7-68-327.

Chapter 63

FINANCE AND TAXATION

ARTICLE I
Finance

- § 63-1. Fee for returning checks with insufficient funds; reimbursement of collection costs.
- § 63-2. Duplicate treasurer's bond eliminated.
- § 63-3. City budget system.
- § 63-4. Changes in budget.
- § 63-5. City funds to be spent in accordance with appropriation.
- § 63-6. Fiscal year.
- § 63-7. Public depositories.
- § 63-8. Disbursements and financial claims.
- § 63-9. Temporary investment of funds not immediately needed.
- § 63-10. Receiving money; receipt for same.
- § 63-11. Statement of real property status.
- § 63-12. Accounts receivable billing procedures.
- § 63-13. Annual audits.
- § 63-14. Liability of the City for acts of agents.
- § 63-15. Preparation of tax roll and tax receipts.
- § 63-16. Purchases by City Administrator.
- § 63-17. Public work without bids.

- § 63-18. Special charges/assessments for delinquent utility bills.

ARTICLE II
Special Assessments and Charges

- § 63-19. Special assessments; payment in installments.
- § 63-20. Use of alternative special assessment procedures.
- § 63-21. Repayment of special assessments for multiple parcel developments.

ARTICLE III
Hotel-Motel Room Tax

- § 63-22. Definitions.
- § 63-23. Imposition of tax.
- § 63-24. Collection of tax.
- § 63-25. Security required.
- § 63-26. Records to be maintained.
- § 63-27. Confidentiality maintained.
- § 63-28. Penalties.

ARTICLE IV
Licenses

- § 63-29. Payment of claims as condition of license or permits.
- § 63-30. Applicability.
- § 63-31. Appeals; notice and hearing.
- § 63-32. Other license denial appeals.

[HISTORY: Adopted by the Common Council of the City of Monona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Finance

[Adopted as Title 3, Ch. 1, of the 1994 Code]

§ 63-1. Fee for returning checks with insufficient funds; reimbursement of collection costs.

- A. There shall be a fee as prescribed by Section 7-15-1 for processing checks made payable to the City that are returned because of insufficient funds in the account in question.
- B. Collection costs and attorneys fees shall be added to the principal amounts of unpaid bills owed to the City that are placed with collection agencies.

§ 63-2. Duplicate treasurer's bond eliminated.

- A. Bond eliminated. The City of Monona elects not to give the bond on the City Administrator in his capacity as City Treasurer-Finance Director as provided for by Sec. 70.67(1), Wis. Stats.
- B. City liable for default of treasurer. Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Treasurer to the County Treasurer.

§ 63-3. City budget system.

- A. Budget preparation.
- (1) Budget schedule. The Finance Committee shall recommend and the Council shall adopt a schedule for the preparation and consideration of the budget for the next fiscal year. The budget schedule shall include specific dates for:
 - (a) Completion of commission, committee and board consideration of the budget;
 - (b) Public review by the Finance Committee on a consolidated budget of expenditures and revenues;
 - (c) Common Council Committee of the Whole and public hearing on the budget as recommended by the Finance Committee;
 - (d) A recommendation by the Finance Committee and action by the Council for any referendum pertaining to the budget; and
 - (e) The public hearing on the budget as required by the Wisconsin Statutes.
 - (2) Commission, committee, board and authority recommendations. Each of the various boards, committees and commissions, authorities and departments shall prepare a list of expenditures and anticipated revenues for the next fiscal year together with recommended policy changes and priorities. Department heads are encouraged to work closely with their respective commissions, committees and

boards, and the general public is to be encouraged to participate in deliberations on the budget.

- (3) Finance committee deliberations. The Finance Committee shall prepare a consolidated budget of expenditures and anticipated revenues, and hold a public review on the consolidated budget. Department heads, commission chairs, and commission members are to be encouraged to participate in the Finance Committee deliberations and reviews.
- (4) Council committee of the whole and hearing. The Common Council shall convene as a Committee of the Whole to discuss the proposed financial budget, recommended policy changes, and priorities as recommended by the Finance Committee concurrently with a public hearing.
- (5) Recommendation for a referendum. The Finance Committee shall recommend and the Common Council shall take action on any request for a public referendum pertaining to the budget.
- (6) Council public hearing. The Common Council shall hold a public hearing on the budget in accordance with the Wisconsin Statutes and Subsection C below.

B. Contents of budget.

- (1) Indebtedness; appropriations; revenue. Such budget shall list all existing indebtedness and all anticipated revenue from all sources during the ensuing year and shall likewise list all proposed appropriations for each committee, commission, authority and department, and any activity accounts during the ensuing year.
- (2) Actual and projected revenue and expenditures. Such budget shall also show actual revenues and expenditures for the preceding year, actual revenues and expenditures for not less than the first six months of the current year and estimated revenues and expenditures for the balance of the current year.
- (3) Salaries. Such budget shall also show in a separate schedule the proposed salary for each salaried employee of the City. This schedule shall be considered part of the budget when adopted.
- (4) Unexpended funds. Such budget shall also show for informational purposes any anticipated, unexpended, or unappropriated balances and surpluses.

C. Public inspection and hearing.

- (1) Applicability. This Subsection pertains only to the Council public hearing referred to in Subsection A(6) above.
- (2) Notice. A summary of such budget and notice of the place where such budget is available for public inspection and notice of the time and place for holding the public hearing thereon shall be published in the official City newspaper at least 15 days prior to the time of such public meeting. All notices and copies of the budget summary shall indicate that a detailed budget is available for inspection at the office of the City Clerk.

- (3) Hearing. Not less than 15 days after the publication of the proposed budget and the notice of hearing thereon, a public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
- (4) Budget summary. Copies of the summary budget shall be available to all who attend the public hearing or who make a specific request following the above fifteen-day notice. Copies of the detailed budget shall be made available to the press prior to the public hearing, and at least three copies of the detailed budget shall be available for the public at the hearing.

§ 63-4. Changes in budget.

Upon written recommendation of the Mayor or a standing committee of the Council, the Council may at any time, by a 2/3 vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within 10 days thereafter in the official newspaper of the City. However, transfers between budget line items shall not require such approval provided the total program expenditures are within the parameters of the approved budget.

§ 63-5. City funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by § 63-4 of this chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

§ 63-6. Fiscal year.

The calendar year shall be the fiscal year.

§ 63-7. Public depositories.

The Common Council shall designate by resolution the public depository or depositories within this state within which City funds shall be deposited, and when the money is deposited in such depository in the name of the City, the City Administrator, or other designated City officials, and bonding company shall not be liable for such losses as are defined by state law. The City Administrator shall invest and the interest arising therefrom shall be paid into the City treasury. A copy of the resolution designating public depositories shall be filed annually with the State Commissioner of Banking.

§ 63-8. Disbursements and financial claims.

A. General requirements. All disbursements from the City Treasurer in satisfaction or payment of any bills, charges against the budget or other financial claims against the City shall be made pursuant to Sec. 66.0607, Wis. Stats., except as modified or supplemented by this section or other provision of this Code of Ordinances or the Wisconsin Statutes.

B. Approvals required. The following approvals shall be required for disbursements from the City treasury:

(1) Payments of each and every claim must be audited and approved by the City ~~Clerk~~ ^{Treasurer} as a property charge against the treasury. The ~~Clerk~~ ^{Treasurer} shall endorse his approval on each claim only after having determined that the following conditions have been complied with:

- (a) That funds are available therefor pursuant to the budget approved by the Council.
- (b) That the item or service covered by such claimant has been duly authorized by the proper City official or department head.
- (c) That the item or service has been actually supplied or rendered in conformity to such authorization.
- (d) That the claim is just and valid pursuant to law.
- (e) That such proof and evidence necessary in the discretion of the Clerk to support the foregoing has been submitted.

(2) All claims ~~submitted to and audited by the Clerk~~ ^{Treasurer} pursuant to Subsection B(1) above shall be submitted to the Finance Committee for approval or disapproval. The ~~Clerk~~ shall submit a list of the bills, charges, appropriations and claims showing the date of each claim, name and address of the claimant, purpose and amount. The Finance Committee may request proof and evidence to support the claim prior to its approval.

(3) Except as provided in Subsections G and H, payments made in any other manner than prescribed in Subsection B(1) and (2) shall be subject to the special vote and roll call requirements of this Code of Ordinances.

C. Facsimile signatures authorized.

(1) The signatures of the Mayor, ~~Clerk~~ ^{Administrator} and Treasurer affixed to order checks of the City shall be facsimile signatures of such officers adopted by them and approved by the Council on motion. The use of such facsimile signatures shall not relieve any of such officials from any liability to which they are otherwise subject including the unauthorized use thereof.

(2) Upon enactment of this section and Council approval of facsimile signatures adopted by the Mayor, ~~Clerk~~ ^{Administrator} and Treasurer, the City Clerk shall file a certified copy of this Subsection C and of the approved facsimile signatures with the public depositories of the City.

- Treasurer*
- X D. ~~Clerk~~ Vouchers. All vouchers or orders against the City treasury shall be signed by the City ~~Clerk~~ *Treasurer* attesting that the provisions of Subsection B have been complied with except where the provisions of Subsection B(3) apply.
- E. Bonds. The Clerk and Treasurer shall be covered by a fidelity bond of not less than \$5,000.
- F. Tort claims. Compliance with the provisions of this section shall not relieve any claimant from compliance with the provisions of Secs. 62.25, 893.80, or 895.46, Wis. Stats.
- G. Payment of regular wages or salaries. Payment of regular wages or salaries pursuant to the budget and salary schedule adopted by the Council shall be made by payroll, verified by the City ~~Clerk~~ *Treasurer* under Subsection B(1) and filed in time for payment on the regular payday. The ~~Clerk~~ *Treasurer* shall submit the schedule of salary and wage payments made to the Finance Committee.
- H. Investments. The provisions of this section shall not apply to disbursements of City funds for purposes of investment under Sec. 66.0603(1m), Wis. Stats.

§ 63-9. Temporary investment of funds not immediately needed.

The City Administrator and City ~~Clerk~~ *Treasurer* may invest any City funds not immediately needed, pursuant to Sections 66.0603(1m) and 219.05, Wis. Stats.; provided that investment of surplus funds in the local government pooled investment or local government trust investment funds shall be subject to prior approval under § 63-8B(1) and (2).

§ 63-10. Receiving money; receipt for same.

- A. The City Clerk, Treasurer or their designees shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefor in the manner specified by the Finance Committee.
- B. Upon the payment of any money (except for taxes as herein provided), the City Clerk, Treasurer or their designees shall make out a receipt in duplicate for the money so received. The City Clerk, Treasurer or their designees shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the City or to the City or to the City Administrator shall be safeguarded in such manner as the Common Council shall direct.

§ 63-11. Statement of real property status.

The City Clerk or Treasurer are authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, and sewer bills, current water and sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it

on said form. A minimum of one business day is required for preparation of a statement of real property status. There shall be a fee as prescribed by Section 7-15-1 for compiling such information, paid at the time of the request being made.

§ 63-12. Accounts receivable billing procedures.

Billings by the City may be paid within 30 days after billing without interest. Thereafter, interest may be charged at the rate of 1 1/2% per month or any fraction thereof, until the following 15th day of November, except in the case of ambulance billings. Bills not paid on or before the first day of November shall have added to the total amount due 1 1/2% of said charges shall be entered on the tax roll as a special charge and become a lien upon real estate.

§ 63-13. Annual audits.

- A. A firm of certified public accountants shall be employed each year by the City, subject to the confirmation of the Common Council to conduct a detailed audit of the City's financial transactions and its books, and to assist the City Administrator in the management of the City's financial affairs, including the City's public utilities. These auditors shall be employed on a calendar-year basis.
- B. The audit shall include a separate review of the financial records and a statement of opinion on the financial reports together with a management letter detailing improvements that can be made in the financial administration of the City, the City Water Utility, and the City Sewer Utility. If deemed necessary or advisable by the Finance Committee, the audit contract may be expanded to include an operational review of one or more aspects of the City, or City Water Utility or City Sewer Utility operations.
- C. Copies of the completed audit report shall be transmitted to the Mayor and Council members within 10 days of receipt. Copies will also be placed on file in the Monona Library and with the City Clerk.

or City Stormwater Utility X

City Stormwater Utility X

§ 63-14. Liability of the City for acts of agents.

No agent of the City having authority to employ labor or to purchase materials, supplies or any other commodities, may bind the City or incur any indebtedness for which the City may become liable without approval of the Council. Each such employment or purchase order shall be drawn against a specific appropriation, the money for which shall be available in the City treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn. The City Administrator shall keep a record of such employment and purchase orders and shall charge them against the proper appropriation.

§ 63-15. Preparation of tax roll and tax receipts.

- A. Tax roll preparation. Pursuant to Sec. 70.65(2), Wis. Stats., the City ~~Clerk~~ shall, in computing the tax roll, insert only the aggregate amount of state, county, school and

Treasurer

X

local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

B. Time for payment and penalty. Real estate taxes shall be paid in accordance with state law. Taxes may be paid in advance pursuant to State law.

C. Receipt of tax monies. After noting the payment of taxes upon the tax roll, the City ~~Clerk~~ ^{Treasurer} shall issue a signed receipt to the taxpayer, a duplicate thereof to be left in the book of receipts. The receipt shall show the aggregate amount of taxes in a single column and the separate proportion or rate of taxes levied for state, county, local, school or other purposes.

§ 63-16. Purchases by City Administrator.

A. Subject to the limitations contained in Sec. 62.15, Wis. Stats., the City Administrator is authorized and empowered to make the following purchases in behalf of the City without the prior approval of the Common Council:

- (1) Office machines, maintenance equipment and services and other specifically budgeted capital or operating items previously approved in the budget in a sum not to exceed the budgeted amount or \$10,000 each, whichever is lesser;
- (2) Gasoline, road gravel, street patching material, salt, office supplies and other recurring expenses needed in the usual and ordinary operation of the City government and its several departments in a sum; not to exceed the budgeted amount for each such purchases;
- (3) Supplies and miscellaneous equipment in a sum not to exceed the budgeted amount.

B. The City Administrator may delegate the authority to make individual purchases not exceeding \$100 to duly appointed department heads for operating supplies, provided that the purchase amount is within the department operating budget.

C. Approval of the Common Council shall be required for the following purchases:

- (1) When the cost of an item exceeds \$10,000; ^{25,000}
- (2) When the cost of an item exceeds the budgeted amount or will cause the particular budget account to be overdrawn;
- (3) When equipment other than that which was budgeted for is required;
- (4) When a vendor has attempted to exert undue influence.

D. All purchases made pursuant to this section, excepting Subsection B, shall be initiated by purchase order.

E. Payment of invoices for purchases made pursuant to this section shall be in accordance with § 63-8.

- F. The City Administrator may make line item budget adjustments that do not exceed \$1,000.

§ 63-17. Public work without bids.

Pursuant to Sec. 62.15(1), Wis. Stats., the Common Council, by vote of 3/4 of all the members thereof, may determine that any class of public construction or any part thereof may be done directly by the City without submitting the same for bids.

§ 63-18. Special charges/assessments for delinquent utility bills.

- A. In addition to other methods provided by law, it is hereby provided that special charges/assessments for delinquent utility bills may be levied in accordance with the provisions of this section, which are hereby adopted pursuant to Sec. 66.60(16), Wis. Stats.
- B. Delinquent utility bills and service charges shall be levied as a special assessment against the real property, shall become a lien thereon, and placed on the tax roll with the same effect as other City taxes unless the Common Council otherwise determines after notice and opportunity to be heard as hereinafter set forth.
- C. Charges for the following services rendered by the City of Monona and the City's public utilities shall be paid within 20 days of the date of billing, all other items within 30 days of the date of billing:
- (1) Snow and ice removal.
 - (2) Weed elimination.
 - (3) Garbage and refuse collection, disposal and landfill dumping fees.
 - (4) Repair of sidewalks, curb and gutter.
 - (5) Charges for water and sewer service.
- D. If the amounts due to the City of Monona for services listed in Subsection C(1) through (4) are not paid when due, the City shall send a notice of the delinquent bill.
- E. If the amount due to the City utilities for services listed in Subsection C(5) is not paid when due, the City utilities shall send a notice of the delinquent bill to the customer and to the property owner pursuant to PSC 113.132 and 113.133, Wis. Adm. Code. If the bill is still delinquent by the month of October of the billing year, the City utilities shall send a notice of the delinquent bill.
- F. The notice referred to in Subsection D shall contain the following statement:
- You are entitled to a hearing before the Finance ~~Committee~~ of the City of Monona to dispute the amount of this charge. You must request this hearing by notifying the City Clerk in writing within 10 days of the date of this notice.

Committee

- X
- G. In the event of a request for hearing, the City Clerk shall set the date and time for hearing upon receiving a written request under Subsection F ~~and G~~.
- H. At the time of the hearing referred to in Subsection G, the hearing authority shall hear all evidence brought before it concerning the correctness of the amount billed by the City of Monona in accordance with this section. At the conclusion of this hearing, the hearing authority shall decide the amount due the City, and all parties in attendance shall be notified of the decision.
- I. If the amount determined to be due the City after the hearing referred in Subsection H is not paid within five days from the date of the hearing authority's decision, then this amount shall be a lien upon the real estate served by the services referred to in Subsection C. This shall be accomplished pursuant to the power granted to the City by Sec. 66.60(16), Wis. Stats.
- X
- J. If a hearing is not requested in accordance with this section, the amount due the City of Monona or the City's public utilities shall become a lien upon the real estate served by the services referred to in Subsection C upon the expiration of ~~10~~ ¹⁰ days from the mailing of the notice referred to in Subsections E and F.

ARTICLE II

Special Assessments and Charges

[Adopted as Title 3, Ch. 2, of the 1994 Code]

§ 63-19. Special assessments; payment in installments.

- A. Whenever any special assessments shall be levied to defray the cost of any public improvement, such special assessments may be paid in annual installments as determined by the Council.
- B. The first installments shall include a proportionate part of the principal of the special assessment determined by the number of installments and interest accrued. All subsequent installments shall also include interest at a rate to be determined by the Council based upon borrowed money rates including an amount to cover City-related administrative costs at the time of the special assessments, on the unpaid balance of principal computed beginning 30 days after notification of the completion of the special assessment project by the City. Each subsequent installment shall include a like proportion of the principal and interest at the rate stated above upon the unpaid balance of such assessment.
- C. The first installment shall be entered in the first tax roll prepared after such installments have been determined as a special tax on the property upon which the special assessment was levied, and thereafter this tax shall be treated in all respects as any other municipal tax. All of the subsequent installments shall be entered in a like manner and with like effect in each of the annual tax rolls thereafter until all are levied.
- D. If any installment so entered in the tax roll shall not be paid to the Treasurer with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate.

§ 63-20. Use of alternative special assessment procedures.

- A. In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this section.
- B. Whenever the Common Council determines that any public work or improvement or any current service shall be financed in whole or part by special assessments levied under this section, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessments will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessment may be deferred while no use of the improvement is made in connection with the property.
- C. The provisions of § 66.0703, Wis. Stats., shall apply to special assessments levied under this section except that when the Common Council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by § 66.0703, Wis. Stats., shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
- D. Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed in § 66.0703(7) and (8)(d), Wis. Stats.
- E. Any special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution by the Common Council determining the amount of the levy.
- F. Any person against whose property a special assessment is levied under this section may appeal therefrom in the manner prescribed by § 66.0703(12), Wis. Stats., within 40 days of the date of the final determination by the Common Council.

§ 63-21. Repayment of special assessments for multiple parcel developments.

- A. In order to further assure the payment and collection of special assessments levied to pay the costs of the construction of public improvements to serve multi-parcel developments in the City, it is hereby provided that upon the sale of any part of the property assessed, the seller of the property will deliver or cause to be delivered to the City or its designated agent a bank cashier's check or certified check payable to the City or its designated agent in an amount equal to 125% of the portion of the outstanding amount of the special assessment which is attributable to the parcel of the property sold. The seller will continue to make such payments with respect to the remainder of its property until such time as the sum of all such payments, together with the amount of the special assessments otherwise paid by it, equals the total amount of the special assessments levied against the property, together with the interest which has been paid or is payable thereon. Any overpayment of special assessments by the seller to the City will be refunded to the seller.

- B. The City will enter into appropriate agreements with the owner in question to assure payment of such amounts in a timely manner.
- C. This section is adopted pursuant to § 66.0701, Wis. Stats. Except as provided above, the provisions of § 66.0703, Wis. Stats., including provisions regarding notice and hearing, shall apply to special assessments levied against multi-parcel developments in the City.

ARTICLE III
Hotel-Motel Room Tax
[Adopted as Title 3, Ch. 5, of the 1994 Code]

§ 63-22. Definitions.

In this chapter, the following definitions shall apply:

BED-AND-BREAKFAST ESTABLISHMENT — Any place of temporary lodging that provides four or fewer rooms for rent, which is open for rental more than 10 nights in a twelve-month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served is breakfast.

GROSS RECEIPTS — Has the meaning as defined in Sec. 77.51(4)(a), (b) and (c), Wis. Stats., insofar as applicable.

HOTEL OR MOTEL — A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed-and-breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospital, sanitariums or nursing homes or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

TRANSIENT — Any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public.

§ 63-23. Imposition of tax.

Pursuant to § 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of 8% of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Sec. 77.52(2)(a)1, Wis. States. Effective January 1, 1998, 30% or a maximum of \$35,000 of such tax shall be appropriated to the Monona Community Development Authority for purposes of promoting economic developments.

§ 63-24. Collection of tax.

- A. Administration by city treasurer. This tax shall be administered by the City Treasurer who shall, at City expense, provide the necessary application and reporting forms at no cost to the taxpayer.
- B. Reporting periods. The tax imposed for the months of January, February and March, and for each calendar quarter thereafter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the City Treasurer requires. Such annual returns shall be made on forms as prescribed by the City Treasurer. All such returns shall be signed by the person required to file a return or duly authorized agent, but need not be verified by oath. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.
- C. Sale or conveyance of business. If any person liable for any amount of tax under this chapter sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the City Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this chapter fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.
- D. Determination of tax by audit.
- (1) The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession. One or more such office audit determination may be made of the amount due for any one or for more than one period.
 - (2) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. The City Treasurer is authorized to examine and inspect the books, record, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the City Treasurer from making a determination of tax at any time.

- E. Failure to file return. If any person fails to file a return as required by this chapter, the City Treasurer shall make an estimate of the amount of the gross receipts under Subsections B and C. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or may come into the Treasurer's possession. On the basis of this estimate, the City Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to 10% thereof. One or more such determinations may be made for one or more than one period.
- F. Interest on unpaid taxes. All unpaid taxes under this chapter shall bear interest at the rate of 18% per year from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computations. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, he shall not allow any interest thereon.
- G. Delinquent returns; late fee; penalty.
- (1) Delinquent tax returns shall be subject to a late filing fee, as prescribed in Section 7-15-1. The tax imposed by this chapter shall become delinquent if not paid:
 - (a) In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after the expiration of an extension period if one is granted.
 - (b) In the case of no return filed or a return filed late, by the due date of the return.
 - (2) If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of 25% of the tax, exclusive of interest or other penalties. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this chapter, a penalty of 50% shall be added to the tax required to be paid, exclusive of interest and other penalties.

§ 63-25. Security required.

In order to protect the revenue of the City, the City Treasurer may require any person liable for the tax imposed by this chapter to place with him before or after a permit is issued such security not in excess of \$100 as the City Treasurer shall determine. If any taxpayer fails or refuses to place security, the City Treasurer may revoke or refuse to issue such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this section, the City Treasurer may, upon 10 days' notice, recover the taxes, interest and penalties from the security placed with the said Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any persons for the deposit of such security.

§ 63-26. Records to be maintained.

Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer and this chapter shall require. Such records shall be retained and made available for a period of five years from the due date of a filing period.

§ 63-27. Confidentiality maintained.

- A. All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the City Treasurer are deemed to be confidential, except the City Treasurer may divulge their contents to the following and no others:
- (1) The person who filed the return.
 - (2) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.
 - (3) Officers, employees or agents of the City Auditors.
 - (4) Such other public officials of the City of Monona when deemed necessary.
- B. No person having an administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this section or the amount or source of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided above.

§ 63-28. Penalties.

Any person who is subject to the tax imposed by this chapter who fails to obtain a permit as required in Section 3-5-4(b) or (c) or who fails or refuses to permit the inspection of his records by the City Treasurer after such inspection has been duly requested by such Treasurer, or who fails to file a return as provided in this chapter, or who violates any other provision of this chapter, shall be subject to a forfeiture pursuant to § 1-4. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

Stop

ARTICLE IV

Licenses

[Adopted as Title 7, Ch. 12, of the 1994 Code]

§ 63-29. Payment of claims as condition of license or permits.

The City shall not issue or renew any license or permit to transact any business within the City of Monona:

- A. For any purposes for which taxes or other fees, charges or other claims of the City are delinquent and unpaid.

- B. For any person who is delinquent in payment:
- (1) Of any taxes or other claims owed the City; or
 - (2) Of any forfeiture resulting from a violation of any City Ordinance.

§ 63-30. Applicability.

An application for renewal of a license subject to this chapter shall be denied pursuant to the provisions of § 63-29 only following notice and opportunity for hearing as provided by § 63-31 below.

§ 63-31. Appeals; notice and hearing.

Prior to any denial of an application for renewal of a license, including denials pursuant to § 63-29, the applicant shall be given notice and opportunity for a hearing as hereinafter provided:

- A. With respect to licenses renewable under Chapter 272, Intoxicating Liquor and Fermented Malt Beverages, Article I, Licenses and Permits, of the Code of the City of Monona, notice and opportunity for hearing shall be as provided by Section 125.12, Wis. Stats., as amended from time to time.
- B. With respect to licenses other than those described in § 63-29 herein, the License Review Committee shall notify the applicant in writing of the City's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three days nor more than 10 days after the date of the notice on which the applicant shall appear before the License Review Committee. If the applicant shall fail to appear before the License Review Committee on the date indicated on the notice, the License Review Committee shall deny the application for renewal. If the applicant appears before the License Review Committee on the date indicated in the notice and denies that the reasons for nonrenewal exist, the License Review Committee shall conduct a hearing with respect to the matter. At the hearing, both the City and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the License Review Committee determines the applicant shall not be entitled to renewal pursuant to § 63-29, the application for renewal shall be denied.

§ 63-32. Other license denial appeals.

Where an individual, business or corporation wishes to appeal the City Clerk's decision not to issue a license or permit under this Title on grounds other than those specified in §§ 63-29 through 63-31 above, the applicant may file a request in writing with the City Clerk that the matter be referred to the License Review Committee. A public hearing shall be scheduled within 14 calendar days by the License Review Committee. All parties may be represented by counsel. The License Review Committee shall consider all relevant information and shall render a decision which shall be binding.

Ch. 63
Edits

ARTICLE III
Hotel-Motel Room Tax
[Adopted as Title 3, Ch. 5, of the 1994 Code]

§ 63-22. Definitions.

In this Chapter, the following definitions shall apply:

BED AND BREAKFAST ESTABLISHMENT. Any place of temporary lodging that provides four (4) or fewer rooms for rent, which is open for rental more than ten (10) nights in a twelve (12) month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served is breakfast.

GROSS RECEIPTS. Total revenue received from the retail furnishing of rooms, lodging, or similar accommodations by a hotel or motel as defined herein.
Has the meaning as defined in Sec. 77.51(4)(a), (b) and (c), Wis. Stats., insofar as applicable.

Formatted: Highlight

HOTEL OR MOTEL. A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one (1) month and accommodations furnished by any hospital, sanitariums or nursing homes or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

TRANSIENT. Any person residing for a continuous period of less than one (1) month in a hotel, motel or other furnished accommodations available to the public.

§ 63-23. Imposition of tax.

Pursuant to Sec. 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of eight percent (8%) of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Sec. 77.52(2)(a)1, Wis. Stats. ~~Effective January 1, 1998, thirty percent (30%) or a maximum of Thirty Five Thousand Dollars (\$35,000.00) of such tax shall be appropriated to the Monona Community Development Authority for purposes of promoting economic developments~~

Comment [WSC1]: Recommend deletion until the fiscal impact of the statutory changes can be determined. The Council retains discretion to appropriate any amount of the room tax retained by the City to the CDA in its discretion.

§ 63-24. Collection of tax.

- A. Administration by City Treasurer. This tax shall be administered by the City Treasurer who shall, at City expense, provide the necessary application and reporting forms at no cost to the taxpayer.
- B. Reporting Periods. The tax imposed for the months of January, February and March, and for each calendar quarter thereafter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer, by those

furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the City Treasurer requires. Such annual returns shall be made on forms as prescribed by the City Treasurer. All such returns shall be signed by the person required to file a return or duly authorized agent, but need not be verified by oath. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the filing date.

- C. **Sale or Conveyance of Business.** If any person liable for any amount of tax under this Chapter sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the City Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this Chapter fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

D. **Determination of Tax by Audit.**

- (1) The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession. One or more such office audit determination may be made of the amount due for anyone or for more than one period.
- (2) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. The City Treasurer is authorized to examine and inspect the books, record, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the City Treasurer from making a determination of tax at any time.

- E. **Failure to File Return.** If any person fails to file a return as required by this Chapter, the City Treasurer shall make an estimate of the amount of the gross receipts under Subsections (b) and (c). Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or may come into the Treasurer's possession. On the basis of this estimate, the City Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to ten percent (10%) thereof. One or more such determinations may be made for one or more than one period.

- F. **Interest on Unpaid Taxes.** All unpaid taxes under this Chapter shall bear interest at the rate of eighteen percent (18%) per year from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computations. If the City Treasurer determines that any overpayment of tax

has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, he shall not allow any interest thereon.

G. Delinquent Returns; Late Fee; Penalty.

- (1) Delinquent tax returns shall be subject to a late filing fee, as prescribed in Section 7.15.1 the Fee, Forfeiture and Deposit Schedule. The tax imposed by this Chapter shall become delinquent if not paid:
 - (a) In the case of a timely filed return, within thirty (30) days after the due date of the return, or within thirty (30) days after the expiration of an extension period if one is granted.
 - (b) In the case of no return filed or a return filed late, by the due date of the return.
- (2) If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of twenty-five percent (25%) of the tax, exclusive of interest or other penalties. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this Chapter, a penalty of fifty percent (50%) of the tax shall be added to the tax required to be paid, exclusive of interest and other penalties.

Comment [WSC2]: Include in the fee schedule
Formatted: Highlight
Formatted: Highlight

§ 63-25. Security required.

In order to protect the revenue of the City, the City Treasurer may require any person liable for the tax imposed by this Chapter to place with him before or after a permit is issued such security not in excess of One Hundred Dollars (\$100.00) as the City Treasurer shall determine. If any taxpayer fails or refuses to place security, the City Treasurer may revoke or refuse to issue such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this Section, the City Treasurer may, upon ten (10) days' notice, recover the taxes, interest and penalties from the security placed with the said Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any persons for the deposit of such security.

Formatted: Highlight
Comment [WSC3]: May want to consider amending the amount
Formatted: Highlight

Comment [AL4]: Delete this section and return \$100 deposits. This amount is far too low to be any deterrent.

§ 63-26. Records to be maintained.

Every person liable for the tax imposed by this Section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer and this Chapter shall require. Such records shall be retained and made available for a period of five (5) years from the due date of a filing period.

Comment [AL5]: This amount of time is a DOR requirement; leave as is (city default is 7 years).

§ 63-27. Confidentiality maintained.

- A. All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the City Treasurer are deemed to be confidential, except the City Treasurer may divulge their contents to the following and no others:
- (1) The person who filed the return.
 - (2) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.

(3) Officers, employees or agents of the City Auditors.

(4) Such other public officials of the City of Monona when deemed necessary.

B. No person having an administrative duty under this Section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this Section or the amount or source of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided above.

§ 63-28. Distribution of Room Tax Collected.

Upon receipt of the room taxes, the City shall retain for any public purpose determined by the Common Council the greater of either 30% or the maximum amount provided in section 66.0615(1m)(dm), Wis. Stats., and distribute the remainder to the Tourism Commission for tourism promotion and tourism development as defined in section 66.0615(1)(fm), Wis. Stats.

§ 63-29. Tracking and Reporting of Room Tax Expenditures.

The Tourism Commission shall account for, and maintain records of, the room tax revenue expenditures. The Tourism Commission shall provide a written report to the Finance Director/City Treasurer no less than annually, in a form and manner determined by the City Treasurer/Finance Director, of all expenditures of at least the minimum as set by 66.0615(4) \$1,000 and the impact of such expenditures on generating paid overnight stays within the City.

§ 63-28. Penalties.

Any person who is subject to the tax imposed by this Chapter who fails to obtain a permit as required in Section 3-5-4(b) or (c) or who fails or refuses to permit the inspection of his records by the City Treasurer after such inspection has been duly requested by such Treasurer, or who fails to file a return as provided in this Chapter, or who violates any other provision of this Chapter, shall be subject to a forfeiture pursuant to § 1-4 . Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

Formatted: Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Comment [AL6]: Maintaining consistency of titles with other sections.

Formatted: Font: (Default) Times-Roman, Not Bold

Create 18-19 Tourism Commission. [to read as follows]:

- A. Composition. The Tourism Commission shall consist of five members, one of whom may be a Council member, and one of whom shall represent the Wisconsin hotel and motel industry. Members shall be as appointed under Section B. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Commission.
- B. Appointment; term of office.
- (1) Members of the Commission shall be appointed by the Mayor, and shall be confirmed by a majority vote of the members of the Common Council who are present when the vote is taken.
 - (2) Commissioners shall serve for one-year terms beginning the third Tuesday in April, and may be reappointed.
 - (3) The Commission shall meet regularly, and, from among its members, it shall elect a chairperson, vice chairperson and secretary.
- C. Functions and powers.
- (1) The Commission shall coordinate tourism promotion and tourism development for the City as set forth in section 66.0615, Wis. Stats.
 - (2) The Commission shall monitor the collection of room taxes in the City, receive room tax revenue from the City and use it for tourism promotion and tourism development in the City. The Commission shall not use any of the room tax revenue to construct or develop a lodging facility.
 - (3) The Commission shall review and recommend ordinances, expenditures of room taxes, and policies relating to the promotion of tourism in Monona to visitors and tourism development.
 - (4) The Commission shall report annually to the City Treasurer the purposes and amounts for which room taxes revenues were spent.
 - (5) The Commission shall report any room tax delinquencies or inaccurate reporting to the municipality.
 - (6) The Commission shall contract with a qualified organization under 66.0615, Wis. Stats., to perform the functions of a tourism entity.

Chapter 79

GRIEVANCE PROCEDURES

*— Repeal —
Replace with
Policy*

ARTICLE I
Access to Public Buildings, Services and
Employment

- § 79-2. Complaint procedure.
- § 79-3. Appeals.
- § 79-4. Other remedies.
- § 79-5. Due process.

§ 79-1. Statement of purpose.

[HISTORY: Adopted by the Common Council of the City of Monona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Access to Public Buildings, Services and Employment
[Adopted as Title 15, Ch. 5, of the 1994 Code]

§ 79-1. Statement of purpose.

- A. The City of Monona, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all City programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Common Council and is available from the City Administrator. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the City Administrator.
- B. The City Administrator shall serve as the Americans with Disabilities Act Coordinator with respect to 42 USC Sec. 12101, Title I, regarding employment, to conduct a self-evaluation in connection therewith, and to accept all grievances filed with respect thereto and make decision thereon in consultation with the City Attorney within 30 days of the filing of such grievance. Such decision may be appealed to the ADA Compliance Committee in accordance with the procedure established in this section.
- C. The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Mayor, subject to confirmation by the Common Council at the Council's organizational meeting. The ADA Compliance Committee shall consist of three to five members, and shall, if possible, have a representative from the following fields:
 - (1) Business and/or nonprofit organization.
 - (2) Education.
 - (3) Disabled representative.
 - (4) Elected official.
 - (5) Health/medical.

- D. City letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer".
- E. An ADA Committee meeting shall be treated as any other City committee meeting, and notice shall be posted a minimum of 24 hours prior to the meeting.

§ 79-2. Complaint procedure.

- A. Complaints shall be filed with the ADA Coordinator, in care of the City Administrator.
- B. A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- C. A complaint should be filed within 30 days after the complainant becomes aware of the alleged problem.
- D. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- E. A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 20 days after its filing.
- F. The City Administrator shall maintain the files and records of the City relating to the complaints filed.

§ 79-3. Appeals.

- A. If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within 30 days. Review will be conducted in public with a minimum twenty-four-hour notice. All proceedings will be transcribed and maintained. The Committee will also review request or suggestions from disabled persons regarding access to and participation in public facilities, services, activities, and functions in the community.
- B. If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Common Council and that a determination be made within 30 days of the ADA Compliance Committee's hearing. The decision by the Common Council shall be final. An open, public meeting of the Common Council shall precede the vote.

§ 79-4. Other remedies.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.

§ 79-5. Due process.

This section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

Chapter 94

MAYOR AND COMMON COUNCIL

- | | |
|--|--|
| § 94-1. Mayor. | § 94-11. Addressing Council. |
| § 94-2. Common Council. | § 94-12. Motions. |
| § 94-3. Powers of Common Council. | § 94-13. Debate. |
| § 94-4. Meetings. | § 94-14. Rules suspended temporarily. |
| § 94-5. Presiding official. | § 94-15. Voting. |
| § 94-6. Order of business. | § 94-16. Robert's Rules of Order to govern Council. |
| § 94-7. Introduction of business. | § 94-17. Council agenda, preparation and dissemination of. |
| § 94-8. Questions of order. | § 94-18. Consent agenda. |
| § 94-9. Presiding officer to preserve order. | § 94-19. Committee of the Whole. |
| § 94-10. Presiding officer shall remove himself. | |

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

§ 94-1. Mayor.

- A. Election. The Mayor shall be elected every two years, and his term of office shall commence on the third Tuesday of April in the year of election and continue for two years or until his successor is elected and qualifies.
- B. Duties. The Mayor shall by virtue of the office be a member of the Council and shall preside at all meetings of the Council, and sign all ordinances, rules, by-laws, regulations, commissions, licenses and permits adopted or authorized by the Council and all orders drawn on the treasury except as prescribed by law.
- C. Veto power. The Mayor shall have veto power over the acts of the Council as provided by Sec. 62.09(8)(c), Wis. Stats.
- D. Emergency powers. The Mayor shall have such emergency powers as set forth in § 94-3E of the Code of the City of Monona.
- E. Defense of city officials. The Mayor may authorize the City Attorney to defend any actions brought against any officer or employee of the City of Monona, or of any of its Boards or Commissions, under the following conditions:
 - (1) The Action arises from an act or acts done in the course of employment, or out of any alleged breach of duty of the officer or employee; and
 - (2) The action was not brought to determine the right of the officer or employee to hold or retain that person's office or position; and

- (3) The action was not brought by the City against the officer or employee. Any such authorized defense shall be conditioned upon the cooperation of the officer or employee with the City Attorney in the defense of the action. The Mayor shall promptly report the granting of any such authorization to the Common Council.

§ 94-2. Common Council.

- A. **Composition.** The Common Council of the City of Monona shall consist of six elected Council members whose term of office shall be two years, three of whom shall be elected each year. The Common Council is vested with all the powers of the City not specifically given to some other officer.
- B. **Powers of the council.** The Council shall preserve order at its meetings, compel attendance of members and punish non-attendance and shall be judge of the election and qualification of its members.
- C. **Compensation.** The salaries of all elected and appointed officials, including members of Boards and Commissions, shall be as determined by the Common Council from time to time, provided the salary of the Mayor and members of the Council shall not be increased during their terms of office (See Sec. 66.0505, Wis. Stats.). A 3/4 majority vote of the Council shall be required to increase the salary of the Council members or Mayor.
- D. **Council members not to be interested in contracts.** No Council member shall have a private interest in a contract with the City contrary to Sec. 946.13, Wis. Stats.
- E. **Term of office.** The term of office of all Council members shall be two years and until their respective successors are elected or appointed and qualify. The term of each Council member shall commence the third Tuesday of April in the year of election.
- F. **Committees.** Subcommittees of the Common Council shall be appointed at the Council's annual organizational meeting.

§ 94-3. Powers of Common Council.

- A. **General powers.** The Common Council shall have the management and control of City property, finances, highways, streets, navigable waters, and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture and other necessary or convenient means. The powers herein referred to shall be in addition to all other grants and shall be limited only by express language.
- B. **Power of acquisition and disposal of property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may

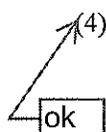
construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property.

- C. Powers to finance city government. The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally manage City finances.
- D. Construction of powers. All powers given herein shall be liberally construed in favor of the rights, powers and privileges of the City of Monona to promote the general welfare, peace, good order and prosperity of the City and the inhabitants thereof.
- E. Emergency powers. All powers enumerated in § 323.14, Wis. Stats., shall be reserved and exercised by the Common Council or the Mayor, as provided in § 323.14, Wis. Stats. The Mayor may designate temporary and permanent emergency routes, and may designate or suspend traffic control restrictions along such routes.
- F. Statutes and constitution. Sec. 62.11(5), Wis. Stats., and Article XI, Section 2, Wisconsin Constitution, shall apply to the governance of the City.

(from Wis. Stats. 62.11(2)): Following a regular city election, the new council shall first meet on the 3rd Tuesday of April.

- A. Time, date and notice. Regular meetings of the Common Council shall be held on the first and third Monday evening of each calendar month at 7:30 p.m. If the date of any regular meeting falls on a legal holiday, such meeting shall be held on the next following secular day, at the same place and at the same hour, unless canceled or rescheduled to another date or time by order of the Common Council. All meetings of the Common Council, including special meetings authorized under Subsection B, shall be held in compliance with Subchapter V of Chapter 19, Wis. Stats., the Wisconsin Open Meeting Law.
- B. Special meetings.
 - (1) Who may call. Special meetings of the Council may be called by any two members of the Council who file a written request with the City Clerk at least 24 hours prior to the time the meeting is to be called, stating the purpose and time of the meeting. The Mayor may also call a special meeting.
 - (2) Notice of special meeting. Immediately after the receipt of a request for a special meeting, the City Clerk shall notify each member of the Common Council by telephone or by delivering a written notice of the time and purpose of such meeting. If the Council member can not be found, a copy of the notice shall be left at the member's residence, at least six hours prior to the meeting.
 - (3) Special meetings held without notice. A special meeting can be held without notice being given when all of the members of the Council are present, or consent in writing. If all the members consent in writing each member shall file a written consent with the Clerk prior to the beginning of the meeting. This section does not, however, relieve the Council from the obligation of complying with the Wisconsin Open Meeting Law.

OK

- 
 (4) Special meeting may become regular meeting. Any special meeting which is attended by all the members of the Council shall be a regular meeting for the purpose of transacting any business that may be presented by any member at any time.

§ 94-5. Presiding official.

The Mayor shall call the meeting to order, and if absent, the President of the Council shall preside, and if absent, the senior member present (based on the date of original election) shall preside until the Council, by motion, selects an acting President for that meeting. In the absence of the Clerk, the presiding officer shall appoint a Clerk for that meeting.

§ 94-6. Order of business.

A. At all meetings, the following order may be observed in disposing of business before the Council, unless otherwise provided for in the furnished agenda:

- (1) Call to order.
 - (2) Roll call and pledge of allegiance.
 - (3) Approval of previous minutes.
 - (4) Public hearings.
 - (5) Appearances.
 - (6) Consent agenda.
 - 
 (7) Unfinished business (items requiring formal action by the Council; i.e., matters from previous meetings or committee reports ~~contained in the Thursday agenda~~).
 - (8) Committee of the whole (motion required).
 - (9) Any new business, including the introduction of ordinances, resolutions or other communications (items requiring formal action by the Council, i.e., action items in committee reports not included in the Friday agenda).
 - (10) Appointments.
 - (11) Reports of Committees, Commissions, Boards, Mayor and City Administrator (requiring no formal action by the Council).
 - (12) Miscellaneous business.
 - (13) Closed sessions under Sec. 19.85, Wis. Stats., (motion required).
 - (14) Adjournment.
- B. No business is to be taken up out of order, except by unanimous consent or suspension of the rules.

§ 94-7. Introduction of business.

- A. Ordinances, resolutions and communications to be in writing. All ordinances, resolutions, memorials, or other communications shall be in writing with a brief statement of their contents and title endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. The Mayor shall then refer the ordinance, resolution, or communication to the appropriate committee or to the appropriate place on the agenda. All ordinances, resolutions and contracts shall bear the name of the sponsor, the drafter, and the initials of the City Attorney as to form, and at the discretion of the Mayor shall contain a fiscal note as to the cost involved, if any, to the City. The Finance and Personnel Committee shall determine the form of the fiscal note.
- B. Ordinances, resolutions and appropriations to be given second reading. Ordinances, resolutions or requests for appropriations shall be introduced as items of new business at a Council meeting and then adopted or rejected as an item of unfinished business at the next Council meeting, unless the Council suspends the rules as provided in § 94-14 for the purpose of adopting or rejecting an ordinance without referring the ordinance to a subsequent meeting, and except as provided in Subsection E hereof.
- C. Subject, numbering and adoption of ordinances. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable, all ordinances shall be introduced as amendments to existing ordinances or sections thereof.
- D. Financial claims. All bills and other financial claims against the City shall be audited and approved in accordance with this Code of Ordinances.
- E. Ordinances appropriating money. All ordinances and resolutions appropriating money or creating any charge against the City for payment of claims for purchases or work previously authorized by the Council shall be acted upon by the Council at the next regular meeting, provided that this provision may be suspended by 3/4 vote of all members of the Council. A roll call vote shall be taken and recorded on such appropriations.

§ 94-8. Questions of order.

The presiding officer shall decide all questions of order, in accordance with § 94-13 subject to an appeal to the Council. No appeal shall be debatable and the appeal may be sustained by a simple majority of the members present, exclusive of the Mayor.

§ 94-9. Presiding officer to preserve order.

The presiding officer shall preserve decorum; and if any member transgresses the rules of the Council, the presiding officer shall, or any member may, call such offending member to order in which case the member called to order shall immediately sit down and be silent, unless permitted to explain and the Council, if appealed to, shall decide the matter.

§ 94-10. Presiding officer shall remove himself.

The presiding officer shall vacate the chair and designate a member to preside temporarily whenever he desires to speak upon any question, or make any motion.

§ 94-11. Addressing Council.

No member shall address the Council until recognized by the presiding officer. Such member shall address himself to the presiding officer. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first, and no person other than a member shall address the Council except by vote of a majority of the members present, except during the public appearances portion of the agenda.

§ 94-12. Motions.

- A. Motions in possession of the council. When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or, being in writing, shall be delivered to the Clerk, and read by him previous to debate.
- B. Motions without debate. A motion to adjourn shall always be in order, and a motion to adjourn, lay on the table, and a call for the previous question shall be decided without debate.
- C. Unanimous consent. Any motion may be disposed of by unanimous consent of the Council.

§ 94-13. Debate.

- A. Actions in order. When a question is under discussion, no action shall be in order except to adjourn, to lay on the table, to postpone to a certain day, to refer to a committee, to amend, or to postpone indefinitely. All such motions shall have precedence in the order listed. A motion to call for the previous question shall require a 2/3 vote of the members present.
- B. Termination of debate. Any member wishing to terminate the debate may move to put the question before the Council. The presiding officer shall announce the question "Shall the main question now be put?". If a 2/3 majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bringing the Council to a direct vote, first upon pending amendments, and then upon the main question.

§ 94-14. Rules suspended temporarily.

These rules in this chapter or any part thereof may be suspended temporarily in connection with any matter under consideration by a recorded vote of 3/4 of the members present.

§ 94-15. Voting.

- A. Role call vote. Any member may demand a roll call vote on any matter, and such vote shall be entered in the proceedings and every member shall vote when a question is put unless the Council by majority vote of those present shall excuse him for special cause. Abstentions for conflicts of interest shall be considered a vote of the member under this section. Roll call votes are required for ordinances or resolutions approving contracts or appropriations of \$500 or more.
- B. Majority prevails. The majority vote of the members present shall be necessary for passage of an ordinance or resolution or approval of an appointment unless a larger number is required by Statute or this Code of Ordinances.
- C. Reconsideration of the vote. Any member voting in the majority may move for a reconsideration of the vote of any question at that meeting or at the next succeeding regular meeting. A member may not change his vote on any question after the results have been announced. A motion to reconsider being put and lost shall not be renewed.

§ 94-16. Robert's Rules of Order to govern Council.

In the absence of a standing rule, the Council shall be governed by Robert's Rules of Order, Newly Revised.

§ 94-17. Council agenda, preparation and dissemination of.

- A. Proposed agenda. A proposed agenda, together with relevant materials and communications, shall be prepared by the City Administrator. The Mayor, acting upon the Administrator's proposed agenda, shall set the agenda. Any two Aldermen may also have an item placed on the agenda by filing a written request with the City Administrator no later than 5:00 p.m. on the Monday preceding the meeting. The agenda shall be delivered to the Mayor and Council members on the Thursday prior to a regular Council meeting, unless special circumstances preclude such schedule. A similar agenda shall be prepared for special meetings of the Council under § 94-4B of the Code of the City of Monona.
- B. Availability for public inspection.
 - (1) The proposed agenda, with the relevant materials and communications, shall be available at the City Clerk's office for public inspection and copying by 4:00 p.m. Friday prior to a regular Council meeting. The agenda and materials for a special Council meeting shall be available as soon as prepared and assembled by the City Clerk.
 - (2) The City Clerk shall upon request make copies of the agenda and accompanying material available for distribution and shall make a charge therefor sufficient to recover the City's expense, provided one copy shall be made available without charge to a representative of a recognized news medium having general circulation within the City. The Mayor may authorize the distribution of additional copies at no charge.

- C. Final agenda. Additions to or deletions from the proposed agenda may be made by the City Clerk and/or City Administrator and by other City officers upon request or approval of the Mayor, until 12:00 noon of the Friday before the Council meeting. At such time the City Clerk and/or City Administrator shall prepare a set of materials to include materials not previously delivered for the Mayor and each member of the Council, which shall be available for them in the Clerk's office until 5:00 p.m. the day of the Council meeting and available at the meeting place of the Council 1/2 hour prior to the time scheduled for convening the Council. No item may be acted on by the Council unless it is on the final agenda by unanimous consent of the Council or by suspension of the rules under § 94-14.

§ 94-18. Consent agenda.

The City Clerk, subject to approval of the Mayor, shall place on the consent agenda items which in his judgment are routine. No separate discussion or debate on matters on the consent agenda shall be permitted. A single motion, seconded and adopted by majority vote of the Council shall be sufficient to approve, adopt, enact or otherwise favorably resolve any matter listed on the consent agenda without separate discussion thereof. When the consent agenda is reached, any Council member may request removal of any item from the consent agenda, and such item shall be removed without further debate or vote. Any item or part thereof removed from the consent agenda by action of the Council shall be considered separately at the appropriate time in the Council's regular order of business, under unfinished business.

§ 94-19. Committee of the Whole.

By majority vote at any regular or special meeting in the regular order of business as provided in § 94-6A(8), the Council may resolve itself into a Committee of the Whole. Resolving into the Committee of the Whole as a special order of business other than in the regular order of business shall require unanimous consent of those present at the meeting. Standing rules of the Council acting as a Committee of the Whole shall be deemed advisory only and shall not authorize any official act by any officer, employee, agent or representative on behalf of the City. The Mayor shall preside over the Committee of the Whole. The Council may not adjourn any meeting or conduct an executive session in the Committee of the Whole.

Chapter 103

OFFICERS AND EMPLOYEES

ARTICLE I
City Officers

- § 103-1. City Administrator.
- § 103-2. City Clerk.
- § 103-3. City Building Inspector.
- § 103-4. City Engineer.
- § 103-5. City Attorney.
- § 103-6. Municipal Judge.
- § 103-7. Chief of Police.
- § 103-8. Fire Chief.
- § 103-9. Library Director. *Economic*
- § 103-10. City Planning and Development *Director*
- § 103-11. *Community* Recreation *Director*

- § 103-12. Weed Commissioner.
- § 103-13. Assessor.
- § 103-14. Senior Center Director.
- § 103-15. Director of Public Works.

ARTICLE II
General Rules for Elected Officials, City Officers and Employees

- § 103-16. Qualifications for elected officials.
- § 103-17. Vacancies and absentees.
- § 103-18. Removal from office.
- § 103-19. Bonds to be filled by city officers.
- § 103-20. Oaths of office.
- § 103-21. Rule making authority.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 2, Ch. 3, of the 1994 Code. Amendments noted where applicable.]

ARTICLE I
City Officers

§ 103-1. City Administrator.

A. Appointment. In order to coordinate and improve the various municipal services rendered to the citizens of Monona, there is created the position of City Administrator. The City Administrator shall be employed by the Common Council and shall serve according to the terms of the contract signed by the Administrator and the Council. The Mayor and Personnel Committee shall review applications for the position of City Administrator. The Mayor shall appoint the City Administrator, subject to confirmation by the Common Council. Approval of the contract for the employment of the Administrator shall constitute approval of the appointment.

B. Authority. The City Administrator shall have the following authority:

- (1) To have the overall direction and administrative control of the Department of Inspections, Finance, Public Works, ~~Engineering, Planning~~ and ~~Community~~ Recreation.

and Economic Development X
er
Parks and

- (2) To recommend the selection and removal of all supervisors subject to the authority of the Mayor and the Council, consistent with the general principles of personnel systems based upon merit, except the Police and Fire Chiefs who shall be selected by the Police and Fire Commission.
 - (3) In cooperation with the Mayor, preparation and submission of the annual Executive City Budget.
 - (4) Budget implementation, including authority to transfer up to \$1,000 between items, except capital accounts. The Administrator shall report any such transfer to the Finance Committee at its next regularly scheduled meeting.
 - (5) To recommend to the Mayor and Common Council measures for adoption which are deemed appropriate to deal with significant municipal problems, with the right to participate in all discussions on such measures with the Mayor and Common Council, subject to Council rules or procedures.
- C. Duties and responsibilities. The City Administrator shall have all of the following duties and responsibilities:
- (1) To attend all Council meetings.
 - (2) To submit annually to the Mayor and Council and make available to the public, complete reports on the financial affairs of the City and the status of municipal programs.
 - (3) To make monthly reports to the Mayor and Council concerning the operation of all City departments, offices and special programs.
 - (4) To keep the Mayor and Council fully advised as to the financial condition and future financial needs of the City.
 - (5) To make such recommendations to the Mayor and Council concerning the overall management of the City as necessary.
 - (6) To establish and maintain a centralized purchasing system in the City.
 - (7) To prepare Council agendas in cooperation with the Mayor and City Clerk.
 - (8) To serve as the chief personnel officer of the City.
 - (9) To prepare and continually update a capital improvement program for the City.
 - (10) To supervise and coordinate development of a comprehensive community planning program.
 - (11) To serve as the coordinator for securing state and federal grant and loan assistance for all City programs.
 - (12) To analyze, evaluate and measure the performance of the City administration and make recommendations to the Mayor and Council for the most efficient operation of the City government.

(13) To submit recommendations to the Mayor and Council for new or changed programs that would improve the quality of life in Monona.

~~(14) To serve as comptroller in accordance with Sec. 62.09(1), Wis. Stats.~~

(15) To perform any other duties prescribed by the State Statutes or as may be lawfully ordered by the Common Council.

(16) Submit an annual report and such other periodic reports as requested by the Mayor, Council. *Comptroller*

(17) To serve as City ~~Treasurer~~ *(10)* in accordance with Sec. 62.09(9), Wis. Stats. *X*

D. Responsible to the Mayor and Council.

(1) The City Administrator shall be directly responsible to the Mayor subject to the control and management of the Council as a body and not as individuals.

(2) The Mayor, in writing, may delegate to the City Administrator the responsibility of receiving day-to-day reports from the Chief of Police and Fire Chief.

E. Removal. The Administrator may be removed *for cause* as provided in Secs. ~~17.13(1), 17.13(3)~~ and 17.16, Wis. Stats., or otherwise as provided in the contract of employment, between the City Administrator and the City. *17.120(c)*

[sect. 13 Applies to towns]

if any, X

§ 103-2. City Clerk.

A. Appointment. The City Clerk shall be appointed by the Mayor upon recommendation of the City Administrator. Approval of the employment contract for the City Clerk shall constitute confirmation by the Common Council.

B. Duties and responsibilities. The City Clerk shall have all of the following duties and responsibilities:

(1) Perform the duties of Clerk as prescribed in Sec. 62.09(11), Wis. Stats., and such other duties as prescribed by State Statute or the Council.

~~(2) Submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.~~ *X*

(3) The City Clerk or his/her designee shall be responsible for the enforcement of all ordinances relating to licenses unless other provision is made by the Council for the enforcement.

(4) Perform all duties as set forth in the job description of City Clerk.

(5) Fulfill such other duties as may be directed by the Mayor or City Administrator.

C. Responsible to the City Administrator. The City Clerk shall be responsible to the City Administrator, subject to the policy direction of the Mayor and Council.

- D. Removal. The City Clerk may be removed for cause as provided in § 103-18 of the Code of the City of Monona, or as otherwise provided in the contract of employment between the City Clerk and the City.

§ 103-3. City Building Inspector.

- A. Appointment. The City Building Inspector shall be appointed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Council. Approval of the contract for the employment of the City Building Inspector shall constitute approval of the appointment.
- B. Duties and responsibilities.
- (1) As Building Inspector. The duties of the Building Inspector shall be to enforce the Building, Electrical, Plumbing and Heating, Ventilating and Air Conditioning Codes of the City, and perform any other duties prescribed by the Common Council.
 - (2) Health Commissioner. The Building Inspector shall serve as Health Commissioner in accordance with Sec. 141.015, Wis. Stats.
 - (3) Other. To perform any other duties prescribed by State Statute or as may be lawfully ordered by the Mayor or Council, and to submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
- C. Responsible to City Administrator. The City Building Inspector shall be responsible directly to the City Administrator, subject to the control of the Mayor and the policy direction of the Common Council.
- D. Removal. The Building Inspector may be removed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment between the Building Inspector.

§ 103-4. City Engineer. [Amended 2-7-2011 by Ord. No. 1-11-625]

- A. Appointment. The City Engineer shall be appointed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Council. Approval of the contract for the employment of the City Engineer shall constitute approval of the appointment.
- B. Duties and responsibilities. The City Engineer shall:
- (1) Provide professional engineering services to the City as requested by the Mayor, Common Council and/or City Administrator.
 - (2) Perform such other functions and duties as may be required by the City Administrator.

- (3) Perform any other duties prescribed by State Statute or as may be lawfully ordered by the Mayor or Council.
 - (4) Submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
- C. Responsible to Public Works Director. The City Engineer shall be responsible directly to the Public Works Director, subject to the control of the Mayor and the policy direction of the Common Council.
- D. Removal. The City Engineer may be removed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment between the City Engineer and the City.

§ 103-5. City Attorney.

- A. Appointment. The City Attorney shall be appointed or employed by the Council, and the term of the Attorney's office shall commence upon appointment and continue until his successor is appointed and qualifies. Approval of the contract for the employment of the City Attorney shall constitute approval of the appointment.
- B. Duties and responsibilities.
- (1) The City Attorney shall be responsible for the conduct of all legal services of the City in accordance with Sec. 62.09(12), Wis. Stats., and shall serve as legal advisor to the Mayor, Council, and all Committees, Commissions and Boards. The Attorney shall represent the City in matters in which the City is interested before any court or tribunal and shall perform such other duties as may be required by the Mayor or Council. The Attorney shall call to the attention of the Mayor and Council all matters of law affecting the City.
 - (2) The City Attorney shall submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
 - (3) The City Attorney shall perform any other duties prescribed by the State Statutes or as may be lawfully ordered by the Council.
- C. Responsible to Mayor. The City Attorney shall be responsible to the Mayor, subject to the policy direction of the Common Council. The City Attorney shall work closely and coordinate activities with the City Administrator. Requests for legal opinions shall be made through the Mayor and/or City Administrator pursuant to City policy.
- D. Removal. The City Attorney may be removed from office by the Common Council, after compliance with review procedures established by the Council, and in accordance with an contractual rights between the Attorney and the City.

an

typo

§ 103-6. Municipal Judge. [Amended 1-3-2011 by Ord. No. 1-11-622]**A. Municipal Judge.**

- (1) Office created. Pursuant to Sec. 755.01, Wis. Stats., there is created the office of Municipal Judge for the City of Monona.
- (2) Election; term. The Municipal Judge shall be elected at large at the spring election in even numbered years for a term of four years, or until a successor is elected and qualifies. The term of office shall commence on May 1 next succeeding the election. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55 nor more than 70 days after the order of the Council therefor.
- (3) Salary. The Municipal Judge shall receive a salary as determined from time to time by the Common Council, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during the term of office for which he has not executed and filed the official bond and oath as required by Subsection A(4) below.
- (4) Bond; oath. The Municipal Judge shall execute and file with the Clerk of Courts for Dane County the oath prescribed by Sec. 757.02, Wis. Stats., and a bond in the penal sum of \$2,000. The Judge shall not be qualified to act until a certified copy of the bond is filed with the City Clerk and a certified copy of the oath is filed with the office of the State Administrator of Courts as required by Sec. 755.03, Wis. Stats.
- (5) Jurisdiction. The Judge shall have jurisdiction as provided by law and Sec. 755.045, Wis. Stats., and exclusive jurisdiction of violations of City ordinances, resolutions and by-laws.

B. Municipal Court.

- (1) Court established. The Municipal Court for the City of Monona is established pursuant to Sec. 755.02 and Chapter 755, Wis. Stats.
- (2) Hours. The Municipal Court shall be open as determined by order of the Municipal Judge.
- (3) Location. The Municipal Judge shall hold court in the Monona ~~Community Center~~, unless otherwise provided by the Common Council. *Public Library Municipal Room*
- (4) Procedure. The procedure in Municipal Court for the City shall be as provided by this section and state law including, without limitation because of enumeration, Chapters 755, 799, 800 and Sections 23.66 to 23.99, and 345.20 to 345.53, Wis. Stats.
- (5) Collection and return of forfeitures. The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before the court and shall pay over such moneys to the City Treasurer within 30 days of collection. At such time the Municipal Judge shall also report to the City

Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected.

- (6) Contempt of Court. The Municipal Judge may punish a person for contempt of court in accordance with the provisions of section 800.12 of the Wisconsin Statutes.

C. Stipulation and deposits in Municipal Court.

- (1) Deposit schedule to be established. The Municipal Judge shall establish and submit to the Common Council for approval in accordance with Sec. ~~800.03(3)~~, Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws except traffic regulations which are governed by Sec. 345.2~~X~~ Wis. Stats., and boating violations governed by Sec. 30.77, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Monona Police Department. 800.037 X
- (2) Stipulation and deposit in lieu of court appearance. Persons cited for violations of City ordinances, resolution or bylaws for which a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Secs. ~~800.03, 800.04 and 800.09~~, Wis. Stats. 800.035(6)
- (3) Traffic and boating deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77, Wis. Stats.
- (4) When not permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt.

§ 103-7. Chief of Police. [Amended 5-7-2012 by Ord. No. 5-12-639]

A. Appointment. The Chief of Police shall be appointed by the Police and Fire Commission and shall hold office during good behavior subject to suspension or removal by the Commission for cause. An employment contract may be required.

B. Duties and responsibilities.

- (1) To exercise general supervision of the Police Department and be responsible for the personnel and general efficiency of the department.
- (2) To enforce all ordinances of the City.
- (3) To have the powers outlined in Sec. 62.09(13), Wis. Stats., including the duties of Constable.
- (4) To perform any other duties prescribed by the State Statutes or as may be lawfully ordered by the Council.

*OK
consistent
w/ Wis Stats
Ord. 13(3)*

- (5) Submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
 - (6) The Chief of Police or designees are authorized to run a Wisconsin criminal history records check for any lawful purpose; including but not limited to, on any applicant for a City of Monona license or employment position to assist in determining whether the applicant possesses the necessary qualifications, and for any law enforcement investigative purpose.
- C. Responsible to the Mayor. The Chief of Police shall be responsible to the Mayor, subject to the policy direction of the Council. The Chief of Police shall work closely and coordinate activities with the City Administrator.
- D. Removal. The Chief of Police may be removed from office by the Police and Fire Commission for cause.

§ 103-8. Fire Chief. [Amended 11-16-2009 by Ord. No. 10-09-608]

- ok
- A. Appointment. The Fire Chief shall be appointed by the Police and Fire Commission, and shall hold office during good behavior subject to suspension or removal by the Commission for cause. An employment contract may be required.
- B. Duties and responsibilities.
- (1) To exercise general supervision of the Fire and EMS Departments, and be responsible for the personnel and general efficiency of the departments.
 - (a) Be responsible for daily administrative duties associated with the EMS Department.
 - (b) Act as the departmental training officer and coordinate training programs for the Fire and EMS Departments.
 - (c) Supervise Fire and EMS Personnel.
 - (2) To have control of the apparatus used by the Department and be responsible for its proper maintenance.
 - (3) To have complete command of and entire responsibility for all fire fighting operations, to plan the control of the same, direct the action of the Department when at a fire, to grant leaves of absence at a fire when deemed proper, and see that the fire apparatus is kept in proper condition at all times.
 - (4) To serve as Fire Inspector, with power to appoint one or more Deputy Fire Inspectors.
 - (5) To enforce all fire prevention ordinances of the City and state laws and regulations pertaining to fire prevention and keep citizens informed on fire prevention methods and on the activities of the Department.

- (6) Submit an annual report and such other periodic reports as request by the Mayor, Council and/or City Administrator 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, and the total number of active members in the Department. The Chief shall also report upon the drill and training program of the Department, together with other pertinent information including recommendations of such improvements as is deemed proper and necessary for the operation of the Department.
 - (7) To perform any other duties prescribed by State Statute or as may be lawfully ordered.
 - (8) Annually update the department's comprehensive set of standards, operating policies, procedures, and practices as well as the system to evaluate the same on a wide variety of topics. These departmental standards, operating policies, procedures, and practices seek to conform to those established by the National Fire Protection Association (NFPA).
 - (9) Every three years update a comprehensive three year strategic plan that sets goals and timetables for the department.
- C. Responsible to the Mayor. The Fire Chief shall be responsible to the Mayor, subject to the policy direction of the Council. The Fire Chief shall work closely and coordinate activities with the City Administrator.
- D. Removal. The Fire Chief may be removed from office by the Police and Fire Commission for cause.¹

Delete phrase

§ 103-9. Library Director.

- A. Appointment. The Library Director is appointed by the Library Board, ~~subject to confirmation by the Common Council.~~ X
- B. Duties and responsibilities.
- (1) To exercise general supervision of the Library and be responsible for the personnel and general efficiency of the Library.
 - (2) To be responsible for the maintenance and improvement of the Library collection.
- C. Responsible to the Library Board. The Library Director shall be responsible to the Library Board. The Library Director shall work closely with and coordinate activities with the City Administrator.
- D. Removal. The Library Director may be removed by the Library Board, ~~subject to confirmation by the Common Council,~~ after compliance with review procedures X

1. Editor's Note: Former Sec. 2-3-9, Director of Fire Prevention/EMS Director, which immediately followed this subsection, was repealed 11-16-2009 by Ord. No. 10-09-608.

established by the Common Council or as otherwise provided in the contract or employment, if any, between the Library Director and the City.

X § 103-10. ^{er Economic} City Planning and Development ~~Coordinator~~. Director (change title)

A. Appointment. ^{er Economic Director} The City Planning and Development ~~Coordinator~~ shall be appointed by the Mayor, upon recommendation of the City Administrator, subject to confirmation by the Common Council.

B. Duties and responsibilities.

- (1) To enforce the Master Plan and Zoning Code of the City.
- (2) To coordinate current and long range planning, as well as providing input to the Common Council on the overall development of the City.

(3) To serve as staff to the City Plan Commission and Community Development Authority.

Insert 4-6 →

C. Responsible to City Administrator. The City Planning and Development Coordinator shall be responsible to the City Administrator, subject to the policy direction of the Mayor, Council and Community Development Authority. ^{4) to serve as zoning administrator 5) to serve as floodplain zoning administrator}

D. Removal. The City Planning and Development Coordinator ^{6) to coordinate economic development activities of the city. for,} may be removed by the Mayor, upon recommendation of the City Administrator subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment between the City Planning and Development Coordinator and the City.

§ 103-11. ^{Parks and} ~~Community Recreation~~ Director. (change title)

A. Appointment. The Community Recreation Director shall be appointed by the Mayor, upon recommendation of the City Administrator, subject to confirmation by the Common Council.

B. Duties and responsibilities.

- (1) To oversee the operation and coordinate the use of the Monona Community Center.
- (2) Develop and implement recreation programs involving the Community Center, ~~Senior Center~~, park facilities and other City and community facilities.
- (3) Serve as Director of the Monona Municipal Swimming Pool.

X

C. Responsible to City Administrator. The Community Recreation Director is directly responsible to the City Administrator, subject to the control of the Mayor and the policy direction of the Common Council.

D. Removal. The Community Recreation Director may be removed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council.

→ 4) Operate and maintain all city parks and recreation areas, 103:10 and related facilities and buildings.

Council, after compliance with review procedures established by the Common Council, or as otherwise provided in the contract of employment, if any, between the Community Recreation Director and the City.

§ 103-12. Weed Commissioner.

- A. Appointment. The Weed Commissioner shall be appointed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council.
- B. Duties and responsibilities. The Weed Commissioner shall have the duties and responsibilities outlined in § 66.0517, Wis. Stats.

§ 103-13. Assessor.

- A. Pursuant to the Wisconsin Statutes, the City elects not to be governed by those portions of the statutes which relate to the selection and tenure of the City Assessor, and which are in conflict with this section.
- B. Instead of being elected, the Assessor, or assessing firm, shall be appointed by the Mayor, subject to Council confirmation. Said person or firm so appointed to perform the duties of such office shall have a term as determined by contract. A corporation or an independent contractor may be appointed as the City Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

§ 103-14. Senior Center Director.

- A. Appointment. The Senior Center Director shall be appointed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council.
- B. Duties and responsibilities. The Senior Center Director shall perform the following duties:
 - (1) To oversee the operations of the Monona Senior Center.
 - (2) Maintain the financial and operational records of the Monona Senior Center.
 - (3) Fulfill such other duties as may be directed by the Mayor or City Administrator.

- C. Responsible to the City Administrator. The Senior Center Director shall be responsible to the City Administrator, subject to the policy direction of the Mayor and Council.
- D. Removal. The Senior Center Director may be removed in accordance with the provisions of § 103-18 of the Code of the City of Monona, after compliance with review procedures otherwise provided any contract of employment between the Senior Center Director and the City.

§ 103-15. Director of Public Works. [Added 2-7-2011 by Ord. No. 1-11-625]

- A. Appointment. The Director of Public Works shall be appointed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Common Council. Approval of the contract for the employment of the Director of Public Works shall constitute approval of the appointment.
- B. Duties and responsibilities. The Director of Public Works shall:
 - (1) Appoint all personnel under his direction, subject to approval of the City Administrator and consistent with City personnel policies.
 - (2) Manage and direct public works and utility programs of the City.
 - (3) Perform such other functions and duties as may be required by the City Administrator.
 - (4) Perform any other duties prescribed by State Statute or as may be lawfully ordered by the Mayor or Common Council.
 - (5) Perform the duties of Water Superintendant.
 - (6) Prepare and submit an annual capital improvement budget and five year capital plan.
 - (7) Manage and direct the public works operating programs of the city, including water, sewer, streets, parks and sanitation.
 - (8) Perform the duties of Street Commissioner.
 - (9) Submit an annual report and such other periodic reports as requested by the Mayor, Common Council and/or City Administrator.
- C. Responsible to the City Administrator. The Director of Public Works shall be responsible directly to the City Administrator, subject to the control of the Mayor and the policy direction of the Common Council.
- D. Removal. The Director of Public Works may be removed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment between the Director of Public Works and the City.

ARTICLE II

General Rules for Elected Officials, City Officers and Employees

§ 103-16. Qualifications for elected officials.

No person shall be eligible for election as an official of the City of Monona unless he is a citizen of the United States and a resident of the City.

§ 103-17. Vacancies and absentees.

- A. Vacancies in elective and appointive positions are caused as provided in Secs. 17.03 and 17.035, Wis. Stats.
- B. Vacancies shall be filled as provided in Sec. 17.23, Wis. Stats.
- C. If any officer be absent or temporarily incapacitated for any cause, the Council may appoint some person to discharge his duties until he returns or until such disability is removed.
- D. A Council member shall be eligible for appointment as Mayor to fill an unexpired term.

§ 103-18. Removal from office.

- A. Elected officials. Elected officials may be removed as provided in Sec. 17.12(1)(a), Wis. Stats., and Sec. 17.16, Wis. Stats.
- B. Appointed officials. Appointed officials may be removed as provided in Secs. 17.13(1) and 17.16, Wis. Stats.
- C. Qualifications of appointed officials.
 - (1) All citizen appointees to City committees, commissions, or boards shall be residents of the City. If an individual moves from the City during the course of his term of appointment, this shall constitute grounds for immediate removal from that particular committee, commission, or board and the Mayor shall appoint a replacement with Council confirmation.
 - (2) Nonresident members may be appointed to City committees, commissions, or boards upon the recommendation of the Mayor and approval of 2/3 of the Council that the best interests of the City will be served by such appointment.
- D. Attendance at Committee, Commission or Board meetings. All citizen appointees are expected to attend all scheduled committee, commission, or board meetings. Three unexcused absences or six absences over a six-month period of time from regularly scheduled meetings shall constitute grounds for removal from that particular committee, commission, or board and the Mayor shall appoint a replacement with Council confirmation.

Apply to cities
Yes - section 12 not 13
~~17.13(1)~~
~~17.12(1)(c) X~~

§ 103-19. Bonds to be filled by city officers.

Every bond required of a City officer shall be executed with sufficient sureties in a sum fixed by the Council when not otherwise prescribed and be approved by the Mayor. Whenever the Council shall deem any bond insufficient, it may require an additional bond to be executed and filed in a sum and within a time to be set by them. No City officer shall be accepted as a surety on any bond, note, or other obligation of the City.

§ 103-20. Oaths of office.

Elected and appointed officials shall take and file the official oath within five days after notice of their election or appointment as provided in Sec. 61.21, Wis. Stats.

§ 103-21. Rule making authority. [Amended 2-7-2011 by Ord. No. 1-11-625]

A. Authorization for department heads. Heads of departments of the City including, without limitation by enumeration, the City Administrator, City Clerk, Community Recreation Director, Chief of Police, Fire Chief, and Director of Public Works, may make rules, regulations, or directives for the administration of their departments but not for the conduct of the general public.

title change

B. Approval of rules by City Administrator.

- (1) Any proposed departmental rule, regulation, or directive from the Police and Fire Departments shall be referred to the City Administrator for review. Within 15 days of formal presentation to the City Administrator, the City Administrator shall forward the proposed rule along with his recommendations to the Mayor for review.
- (2) Any proposed departmental rule, regulation, or directive other than those proposed by the Police and Fire Departments shall be referred to the City Administrator for review. Within 15 days of formal presentation to the City Administrator, the City Administrator shall either forward the proposed rule along with recommendations to the Mayor for review, or return the proposed rule to the department along with suggested revisions. Any rule, or any part thereof, returned by the City Administrator to the department head shall be deemed to be unacceptable and not in force.

C. Time of taking effective. All proposed rules, regulations, or directives shall be effective 30 calendar days after presentation to the City Administrator, unless returned by either the City Administrator or the Mayor, or the Common Council acts by resolution to nullify such rule. In emergency situations requiring immediate actions, rules may become effective immediately; but all rules so enacted shall be reported to the City Administrator, the Council, and the Mayor within 24 hours, with the reasons for the necessity of immediate implementation. All emergency rules are temporary in nature, and must be formally presented as required in Subsection B to become permanent rules.

D. Notice. All proposed rules shall be posted by the department in the work area of all employees subject to any such rule within 24 hours of presentation to the City

Administrator. The department shall file one copy of the proposed rule with the City Clerk, who shall maintain such copy for general public inspection. The City Clerk shall provide the Common Council with copies of any proposed rule for its review. The City Clerk shall distribute copies of such proposed rules to all Council members and to the members of the appropriate advisory committee, commission, or board within 72 hours of the promulgation of the proposed rule by the Department.

- E. Effect of failure to comply with rule. Each employee subject to any rule shall comply with such rule. Failure to comply with such rule shall be cause for disciplinary action.

CREATE THESE SECTIONS IN CHAPTER 103

Finance Director

- A. Appointment. The Finance Director shall be appointed by the Mayor, ~~upon recommendation of the City Administrator~~, subject to confirmation by the Common Council. Approval of the employment contract ~~for the Finance Director~~ shall constitute confirmation by the Common Council.
- B. Duties and responsibilities. The Finance Director shall have all of the following duties and responsibilities:
- (1) Perform the duties of Treasurer as prescribed in Sec. 62.09(9), Wis. Stats., and such other duties as prescribed by State Statute or the Common Council.
 - (2) Develop, evaluate and oversee the day-to-day and year-end financial functions of the City.
 - (3) Submit annually to the Mayor and Council and make available to the public, complete reports on the financial affairs of the City.
 - (4) Keep the Mayor and Common Council fully advised as to the financial condition and future financial needs of the City.
 - (5) Perform all duties as set forth in the job description of the Finance Director.
 - (6) Fulfill such other duties as may be directed by the Mayor or City Administrator.
- C. Responsible to the City Administrator. The Finance Director shall be responsible to the City Administrator, ~~subject to the policy direction of the Mayor and Council~~.
- D. Removal. The Finance Director may be removed ~~for cause~~ as provided in ~~section 2-3-42~~ 103-18 of the Code of Ordinances, or as otherwise provided in the contract of employment between the Finance Director and the City.

Comment [WSC1]: The language could be interpreted as prohibiting the appointment of an individual not recommended by the administrator.

Comment [WSC2]: Note, this language slightly differs for other officers listed in the code. Recommend the equivalent sections for all officers be amended during the recodification so that they are all consistent.

Comment [WSC3]: Need to change reference to new section number as recodified.

Director of Administrative Services

- A. Appointment. The Director of Administrative Services shall be appointed by the Mayor, ~~upon recommendation of the City Administrator~~, subject to confirmation by the Common Council. ~~Approval of the employment contract shall constitute confirmation by the Common Council.~~
- B. Duties and responsibilities. The Director of Administrative Services shall have all of the following duties and responsibilities:
- (1) Direct the administrative support functions for the City Administrator, Department Heads, Mayor, and City Council.
 - (2) Perform all human resource functions for the City.
 - (3) Perform all duties as set forth in the job description of the Director of Administrative Services.
 - (4) Fulfill such other duties as may be directed by the Mayor or City Administrator.
- C. Responsible to the City Administrator. The Director of Administrative Services shall be responsible to the City Administrator, subject to the policy direction of the Mayor and Council.
- D. Removal. The Director of Administrative Services may be removed by the Mayor ~~for cause~~ as provided in ~~section 2-3-42~~ 103-18 of the Code of Ordinances, or as otherwise provided in the contract

Comment [WSC4]: For consistency with the equivalent language for the Finance Director. Recommend the equivalent sections for all officers be amended during the recodification so that they are all consistent.

Comment [WSC5]: For consistency with the equivalent language for the Finance Director. Recommend the equivalent sections for all officers be amended during the recodification so that they are all consistent.

~~of employment between the Finance Director and the City, upon recommendation of the City Administrator subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment, if any, between the Director of Administrative Services and the City.~~

Community Media Director

- A. Appointment. The Community Media Director shall be appointed by the Mayor, ~~subject to confirmation by the Common Council. Approval of the employment contract shall constitute confirmation by the Common Council, upon recommendation of the City Administrator, subject to confirmation by the Common Council.~~
- B. Duties and responsibilities. The Community Media Director shall have all of the following duties and responsibilities:
- (1) Direct the programming, joint operations and promotion of the City of Monona's/Monona Grove School District's PEG access channel and LPFM radio station.
 - (2) Serve as Monona Grove High School's audiovisual coordinator and student advisor.
 - (3) Perform all duties as set forth in the job description of the Community Media Director.
 - (4) Fulfill such other duties as may be directed by the Mayor or City Administrator.
- C. Responsible to the City Administrator. The Community Media Director shall be responsible to the City Administrator, subject to the policy direction of the Mayor and Council.
- D. Removal. The Community Media Director may be removed by the Mayor, ~~Mayor for cause as provided in section 2-9-42 103-18 of the Code of Ordinances, or as otherwise provided in the contract of employment between the Finance Director and the City, upon recommendation of the City Administrator subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment, if any, between the Community Media Director and the City.~~

Comment [WSC6]: For consistency with the equivalent language for the Finance Director. Recommend the equivalent sections for all officers be amended during the recodification so that they are all consistent.

Comment [WSC7]: For consistency with the equivalent language for the Finance Director. Recommend the equivalent sections for all officers be amended during the recodification so that they are all consistent.

From League of Wisconsin Municipalities:

The list of statutory officers for cities is somewhat longer than for villages. For example, fire chief and police chief are listed as city officers in Wis. Stat. ch. 62. but they are not listed as village officers in ch. 61. Compare sec. 62.09(1)(b) with sec. 61.19 - 61.29. However, both cities and villages are authorized to create additional offices not listed in the statutes and eliminate offices listed in the statutes. Other statutory city officers that are not mentioned as village officers in Wis. Stat. ch. 61 include comptroller, attorney, engineer, local health officer or local board of health, street commissioner and board of public works. Except for the offices of city attorney and health commissioner, these offices may be eliminated and their duties transferred as provided under sec. 62.09(1)(b).

NOTES:

- Position descriptions are set by Charter Ordinance #8-16-545, adopted August 2004. As such, I believe they would need to be changed by charter ordinance, which is a more stringent process.
- The City Administrator is designated the comptroller in the charter ordinance (see section (c)(13)).
- Recommend changing 103-1 to conform to the Charter Ordinance.
- Also recommend designating deputy treasurer, deputy clerk, and deputy comptroller in position descriptions to handle any unanticipated absences or vacancies, especially during crucial times like tax roll preparations and elections.

Chapter 119

PROPERTY, LOST, ABANDONED AND SURPLUS

§ 119-1. Disposal of surplus city property.

§ 119-2. Lost and abandoned property.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 3, Ch. 4, of the 1994 Code. Amendments noted where applicable.]

§ 119-1. Disposal of surplus city property.

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

SURPLUS CITY PROPERTY —

- (1) That property which is owned by the City of Monona and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:
 - (a) The item or its function has been totally replaced by other City property and no probable future function exists for it; or
 - (b) The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - (c) The item is no longer able to reliably or economically perform the work required of it.
- (2) Surplus property as defined in this chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City property shall not include property which is obtained by the City as a result of abandonment or loss by the property's original owner. Surplus City property shall not include items of property which are traded in for newer items. Surplus City property shall not include library materials used by the public library for lending purposes.

B. Determination of surplus city property.

- (1) Whenever an item of City property is determined to be surplus City property on the basis that the City no longer performs the service for which the item was purchased, the City Administrator, upon the recommendation of the pertinent department head, shall determine whether or not the item is surplus City property.
- (2) Whenever the fair market value of the item is more than \$10,000, the City Administrator, upon the recommendation of the pertinent department head, shall determine whether or not the item is surplus City property.

C. Disposition of surplus City property.

- (1) Whenever the City Administrator, upon the recommendation of the pertinent department head, determines that an item of property is surplus City property, it shall dispose of such property as it determines.
- (2) Whenever the fair market value of an item is more than \$10,000 and the City Administrator, upon the recommendation of the pertinent department head, has determined, pursuant to the previous Subsection, that the item is surplus City property, the department head responsible for the items shall dispose of the property by:
 - (a) Donation to a nonprofit organization within the City or to a governmental agency;
 - (b) Public auction;
 - (c) Sale by sealed bid; or
 - (d) Negotiated sale.
- (3) In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the City. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the City and the amount of the bid shall be forfeited to the City. In the event no bids are received, the item shall be disposed of as directed by the City Administrator.
- (4) No public auction or awarding of bids shall occur under this chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official City newspaper.
- (5) Whenever the fair market value of an item is \$10,000 or less and the Common Council has determined, pursuant to the previous Section, that it is surplus City property, the item shall be either disposed of as set forth in Subsection C(2) above or destroyed.

D. Determination of fair market values. Whenever this chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.

E. Authority to dispose of property.

- (1) Except for library materials used by the public library for lending purposes, only the City Administrator may dispose of City property which is not surplus City property.
- (2) Whenever this section provides for an auction or other disposition of any property, the City Administrator shall be authorized to hire an auctioneer or take such other

action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for City labor and the use of City property, do not exceed the payment received by the City from the auction or sale of the property.

§ 119-2. Lost and abandoned property.

A. City custody of lost or abandoned property.

- (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police by citizens shall be disposed of according to this section.
- (2) Lost and abandoned property will be examined by the Chief of Police for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
- (3) No City employee shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (4) The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (5) No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain with the City Administrator.

B. Disposal procedures.

- (1) Classes of property. All property which has been abandoned, lost or remained unclaimed for a period of 30 days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
 - (a) Vehicles. Vehicles shall be disposed of as set forth in the applicable provisions of Chapter 342, Property Maintenance, Article I, Junked Vehicles and Appliances, and Chapter 420, Vehicles, Abandoned, of the Code of the City of Monona.
 - (b) Intoxicating liquor and fermented malt beverages. Intoxicating liquor and fermented malt beverages shall be destroyed.
 - (c) Firearms, ammunition and explosives. Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and

Firearms bureau of the U.S. Department of Treasury, any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriff's Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.

- (d) Other property with a fair market value of \$100 or less. An item of property with a fair market value of \$100 or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than \$100 shall be destroyed.
 - (e) Other property with a fair market value of over \$100. An item of property with a fair market value of more than \$100 shall be sold at public auction or by sealed bid.
 - (f) Illegal property. Property which cannot be legally possessed shall be destroyed.
- (2) Disposal by auction or sealed bid.
- (a) Whenever any property under this section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice shall be published in the official City newspaper. The property auctioned or sold by sealed bid shall be sold in as-is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the City and the amount of the bid be forfeited to the City.
 - (b) Any City official selling property under this section shall maintain for two years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
- (3) Lost property. Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this section until 30 days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any City employee finding property in the regular course of his employment.

- (4) Payment to City Treasury. All sums received from the sale of property under this section shall be paid to the City Treasury.

Chapter 245

FURNACES, OUTDOOR

§ 245-1. Definitions.

§ 245-3. Preexisting furnaces.

§ 245-2. Outdoor furnaces prohibited.

§ 245-4. Violations and penalties.

[HISTORY: Adopted by the Common Council of the City of Monona as § 8-1-11 of the 1994 Code. Amendments noted where applicable.]

§ 245-1. Definitions.

For purposes of this ordinance, the following definitions shall apply:

NUISANCE — To substantially annoy, injure or endanger the comfort, health, repose or safety of anyone residing or working within 200 feet of the property with the outdoor furnace.

OUTDOOR FURNACE — A furnace, stove or boiler designed for the combustion of solid fuel for the purpose of providing indoor heat and/or heated water to any building or other structure, which is located outside of the building or structure. This definition shall not include a furnace or stove providing direct radiant heat, used occasionally for area heating within an accessory building.

§ 245-2. Outdoor furnaces prohibited.

No person shall install, use or maintain an outdoor furnace in the City of Monona, except as otherwise specifically provided herein.

the Fee, Forfeiture and Deposit Schedule

X

§ 245-3. Preexisting furnaces.

Any person with an outdoor furnace installed and operating prior to the effective date of this ordinance, may apply for a permit to continue to operate the furnace. The permit shall be issued by the City Clerk based upon an application form provided by that office and payment of the requisite fee pursuant to ~~Section 7-15-1~~. Permits issued pursuant to this section expire on June 30 of each year and shall not be transferable to the new owner of an existing outdoor furnace.

A. Use and operation of preexisting outdoor furnaces. All permitted outdoor furnaces shall be used and operated in accordance with the following restrictions:

- (1) All outdoor furnaces shall be operated in accordance with the manufacturer's directions, except as otherwise provided herein.
- (2) No industrial waste, rubber, plastic, used motor oil, toxic chemicals, hazardous waste, yard waste, painted or chemically treated wood, processed wood products, household garbage, cardboard, wastepaper or animal waste shall be burned in an outdoor furnace.

- (3) Outdoor furnaces shall not be operated between May 31 through the next following September 1.
 - (4) Outdoor furnaces shall not be operated in a manner that produces excessive smoke, dust or odors.
 - (5) Outdoor furnaces shall meet all applicable state and federal emission standards.
- B. Procedure to revoke permit. In the event that a complaint is received by the City as to the operation of an outdoor furnace with a permit, the complaint shall be referred to the Building Inspector for investigation. The Building Inspector shall then determine whether the operation of the furnace is a nuisance, as defined by this ordinance, or being operated in violation of the requirements set forth in Subsection A above. In the event the Building Inspector determines that the operation of the furnace is a nuisance or in violation of Subsection A, he shall revoke the permit and provide notice of the revocation of the permit to the holder of the permit by certified mail. The holder of the permit shall have the right to appeal the determination of the Building Inspector by filing a petition for review of the determination pursuant to Chapter 7, Administrative Review. Revocation of the permit shall be stayed pending the final determination of such review.

§ 245-4. Violations and penalties.

~~Any person who shall violate any provision of this section shall be subject to a forfeiture of not less than \$50 nor more than \$200 for a first offense. The forfeiture for second and subsequent offenses shall be not less than \$200 nor more than \$500. Forfeitures assessed under this section shall be in addition to court costs and any additional assessments provided by law. The Building Inspector shall promptly report all such violations to the City Attorney who shall, if authorized by the Mayor, bring action to enjoin the use of the outdoor furnace.~~

Insert language here.

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 § 168-2I.

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: _____
- 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...

City of Monona, WI

Decision:

- Revise as follows: Remove the incomplete sentence
- 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: Strike the sentence
- 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.

see of W. Adm Code to cite

*SPS 302, 305, 316, 341
360 - 366 and 381 - 387*

ewed against the provisions of § 480-10F, ample, § 175-27F(2) pertains to outdoor

storage of non-vehicular items for longer than seven days, with various exceptions. Section 480-10F provides:

All materials, equipment, and receptacles and containers for refuse and recyclables shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for clotheslines, and construction and landscaping materials and equipment currently being used, or intended for use within a period of 12 months, on the premises. No exterior storage shall be permitted which has a depreciating effect on nearby property values, impairs scenic views, constitutes a threat to living amenities or which is a hazard to public health, safety or morals.

Decision:

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

- I. Section 175-29C(2) refers to § 66.60(16), Wis. Stats., which subsection was repealed by 1999 Act 150. Should this reference be updated to § 66.0627, Special charges for current services, or § 66.0703, Special assessments?

Decision:

- Revise to § 66.0627, Special charges for current services. *BIT AL*
- Revise to § 66.0703, Special assessments.

- J. In § 175-35 we have updated the references to Chapters ILHR 81, ILHR 82 and ILHR 83, Wis. Adm. Code, to Chapters ~~SPS 381, SPS 382 and SPS 383, Wis. Adm. Code.~~

SPS 381-387

- K. Section 175-49A reads in part "...with exceptions as provided in Sections 15-1-124 and 15-1-125..." meaning exceptions to Article VII, Electrical Code. Original Section 15-1-124 is now § 175-53, Standards for installation of electrical equipment, and original 15-1-125 is now § 175-54, Electrical permits. Please confirm that both of these references are correct, as it seems § 175-53 doesn't specifically contain exceptions to the requirements of Article VII. Section 175-54 contains exceptions to the permit requirements. We have not yet updated the references.

Decision:

- Update reference to only § 175-54.
- Update reference to both §§ 175-53 and 175-54.
- Other: remove references to 175-53 + 54 from 175-49

- L. Section 175-56E reads in part "...after the fee required by Sections 15-1-125 and 15-1-126 has been paid." There is no fee mentioned in original Section 15-1-125, now § 175-54, Electrical permits. Original Section 15-1-126, now § 175-55, Fees for permits and inspections, appears to be correct. We have not yet updated the references.

Decision:

- Update reference to only § 175-55.
- Update reference to §§ 175-54 and 175-55.
- Other: _____

M. We have updated the reference in § 175-59A to Ch. ILHR 64, Wis. Adm. Code to Ch. SPS 364, Wis. Adm. Code.

STOP

Ch. 191, Christmas Tree Sales

Title 7, Ch. 11, of the 1994 Code

This chapter pertains to licensing and required deposits for persons selling Christmas trees. Section 191-2 contains a deposit amount of \$100 per location where sales are conducted. This deposit amount is included in the proposed comprehensive fee schedule; should the amount be deleted from this section?

Decision:

- Revise § 191-2 as follows: "In addition to the license fee as set by the Common Council in the City's fee schedule, prescribed in Section 7-15-1, the licensee shall deposit with the City Treasurer, at the same time the above license fee is paid, \$100 an amount as set by the Common Council in the City's fee schedule for each location in the City where such sales will be conducted by or in behalf of the licensee or at which location trees will be kept for sale purposes."
- Revise as follows: _____
- Retain as written.

Ch. 198, Cigarettes

Title 7, Ch. 3, of the 1994 Code

In § 198-4 should "cigarette paper or cigarette wrappers" be changed to "cigarettes, cigarette paper or cigarette wrappers"? See the wording in § 198-1. Note that § 134.65, Wis. Stats., now refers to this license as the "cigarette and tobacco products retailer license."

Decision:

- Add "cigarettes" in § 198-4 as indicated.
- Revise §§ 198-1 and 198-4 to refer to "cigarettes and tobacco products."
- Make no change.

Bob's suggestions
Ch. 175

(b) **Delegation.** The Inspector may delegate any of the powers of the office or duties to any assistant.

Sec. 15-1-144 Standards for the Installation of Equipment.

- (a) **Conformance to State Law.** All installations shall be reasonably safe to persons and property and in conformity with this Chapter and the applicable State Statutes, and all orders, rules and regulations issued by authority thereof.
- (b) **Conformance to Other Standards.** Conformity of installation of HVAC equipment with applicable regulations or nationally recognized institutes and organizations shall be prima facie evidence that such installations are reasonably safe to persons and property. The HVAC Inspector may authorize use of special installation methods.

Sec. 15-1-145 Equipment Standards.

- (a) All HVAC equipment installed or used shall be reasonably safe to persons and property and in conformity with the provisions of this Article and the applicable statutes of the State, and any orders, rules or regulations issued by authority thereof, and conformity of HVAC equipment with applicable standards as set forth in Section 15-1-144(b) shall be prima facie evidence that such equipment is reasonably safe to persons and property.
- (b) The Inspector may authorize the installation of special equipment.

Sec. 15-1-146 Gas Valve Identification.

Where there is an underground valve provided for piping systems for fuel gases such as natural gas, manufactured gas, undiluted liquefied petroleum gases, liquefied gas-air mixtures or mixtures of any of these gases, installed in the City, the valve location shall be plainly identified by an approved metal marker provided by the supplier and attached to the exterior of the outside wall of the occupancy by the owner directly above where the piping system enters the building so as to be visible at all times.

Sec. 15-1-147 HVAC Permits.

[New Chapter = 175]

- (a) **Permit Required.** No HVAC equipment shall be installed within or on any building, structure, or premises, publicly or privately owned, nor shall any alteration or a addition be made in any such existing equipment without first securing a permit therefore from the Inspector, except as provided in Subsections (b) and (c).
- (b) **Emergency Work.** Permits shall be obtained as soon as possible after emergency work has been done on installations which would otherwise require a permit in advance. No emergency work shall be done during the Inspector's regular office hours without notifying the Inspector.
- (c) **Minor Repair Work.** Any work involved in the manufacturing, testing, servicing, altering, or repairing of HVAC equipment or apparatus, except that this exemption shall not include any permanent changes other than those required for testing purposes.
- (d) **Applications.** Application for a permit, describing the work to be done, shall e made in writing to the Inspector by the person installing the work. The application shall be accompanied by such calculations, plans, specifications and schedules as may be necessary to determine whether the installations as described will be in conformity with the requirements of this Subchapter. If the installations as described will conform with all legal requirements and if the applicant has complied with this Article, a permit for such installation shall be issued. No deviation may be made from the installation described in the permit without written approval of the Inspector.

X

INCLUDING ANY ELECTRICAL CONTROLLING
PERMIT FOR ALL FIELD INSTALLED CONTROLS WIRING

Sec. 15-1-148 Fees for Permits and Inspections.

- (a) The Common Council shall establish a fee for processing HVAC permits and inspections. An applicant for a HVAC permit shall pay the required fee upon final submission of the application. An application shall not be deemed complete until the required fee is paid. A copy of the current fees established by the Common Council shall be kept on file by the City Clerk.
- (b) **Number of Inspections.**
 - (1) All fees for required inspections are included in the schedule of fees. The Inspector shall determine the number of required inspections, based on the complexity of the project.
 - (2) Additional inspections or re-inspections shall be assessed at Twenty-Five Dollars (\$25.00) per inspection. All fees for additional inspections or re-inspections shall be paid prior to final approval of the project.

Sec. 15-1-149 Inspection and Certificates.

- (a) **Notice To Be Given.** Upon completion of any installation of HVAC equipment under a permit the person making the installation shall notify the Inspector, who shall inspect the installations within twenty-four (24) hours (exclusive of Saturdays, Sundays and holidays) of the time such notice is given or as soon thereafter as practicable.
- (b) **Certificate of Approval.** Where the Inspector finds the installation to be in conformity with this Article, he shall issue to the person making the installation, a certificate of approval with duplicate copy for delivery to the owner, authorizing the use of the installation.
- (c) **Expiration of Temporary Certificate of Approval.** When a certificate of approval is issued authorizing the use of a temporary installation, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the Inspector for cause.
- (d) **Concealed Installations.** When any HVAC equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the City Hall and such equipment shall not be concealed until it has been inspected and approved by the Inspector or until twenty-four (24) hours (exclusive of Saturdays, Sundays and holidays) shall have elapsed from the time of such notification; provided on large installations, where the concealment of equipment proceeds continuously, the person installing the heating or ventilating or air conditioning equipment shall give the Inspector due notice and inspections shall be made periodically during the progress of the work.

Sec. 15-1-150 Connection to Installations.

No person shall make installations, additions, or alterations to any heating, ventilating and air conditioning equipment for the installation of which a permit is required or which has been discontinued or ordered disconnected by the Inspector, until such installation, addition, or alteration has been authorized by the Inspector.

Sec. 15-1-151 Minimum Standards for Heating.

- (a) No person shall let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following minimum heating standards:
 - (1) All habitable rooms shall be provided with a permanently connected heating system complying with this Article.
 - (2) The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and the person performing service. A

heating system must be capable of maintaining a minimum temperature of sixty-seven degrees Fahrenheit (67°F).

- (b) In addition to the penalties provided in Section 15-1-30, any person violating this Section shall be deemed to have caused a public nuisance and shall be liable for the cost of abatement thereof.

Sec. 15-1-152 Appeals.

Any person may register an appeal with the Board of Appeals for a review of any decision of the Inspector, provided such an appeal is made in writing within five (5) days after such person shall have been notified of such decision of the Inspector. Upon receipt of such appeal, the Board shall proceed to determine whether the action of the Inspector complies with this Article and within five (5) days shall make a decision in accordance with its findings. Three (3) members of the Board present at any meeting shall constitute a quorum for the transaction of business but any action taken at any meeting shall require the affirmative vote of at least three (3) members. The Chair of any meeting of the Board shall vote.

Sec. 15-1-153 through 15-1-159 Reserved for Future Use.

Chapter 175

BUILDING CONSTRUCTION

ARTICLE I Introduction

- § 175-1. Purpose and intent of construction standards.
- § 175-2. Title.
- § 175-3. Scope and applicability.
- § 175-4. Definitions.

ARTICLE II Administration and Enforcement

- § 175-5. Code Enforcement Officer.
- § 175-6. Records and reports.
- § 175-7. Authority of Building Inspector.
- § 175-8. Permits.
- § 175-9. Fees for permits and inspections.
- § 175-10. Inspection and certification.
- § 175-11. Conformance for additions, alterations and change of use.
- § 175-12. Appeal from the orders of the Building Inspector.
- § 175-13. Liability for damages.
- § 175-14. Inspection disclaimer.
- § 175-15. Violations and penalties. ✓

ARTICLE III Building Codes

- § 175-16. One- and two-family dwelling code adopted.
- § 175-17. Building and heating, ventilating and air conditioning, electrical and plumbing code adopted.
- § 175-18. Reference standards.

ARTICLE IV Accessory Structures Code

- § 175-19. Applicability.
- § 175-20. Definition — accessory structure or use.
- § 175-21. Construction standards.
- § 175-22. Fences and hedges.
- § 175-23. Antennas and towers.
- § 175-24. Boathouses, shelters, piers.
- § 175-25. Swimming pools.

ARTICLE V Special Regulations

- § 175-26. Purpose and intent.
- § 175-27. Housing and property maintenance.
- § 175-28. Moving buildings.
- § 175-29. Demolition of buildings; excavations.
- § 175-30. Fire regulations.
- § 175-31. Basement doors with locks required in multiple-family dwellings.
- § 175-32. Locking mechanisms required.
- § 175-33. Sauna construction.

ARTICLE VI Plumbing Code

- § 175-34. Definitions.
- § 175-35. Adoption of State Plumbing Code.
- § 175-36. Plumbing Inspector.

§ 175-1

MONONA CODE

§ 175-1

§ 175-37. All plumbing installation to be inspected.

§ 175-52. Authority of Electrical Inspector.

§ 175-38. Plumbing permits.

§ 175-53. Standards for installation of electrical equipment.

§ 175-39. Schedule of permit fees.

§ 175-54. Electrical permits.

§ 175-40. City Engineer to have supervision of sewers.

§ 175-55. Fees for permits and inspections. ✓

§ 175-41. Record of sewers and connections.

§ 175-56. Inspection and certificates.

§ 175-42. Use of sewers regulated.

§ 175-57. Connection to installations.

§ 175-43. House connection to public sewer and water systems required.

ARTICLE VIII
HVAC Code

§ 175-44. Unsanitary plumbing conditions.

§ 175-58. Purpose and scope.

§ 175-45. Discharging of drains and sewers into streets or alleys prohibited.

§ 175-59. Heating, ventilating and air conditioning inspector.

§ 175-46. Sewage not to be discharged into lakes or streams.

§ 175-60. Duties of inspector.

§ 175-47. Ground water not to be discharged into sewer.

§ 175-61. Authority of inspector.

§ 175-48. Duty to report violations.

§ 175-62. Standards for the installation of equipment.

ARTICLE VII
Electrical Code

§ 175-63. Equipment standards.

§ 175-49. Application of provisions of this article.

§ 175-64. Gas valve identification.

§ 175-50. Electrical Inspector; qualifications and appointment.

§ 175-65. HVAC permits. ✓
§ 175-66. Fees for permits and inspections.

§ 175-51. Duties of Electrical Inspector.

§ 175-67. Inspection and certificates.

§ 175-68. Connection to installations.

§ 175-69. Minimum standards for heating.

§ 175-70. Appeals.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 15, Ch. 1, of the 1994 Code. Amendments noted where applicable.]

ARTICLE I
Introduction

§ 175-1. Purpose and intent of construction standards.

The purpose of this chapter is to provide minimum regulations, provisions and requirements in the City to ensure safety to persons and property, safe and stable design, good workmanship in the methods of construction and uses of materials in any buildings constructed, enlarged,

altered, repaired, moved, converted to other uses or demolished; to regulate the equipment, maintenance, condition, use, occupancy and safety and general welfare. This chapter shall apply in the City to new structures and to alterations and additions to existing structures, and where practical, to existing structures.

§ 175-2. Title.

This chapter shall be known as the Construction Standards Code of the City, and shall encompass the building code and any other codes and special regulations required to promulgate the purpose and intent of this Code.

§ 175-3. Scope and applicability.

- A. The sections contained in this chapter shall be binding alike on every owner of a building, every person in charge of or responsible for or who caused the construction, repair, or alteration of any building or structure, professional engineer, or other person who shall prepare plans for the construction, alteration or addition to any building structure in the City.
- B. All buildings and structures and all parts thereof shall be maintained in a safe condition and all devices or safeguards which are required at the erection, alteration or addition or repair of any building shall be maintained in good working order. This section shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized in writing by the Building Inspector. Such maintenance requirements shall apply to all buildings now existing or hereafter erected.
- C. The intent of this chapter is to be a performance code. New materials and methods may be used when approved by the Building Inspector. Minor variances from the Code may also be approved by the Building Inspector, when those variances comply with the intent of the Construction Standards Code.

§ 175-4. Definitions.

If not otherwise defined in this chapter, words used herein have their ordinary and accepted meanings.

ARTICLE II

Administration and Enforcement

§ 175-5. Code Enforcement Officer.

There is hereby created the Department of Building Inspection, to which a Building Inspector shall be appointed as provided in Chapter 103 of this Code of Ordinances. The Building Inspector appointed by the City shall act as the head of the Department, and as the chief Code Enforcement Officer for the Constructions Standards Code.

§ 175-6. Records and reports.

The Building Inspector shall keep a record of all applications for building permits, in a book for such purpose, and regularly number each permit in the order of its issuance. He shall keep a record showing the number, description and size of all buildings erected. The Inspector shall keep in his office a proper record of all transactions of the office and file a yearly report covering the same with the Common Council. The yearly report shall cover the period closing December 31 of each year, and shall be filed on or before February 15 thereafter, and shall show the total amount of fees earned, and a summary of the work of the office during such period.

§ 175-7. Authority of Building Inspector.

- A. Power to make decisions. The Building Inspector may pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained herein.
- B. Authority to enter upon all premises. The Inspector may, at all reasonable times in performance of his duties, enter upon any public or private premises and make inspections thereof and require production of the building permit for any building, permanent building equipment, electrical, heating, ventilating, air conditioning, or plumbing work.
- C. Revocation of permit. If the Building Inspector finds at any time that the ordinances, laws, order, plans or specifications are not being complied with, he shall revoke the building permit and written notice of such action shall be posted at the site of the work. When any such permit is revoked, no further work shall be done upon such buildings until the permit is reinstated, excepting such work as the Building Inspector shall by written order require to be done as a condition precedent to the reissuance of the permit.
- D. Unsafe or unsightly buildings.
 - (1) Order to comply and notice. Whenever the Building Inspector finds that any building or structure, or any part thereof, is dangerous to life, or adjoining property, by lack of maintenance, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he shall order the owner or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered.
 - (2) Inspector to remove if necessary. When the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the City in an action against the owner or tenant.

§ 175-8. Permits.

- A. Permits required. No building, structure, or accessory structure, or any part thereof shall hereafter be built, enlarged, altered or demolished within the City or permanent building equipment installed, except as herein provided, unless a permit therefore shall first be obtained by the owner, or his or her agent, from the Building Inspector. The term "building" as used herein shall include any building or structure and the permanent building equipment thereof and any enlargement, alteration, or demolishing of any building or structure or of permanent building equipment therein, also any material in any old building and the installation and equipment of underground tanks, vaults and similar structures. "Permanent building equipment" includes any provisions in buildings for either water, light, heat, power or ventilation service therein.
- B. Building Inspector may waive a required permit. If, in the opinion of the Building Inspector, a proposed alteration to any building or equipment is insignificant, or the equipment or part is being replaced through normal maintenance, the Building Inspector may waive the requirement of a permit.
- 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. With such application there shall be submitted to the Building Inspector a complete set of plans and specifications, covering the proposed building, alterations, or improvements, including a dimensional plan of the tract showing the location of any proposed building with respect to the adjoining streets, alleys, lot lines and buildings. If approval of plans submitted is required under Chs. SPS 361 to 366, Wis. Adm. Code, one set of such plans shall bear the seal of inspection and approval of the Wisconsin Department of Safety and Professional Services (DSPS) and all pertinent correspondence at time of approval.
- D. Building Inspector may waive the filing of plans. If, in the opinion of the Building Inspector, the character of the structure and work is sufficiently described in the application, he may waive the filing of plans, and provided approval is not required by DSPS as required under Chs. SPS 361 to 366, Wis. Adm. Code, but the location plan must be filed in any case.
- E. Issuance of permit. If the Building Inspector finds that the proposed building will comply with all ordinances of the City and all laws and lawful orders of the State, he or she shall officially approve the same and shall issue a building permit therefore which shall be kept at the site of the proposed building. If adequate plans are presented to the Building Inspector, he may at his discretion, issue a permit for part of the building before receiving the plans and specifications for the entire building, but work on any building shall not be commenced unless a permit or waiver of plans has been issued.
- F. Issuing and posting of building permit card. With every permit issued, the Building Inspector shall issue to the applicant a card, properly filled out. The applicant shall place

such card in a conspicuous place on the premises where the building is to be erected, the card to be unobstructed from the public view and not more than 15 feet above grade of the building.

- G. Work to be started within six months and finished within 24 months. A building permit shall have lapsed and be void unless building operations are commenced within six months from the date thereon and shall be completed within one year of commencement of building operations unless otherwise extended by the Building Inspector, to a maximum of 24 months. Any exterior portion of a building project which is visible to the public and is not completed within the allotted twenty-four month permit period shall constitute a public nuisance. It is unlawful for a person to commence but fail to complete all repairs during the time in which the building permit is valid.

§ 175-9. Fees for permits and inspections.

- A. The Common Council shall establish a fee for processing building permits and inspections. An applicant for a building permit shall pay the required fee upon final submission of the application. An application shall not be deemed complete until the required fee is paid. A copy of the current fees established by the Common Council shall be kept on file by the City Clerk.
- B. Inspections.
- (1) All fees for required inspections are included in the schedule of fees above. The Inspector shall determine the number of required inspections, based on the complexity of the project.
 - (2) Additional inspections or re-inspections shall be assessed at \$25 per inspection. All fees for additional inspections or re-inspections shall be paid prior to approval of occupancy.
 - (3) Projects commenced without first securing necessary permits shall be charged double fees.
- C. Renewal of permits. Any building permit may be renewed within 90 days after its expiration date in accordance with the procedures for original issuance of such permit. The fee for reissuance of a building permit shall be 50% of the original permit cost and the period of renewal shall be for the same length as the original permit from the date of expiration of the original permit. Renewal shall be limited to one time only.

§ 175-10. Inspection and certification.

- A. Inspection by Building Inspector. Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. After inspection, the Building Inspector may issue a certificate of compliance, or prescribe any changes necessary to such compliance, upon the making of which changes the certificate may be issued. After the issuance of such certificate, no structural part of such

- B. Certificate of occupancy. Buildings shall have a final inspection before occupancy, except as herein provided. If, on final inspection by the Building Inspector, the Electrical Inspector, the Plumbing Inspector, the Heating, Ventilating, and Air Conditioning (HVAC) Inspector, no violation of this or any other ordinance, law or order be found, the fact may be so certified to by the Building Inspector who may thereupon issue a certificate of occupancy. No building or part thereof shall be occupied until such certificate has been issued, except with the consent of the Building Inspector, nor shall any building be occupied which conflicts with the conditions set forth in the certificate.
- C. Inspection warrants. If the Building Inspector is denied access to inspect a property, he may request the City Attorney to seek an inspection warrant pursuant to § 66.0119, Wis. Stats.

§ 175-11. Conformance for additions, alterations and change of use.

- A. Building to conform to code after major alteration or repair. The following specified requirements in this section shall apply to existing buildings which do not conform to the requirements of this chapter for new buildings. If alterations or repairs are made to any existing building, where deemed practical by the Building Inspector, the entire building shall be made to conform to the requirements given herein for new buildings.
- B. Changed use or occupancy. If the existing use or occupancy of any existing building is changed to a use or occupancy which would not be permitted in a similar building hereafter erected, the entire building shall be made to conform to the requirements given for new buildings; provided, the use or occupancy of only a portion or portions of the buildings need to be made to comply with such requirements, and provided further that the Building Inspector may approve any such change in the use or occupancy of any existing building, even though such building is not made fully to conform to the requirement of this chapter, if, in his judgment, such a change in the use or occupancy of the existing building will not extend or increase any nonconformity or hazard of the building.
- C. Alteration and repairs. Every alteration or repair to any structural part or portion of any existing building shall, when deemed necessary in the opinion of the Building Inspector, be made to conform to the requirements of this chapter.

§ 175-12. Appeal from the orders of the Building Inspector.

- A. Any person aggrieved by an order or ruling of the Building Inspector may appeal such order to the Board of Appeals as provided in the City's Zoning Code.
- B. At any time the Building Inspector determines that any person is proceeding in violation of any provision of this chapter relating to erection, alteration, addition, repair or maintenance of any building or structure or part thereof or any permit issued hereunder, the Building Inspector may issue an order directing that actions immediately cease and may suspend any permit issued to the owner of the property on which such non-compliance is discovered. Any person who fails to comply with an order of the

Building Inspector issued under this Subsection shall be subject to a penalty as provided in § 175-15.

§ 175-13. Liability for damages.

This chapter shall not be construed as assuming any liability on the part of the City for damages to anyone injured or for any property destroyed by a defect in any building or equipment.

§ 175-14. Inspection disclaimer.

The findings of inspection are intended to report conditions of apparent non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and non-structural elements of the building and/or premises. No guarantee, or warranty of the premises, operation, use or the durability of equipment or materials not specifically cited herein is expressed or implied.

§ 175-15. Violations and penalties.

- A. Any person who violates any provision of this chapter is subject to a penalty as provided in § 1-4.
- B. Any building or structure hereafter erected, enlarged, altered or repair or any use hereafter established in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector or other authorized inspectors enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other City officials constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.
- C. _____
- (1) If an inspection reveals a noncompliance with this chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 15 days after written notification unless an extension of time is granted pursuant to § SPS 320.21(c), Wis. Adm. Code.
 - (2) If, after written notification, the violation is not corrected within 15 days, a stop-work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be

removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

- (3) Each day each violation continues after the fifteen-day written notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of this chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- D. Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- E. Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Monona charged with the enforcement of this chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

ARTICLE III Building Codes

§ 175-16. One- and two-family dwelling code adopted.

- A. One- and two-family uniform dwelling code adopted. Chapter SPS 320, Administration and Enforcement; SPS 321, Construction Standards; SPS 322, Energy Conservation Standards; SPS 323, Heating, Ventilating and Air Conditioning Standards; SPS 324, Electrical Standards; SPS 325, Plumbing Standards, as amended, are hereby incorporated in this Code by reference as if fully set forth herein, and shall be applied to all buildings and structures, presently existing or constructed after the effective date of this section.
- B. Building Inspector to enforce. The Building Inspector or his delegated representatives, certified by the Department of Safety and Professional Services, are hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code incorporated herein by reference.

§ 175-17. Building and heating, ventilating and air conditioning, electrical and plumbing code adopted.

The following Wisconsin Administrative Code sections: Ch. SPS 302, Fees; Ch. SPS 305, Credentials; Chs. SPS 316, Electrical Code; Chs. SPS 361 to 366, Commercial Building and Heating, Ventilating and Air Conditioning; Ch. SPS 366, Uniform Multifamily Code; Ch. COMM 69, Barrier-Free Design; Ch. COMM 70, Historic Building Code; Ch. SPS 375-379,

Existing Building Code; Chs. SPS 381-387, Uniform Plumbing Code, both inclusive and all amendments thereto are hereby made a part of this Construction Standards Code by reference with respect to those classes of buildings and structures, whether presently existing or constructed after the effective date of this section. The City has adopted the Certified Municipality Status as described in § SPS 361.60 of the Wisconsin Administrative Code.

§ 175-18. Reference standards.

Conformance of construction with the "Basic Building Code", a publication of the Building Officials and Code Administrators, Inc., and its appendicized references, as well as the Wisconsin Uniform Building Code, shall be prima facie evidence of safe construction. Only those standards of workmanship and safety which are within the scope of, but are not clearly described, in the City and State Codes are more clearly detailed or described in reference codes shall be considered recognized standards of good workmanship and safety. No requirement of reference more stringent than, or in conflict with, the Monona Construction Standards Code shall be in force, nor shall any definition or term in conflict with those of the Monona or State Codes be applicable to the Monona Construction Standards Code. Where any requirements of the reference code are less stringent than the standards of workmanship and safety described or implied in the State or Monona Codes, the State and Monona Code requirements on the particular item shall apply. Major topics appearing in the reference code and not appearing in either the Monona or State codes may be considered recognized standards of workmanship and safety, at the discretion of the Building Inspector.

ARTICLE IV
Accessory Structures Code

§ 175-19. Applicability.

This article shall apply to any structure not considered a habitable building or structure and not under the auspices of Article III, Building Codes, of this chapter.

§ 175-20. Definition — accessory structure or use.

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

ACCESSORY STRUCTURE OR USE — Is one which:

- A. Is customary and clearly incidental to the principal building or use.
- B. Is subordinate in use, area, extent and purpose to the principal building or use.
- C. Is located on the same property as the principal building or use served.
- D. May include, but is not exclusively structures such a boathouses, sheds, signs and fences.

§ 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 or hedges for residential one and two-family dwellings shall be erected or planted within the lot lines. All fences and hedges shall be erected or planted so as to not depreciate any immediate property or endanger any lives as determined by the Building Inspector. Residential fences shall comply with the following requirements:

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

FENCES OR HEDGES — Any partition, structure, wall, gate, or planted materials (excluding trees) of masonry, posts and boards, palings or woven wire, or wrought iron used as a dividing marker, barrier, or enclosure.

- (2) Dimensional requirements.
 - (a) The maximum dimension of wood posts shall be six inches nominal.
 - (b) The maximum dimension of boards shall be one by eight inches nominal.
 - (c) The maximum diameter of individual poles of a stockade fence shall be three inches nominal.
 - (d) The use of doors or plywood sheets is prohibited.
 - (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.

- (b) Fences or hedges on lots with water frontage shall comply with all requirements of this section except that on the shore yard, the fences or hedges shall be limited to a maximum height of 42 inches and shall not be closer than 10 feet from the ordinary high water mark.
- (4) Fences or hedges in street yards. Only decorative fences or hedges may be erected in street yards subject to the following requirements:
- (a) Decorative fences or hedges shall be defined as a barrier which utilizes natural materials such as wood or stone, and includes such plant materials as hedges. Wire, chain link, or cyclone type fencing materials are prohibited.
- (b) In no case may a fence be closer than six inches to the property line. Hedges may be planted no closer than 18 inches to the lot line and must be maintained within the lot lines. No fencing shall be allowed in a right-of-way or easement. No fence or hedge shall be erected on any corner lot less than 10 feet from the traveled portion of any public highway. Fences or hedges are also prohibited in any location where such barrier creates a potentially hazardous site-line situation, as determined by the Building Inspector. In making such determination the Building Inspector shall utilize the "Vision Triangle Formula" of the City Engineer.
- (c) No such decorative fence or hedge shall exceed 42 inches in height.
- (5) Fence permit required. No fence shall be erected in the City until a permit for the same has been granted by the Building Inspector. Specifications or a design sketch shall be submitted to the Building Inspector at the time of application for his approval. A permit fee is required by § 175-9 shall accompany the application for permit.
- (6) Maintenance. All fences or hedges shall be maintained in a neat, sightly manner. The Building Inspector may condemn any fence or hedge not so maintained. The determination to condemn a fence or hedge under this Subsection shall be made in accordance with the definitions and procedures outlined in this chapter.
- (7) Nonconforming fences. All nonconforming fences or hedges existing on the effective date of this section or any amendment of this section may be continued provided that only fences or hedges that are in actual use, maintained, and do not create or continue a hazard may be so continued. No such fence or hedge shall be extended, enlarged, reconstructed, or altered.
- (8) Fence gates. All gates shall swing in toward the lot on which the fence is erected.
- B. Fences or hedges for commercial, industrial, or multiple-family dwellings. All of the requirements of Subsection A shall apply to zoning districts other than one and two-family dwellings, except that barbed tops are permitted in commercial and industrially zoned areas on fences of not less than six feet in height, with approval of the Building Inspector. Rolled or concertine type barbed wire is prohibited. The Building Inspector and the Zoning Administrator shall consult with the Plan Commission as

necessary in determining whether to issue a permit for a fence in a commercial, industrial, or multifamily district.

§ 175-23. Antennas and towers.

Antennas and towers shall be permitted, and shall be erected in compliance with State Codes and § 480-18.

§ 175-24. Boathouses, shelters, piers.

A. Permit required. Boathouses, shelters and piers shall require a building permit, and shall be erected as required by the Building Inspector. A pier may be removed and re-installed on a yearly basis without additional permits, provided that it is not reconstructed or altered, and that it is relocated in the location as originally permitted.

B. Definitions. The following definitions shall be applicable in this section:

LAGOON — Shall be synonymous with "river" and be defined as any body of water less than 150 feet in width, between two adjacent land masses.

MARINA — Any pier or pier like structure built out into or over the water as a landing place for boats owned by other than the riparian property owner and for which such consideration has been tendered.

PIER — Any structure built out into or over the water as a landing place for boats owned by the riparian property owner.

RIVER — Shall be synonymous with "lagoon" and be defined as any body of water less than 150 feet in width, between two adjacent land masses.

C. Setback requirements.

- (1) Boathouses or shelters built on property adjoining lagoons or the Yahara River within the boundaries of the City shall not extend beyond the mean water level of these waters.
- (2) Piers and boat landings, erected on any lagoon or river within the boundaries of the City, shall not extend more than six feet over the water, unless a conditional use permit has been issued by the Zoning Board of Appeals.
- (3) All piers and boat landings shall be setback a minimum of seven feet from the side yard lot lines, and shall be erected so as to not impede or endanger boat traffic.
- (4) Notwithstanding the provisions of Subsection C(3), a joint pier between adjacent properties may be erected within the side yard setback lines of those properties under the following conditions:
 - (a) The joint pier complies with all other requirements for an individual pier;
 - (b) No other piers exist on the properties adjoining at the lot line to which the setback applies;

- (c) The joint pier extends from shore at only one location;
 - (d) All owners of the adjacent properties between which the pier shall be erected shall sign the pier permit application.
- D. Marinas restricted.
- (1) No marina shall be erected in a one or two family district, unless a conditional use permit has been issued by the Zoning Board of Appeals.
 - (2) Marinas may be erected in multifamily districts, for use by the tenants. The maximum number of boat slips shall not exceed the number of living units.
 - (3) Marinas may be erected in other districts, but shall require a zoning permit, and shall be erected as required by the Plan Commission.

§ 175-25. Swimming pools.

- A. Definitions. The following definitions shall be applicable in this section:

PERMANENT POOL — Any pool which is in-ground.

SWIMMING POOL — A body of water, above or below ground, used or intended to be used for wading or swimming that is constructed, installed, or maintained within the City.

TEMPORARY POOL — Any pool (or foundation) located above ground and used on a temporary or seasonal basis.

- B. Permit required. Any building or structure, plat or parcel of land may be built, altered or used for a swimming pool by any property owner and which is not conducted for profit or gain. Any permanent pool shall require a permit which may be issued provided the Building Inspector determines that the health, safety and welfare of the neighborhood will be secure and that such use will not be detrimental to the general character of the neighborhood or to the orderly development of the City, and provided the Building Inspector shall authorize the issuance of a permit for such conditional use.
- C. Enclosure. All outdoor, permanent swimming pools shall have a fence or other enclosure not less than four feet in height completely enclosing said pool. All gates or doors opening through a yard enclosure shall be kept securely closed and latched at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely latched at all times when not in actual use.
- D. Setback. All swimming pools shall be at least seven feet from any lot line or habitable building unless designed and approved as an addition to a habitable building.
- E. Filtration system. All permanent swimming pools shall have a filtration system capable of keeping the water in the pool in a sanitary condition.

ARTICLE V
Special Regulations

§ 175-26. Purpose and intent.

It is the purpose and intent of this article to create special regulations relating to the Construction Standards Code, for the following reasons:

- A. To promote the public health, safety, convenience and general welfare of the community, with due consideration of the needs of the region affected by the City's land and building construction and use policies.
- B. To conserve the value of buildings and the quality of neighborhood and environmental amenities.
- C. To secure safety from fire, panic, environmental hazards and other dangers.

§ 175-27. Housing and property maintenance.

- A. Definitions. The following definitions shall be applicable in this section.

DRIVEWAY — The area leading directly from the public street to a garage or carport (or if no garage or carport exists, a parking area immediately in front of the dwelling unit) intended for vehicles to travel to and from those two locations and park thereon.

DWELLING — A place of abode, a residence or a house for use by one or more persons, excluding hotels or motels.

DWELLING UNIT — One or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for habitation by one family.

FAMILY — An adult, or two adults regardless of gender, and any individuals related to either such individual by blood, marriage or adoption, including foster children; all of which are living together in a single housekeeping unit.

IMPERVIOUS SURFACE — An area surfaced with concrete, asphalt, brick or a similar hard surface.

OCCUPANT — Any person who occupies or has actual possession of a property, structure or dwelling, or part thereof.

OPERATOR — Any person who has charge, care or control of a property, structure or dwelling, or part thereof, whether with or without the knowledge and consent of the owner.

OWNER — Every individual, firm, corporation, association, partnership, limited liability partnership, limited liability company, or similar entity; having a legal or equitable interest in a property, structure or dwelling. Owner shall also include the representative, officer, agent or other person having the ownership, control, custody or management of any building. Owner does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension

of credit to permit construction, purchase or remodeling of the property, structure or dwelling by a third party.

REAR YARD — The area of a lot as defined as either a rear yard or shore yard in § 480-24D(8) of this Code.

RESIDENTIAL DISTRICT — The area located in a Single Family Residence District, Two Family Residence District, or Multifamily Residence District under Chapter 480, Zoning, of the Code of the City of Monona.

SIDE YARD — The area of a lot as defined as a side yard in § 480-24D(8) of this Code.

STORE — To place an item in a location with no intent to immediately use it. An item will be rebuttably presumed to be stored at a location if it remains at that location without being moved for a period of 21 consecutive days.

STREET YARD — The area of a lot as defined as a street yard in § 480-24D(8) of this Code.

UNSECURED — Unsecured means there exists an opening into a building through which a person or animal may enter that is not maintained by the owner, operator or legal occupant in a manner that controls access thereto.

VEHICLE — Any device designed for transportation which is capable of self-propulsion, including but not limited to; automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles ("ATVs"), utility task vehicles ("UTVs"), neighborhood electric vehicles ("NEVs"), golf carts, mopeds, snowmobiles, dune buggies, tractors, motorboats (with or without a motor attached), sailboats, iceboats, personal watercraft. The phrase also includes all utility trailers, trailers designed for transporting any of the above listed vehicles, and devices designed for transportation which are not capable of self-propulsion, but which are greater than six feet in length, including but not limited to canoes, kayaks, and paddle boards.

- B. Health and safety. Every owner, operator, or occupant who has assumed responsibility for maintaining the property pursuant to a written lease, shall remove therefrom and dispose of within a reasonable time all articles or material visible to the public which are reasonably detrimental to the health or safety of the neighborhood or the City in general.
- C. Property maintenance responsibilities of owners, operators, and occupants. Every owner, operator, and occupant who has assumed responsibility for maintaining the property pursuant to a written lease, shall improve and maintain all property under their control so as to comply with the following minimum requirements:
- (1) All exterior areas of the property shall be graded to divert water away from all buildings.
 - (2) The interior of all vacant buildings and structures, and all exterior areas of all property shall be maintained in a safe and sanitary condition, free from accumulation of debris, rubbish, garbage, physical hazards, rodent and varmint

harborages and infestations, and animal feces. All animal feces shall be removed within 24 hours.

- (3) Fences, structures, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe condition.
 - (4) The exterior surfaces of all buildings and structures not inherently resistant to, or chemically treated to prevent, deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering.
 - (5) Every interior floor, wall and ceiling including door and window assemblies shall be kept in good repair and shall be capable of affording privacy from public view.
 - (6) Every inside and outside stair, porch, platform, balcony, and appurtenance thereto shall be maintained in good repair, safe to use and capable of supporting the load that normal use may cause to be placed thereon.
 - (7) Every plumbing fixture and water and waste pipe shall be maintained in good repair and free from defects, leaks, and obstructions.
 - (8) Every water closet compartment floor surface and bathroom floor surface shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a sanitary condition.
 - (9) No owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris on the property; except such debris resulting from land development, building construction, street grading, or installation of underground utilities may remain on the property for a period of more than 10 days, unless a valid building permit has been issued, in which case such accumulation be disposed of as set forth in the building permit.
 - (10) All private storm sewers and building storm sewers shall be properly installed and maintained in good repair, free from defects, leaks and obstructions.
 - (11) All rain gutters, downspouts, including extensions, and the discharge systems for sump pumps shall be maintained in good repair and shall minimize the effect of runoff onto adjacent properties.
 - (12) All structures shall be constructed and maintained so that the exterior is reasonably weathertight and inaccessible to rodents, vermin and insects.
 - (13) The exterior of all property shall be maintained in a reasonably litter free condition. All litter that is subject to movement by the elements shall be promptly removed so as to reasonably prevent it being blown onto other property by the elements.
- D. Paved driveways. All driveways on properties in a residential district, shall be paved with concrete, asphalt, brick, pervious paver or a similar surface within one year of;

- (1) Construction;
 - (2) Remodeling or expansion of the garage so as to require a building permit; or
 - (3) Expansion of the driveway.
- E. Vacant and damaged buildings.
- (1) Vacant buildings.
 - (a) Requirement to secure vacant buildings. Any building which is vacant and unsecured for any reason constitutes a public nuisance. No owner, operator or occupant may maintain or permit a public nuisance within the City. The owner shall abate the nuisance by securing the building, including any shed or outbuilding, against entry by persons or animals. This may include, with prior written approval of the Building Inspector, adequately boarding up doors, windows and other openings in a workmanlike manner so as to prevent entry, vandalism or damage. Trespassers, garbage, animals, animal nests and animal nesting materials shall be removed prior to securing the building.
 - (b) Other requirements. The owner of a vacant building shall ensure that the following requirements are met with respect to the vacant building:
 - [1] The utilities, plumbing, electrical and heating systems shall be maintained at all times in a safe condition, inactivated or drained so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.
 - [2] At least one door boarded at the grade level shall be maintained with locks and hinges to permit entry for inspection purposes.
 - [3] Access to the building for inspection purposes is required to be provided to the Building Inspector.
 - [4] Screening or alternate methods of boarding may be permitted upon prior written approval by the Building Inspector.
 - [5] The Building Inspector shall be notified in writing no later than 10 days prior to the sale, transfer or possession, or the unboarding of the property.
 - (2) Damaged buildings. When any building has been damaged by fire or other cause, such that hazardous or dangerous conditions exist, and the building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure.
- F. Outdoor storage. No owner, operator, or occupant of property in a residential district shall store or accumulate outdoors on such property any of the following items unless such property is expressly zoned to permit such storage or accumulation:

- (1) Vehicles. No owner, operator, or occupant shall store outdoors any vehicle in the street yard of any property in any residential district, except as follows:
[Amended 11-2-2015 by Ord. No. 672]
- (a) The number of vehicles in the street yard does not exceed the following number:
- [1] For properties on which three or more dwelling units exist, the number of vehicles shall not exceed the number of parking spaces provided on the site.
 - [2] For purposes of this subsection, one or two vehicles on a single trailer designed for the transportation of those vehicles shall be considered one vehicle.
- (b) All such vehicle(s) shall comply with all of the following:
- [1] They are parked with all points of contact on a surface preventing the item(s) from sinking into the ground, with no part extending over a public sidewalk or public street.
 - [2] They are owned by, and lawfully registered to, at least one of the residents of the dwelling unit, with the exception of temporary guests staying at the dwelling unit.
 - [3] They remain at that location without being moved for no longer than nine consecutive months.
 - [4] They are lawfully licensed and properly display license plates and current registration.
 - [5] They are in operating condition, except vehicles which are actively being repaired.
 - [6] They are not used for dwelling purposes, except for overnight sleeping for a maximum of 14 days in any one calendar year.
 - [7] They are not connected to sewer lines, water lines, except temporary electrical connections for charging batteries.
 - [8] They are not used to store goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (c) Except as provided in Subsection F(1) above, all vehicles shall be stored inside a garage, or outside in the back yard or side yard of the property. Vehicles may be stored on the side yard of a property and shall be parked with all points of contact on a surface preventing the item(s) from sinking into the ground, with no part extending over a public sidewalk or a public street.

- (d) Notwithstanding any other provision in this subsection, no owner, operator, or occupant of property in a residential district shall park or store outdoors on such property, any semi-tractor or semi-trailer, for a period longer than 24 consecutive hours.
- (2) Nonvehicular items. No owner, operator, or occupant shall store outdoors any non-vehicular personal property in the street yard of any property in residential district, for a period longer than seven days, except as follows:
- (a) Items may be stored in not more than two storage containers, each no greater than 75 gallons in size, which possess four complete sides and a lid, all of which are opaque.
 - (b) Items may be placed within a closed and locked temporary storage container (commonly referred to as a POD) located on the driveway of the dwelling unit and which does not encroach on the sidewalk or public street. No such storage container shall be located on a property for more than 90 days in any twelve-month period.
 - (c) Equipment and construction material necessary for construction being performed upon the property may be stored on the property for the duration of a building permit issued by the City, if one is issued, otherwise for a period not to exceed 60 days.
 - (d) All construction debris and trash shall be placed within a dumpster or other suitable container. Only one such dumpster or container shall be located on the property at one time and shall be promptly removed upon completion of the construction or renovation project, but in no case longer than 90 days unless extended by the Building Inspector for good cause.
- G. Penalty. Any owner, operator or occupant who violates any provision of this section is subject to the penalties and provisions provided in § 175-15.

§ 175-28. Moving buildings.

- A. Bond required. Before a permit to move any building is granted by the Building Inspector, the party applying therefore shall give a bond in the sum of \$5,000 with good and sufficient sureties to be approved by the Building Inspector, conditioned, among other things, that such party will save and indemnify judgments, costs and expenses which may in any way accrue against the City and keep the City harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit.
- B. Contents of permit. Every permit to move a building shall state all conditions to be complied with, designate the route to be taken and limit of time for removal.
- C. Regulations for building in transit. The removal of a building shall be continuous during all hours of the day, and day by day, and at night if the Building Inspector so orders, until completed, with the least possible obstruction to thoroughfares. Proper lighting shall be kept in conspicuous places at each end of the building during the night.

- D. Inspection and repair of streets and highways after transit. Every person receiving a permit to move a building shall within one day after reaching its destination, report the fact to the Building Inspector who shall report the same to the City Administrator who shall thereupon inspect the streets and highways over which the building was moved and ascertain their condition. If the removal of the building has caused any damage to the streets or highways over which it moved, the house mover shall forthwith place them in as good repair as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter, to the satisfaction of the City Administrator, the Administrator shall order the repair of the damage done to such streets and highways and hold sureties of the bond given by the house mover responsible for the payment.

§ 175-29. Demolition of buildings; excavations.

- A. Permit required. A permit shall be obtained from the Building Inspector before any building is razed or demolished within the City. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the Building Inspector.
- B. Restoration of site.
- (1) Whenever a building is razed or demolished hereunder, all debris and materials resulting from such demolition shall be removed from the premises, all basements of other excavations or depressions revealed or caused by such demolition shall be filled to the general grade of the premises, and all surfacing on such premises shall be removed unless intended to be used in connection with the proposed use of the premises.
 - (2) All debris must be hauled away at the end of each week for the work that was done during that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
 - (3) If any rezoning or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.
 - (4) All appurtenant structures on the premises no longer useful for the intended use of the premises shall likewise be razed or demolished and the resulting debris removed from the premises.
 - (5) All resulting vacant areas shall be seeded or planted as required by the Building Inspector.

C. Excavations.

- (1) Fencing of excavations. The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four feet high between such opening or excavation and the public right-of-way.
- (2) Closing of abandoned excavations. Any excavation for building purposes or any uncovered foundation which shall remain open for more than three months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith, suitable safeguards shall be provided to; prevent accidental injury to children or other frequenters, or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and publishing it in the official newspaper for two consecutive publications at least 10 days before the time for compliance stated in the order commences to run. Such time shall be not less than 14 nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

§ 175-30. Fire regulations.

Neither fire limits nor fire regulations are included in this chapter. It is the responsibility of the owner or designer to comply with the requirements of the City Fire Code.

§ 175-31. Basement doors with locks required in multiple-family dwellings.

In all multiple-family dwelling units containing four or more dwelling units, all entrances to basements shall be provided with self-closing doors with locks, which doors and locks shall be designed to prevent access to such basements without unlocking such doors.

§ 175-32. Locking mechanisms required.

- A. Multifamily rental units. All rental housing unit doors exiting to the building exterior or interior common areas in multifamily dwelling units shall be equipped with deadbolt locks and operable locking mechanisms on all windows. Patio type doors shall be equipped with locking bars, and all entry doors shall be equipped with door viewers.

- B. Requirements for locking mechanisms. Deadbolt locks shall have a minimum one inch throw bolt and have a minimum of two No. 8 three inch screws installed in the striker plat. Locks may not be installed so as to require use of a key to operate from the interior of the rental units. Deadbolt locks shall not be installed more than 48 inches above the floor. Door viewers shall be installed at 62 inches off the floor, except that in dwelling units designed for handicapped occupancy there shall be an additional door viewer installed 47 inches above the floor.
- C. Single family rental units. In single family rental units Subsection A hereof shall apply, but only at the request of the tenant. All lessors of single family housing units in the City shall provide notice to their tenants in writing of the tenant's rights to require installation of the locking mechanisms as set forth in Subsection A hereof. Such notice shall be thereafter prior to execution or renewal of any lease governing a single-family dwelling unit. Upon written request by the tenant to install locking mechanisms the lessor shall have 40 days to install such locking mechanisms.

§ 175-33. Sauna construction.

- A. Purpose. Recognizing the inherent dangers of high temperature saunas, and the lack of suitable reference codes, the following standards are adopted to address the safe installations of saunas.
- B. General construction; residential and commercial installations.
- (1) Walls and ceiling shall be covered with wood (redwood or cedar preferred) and the interior surfaces shall not be finished with any stains, lacquers, or paints. All interior wood shall be nailed with stainless steel, copper, or aluminum nails.
 - (2) Ceiling height shall be six feet eight inches to seven feet.
 - (3) Only foil faced fiberglass insulation shall be used in or around sauna areas.
 - (4) Doors shall swing out from the sauna, and a window is recommended in the door.
- C. Plumbing.
- (1) Residential. No plumbing is allowed in the sauna.
 - (2) Commercial. A floor drain is required. No other fixtures or spigots are allowed.
- D. Heating, ventilating.
- (1) Ventilation. A fresh air intake is recommended near the sauna heater, in both residential and commercial installations, as well as an exhaust vent with a fire damper for commercial saunas.
 - (2) Sauna heaters.
 - (a) All heaters in habitable buildings shall be listed and approved, and installed per the listing.

(b) Heaters in accessory buildings may be unlisted appliances if approved by the Building Inspector, and meet the following requirements:

[1] Gas equipment shall have an additional shut-off valve located in the space immediately adjacent to the sauna entry, and be clearly labeled.

[2] Any unlisted appliances shall maintain a minimum 36 inch clearance to combustibles.

(3) Controls.

(a) Sauna heaters shall have dual controls, one manually adjustable thermostat and a manufacturer's pre-set maximum temperature control with automatic shut-off and manual reset.

(b) Residential heaters shall have a 60 minute timer.

(c) All temperature sensing devices shall be located within eight inches of the ceiling.

(d) Maximum temperatures shall not exceed 210°.

E. Electrical.

(1) An insulated-type, listed lighting fixture may be used in the sauna, with the switch located adjacent to the entry door, on the outside of the sauna. No other electrical devices are allowed within the sauna.

(2) The heater shall be wired in accordance with its listing.

(3) All other wiring shall be in accordance with State, local and NEC codes.

F. Fire protection systems.

(1) An ABC type fire extinguisher is recommended to be placed outside of the sauna, immediately adjacent to the entry.

(2) Sprinkler heads (250° to 300° F., blue color coded) are recommended, to be located in an accessible area, above the sauna ceiling and insulation.

ARTICLE VI Plumbing Code

§ 175-34. Definitions.

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

HOUSE SEWERS — The house sewer when referred to in this article is that part of the drainage system extending from three to five feet outside of the building to the connection at the curb or other disposal terminal.

PLUMBING — For the purpose of this article is defined as follows:

- A. All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage systems with a building.
- B. The construction and connection of any drain or waste pipe carrying domestic sewage to the sewer service lateral at the curb or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain, or waste pipe, except minor repairs to faucets, valves, pipes, appliances and removing of stoppages.
- C. The water service piping outside of the foundation walls of any building to the mains in the streets, alley or other terminal and the connecting of domestic hot water storage tanks, water softeners and water heaters with the water supply system.
- D. The water pressure system other than municipal systems.
- E. A plumbing and drainage system to designed and vent piping so installed as to keep the air within the system in free circulation and movement, and to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building.

SEWER SERVICE LATERAL — The sewer service lateral when referred to in this article is that part of the drainage system extending from the lot line to the connection with the main sewer.

§ 175-35. Adoption of State Plumbing Code.

The provisions and regulations of the Wisconsin State Plumbing Code, Chapters SPS 381, SPS 382 and SPS 383, Wis. Adm. Code, are hereby made a part of this chapter by reference as though set forth herein, and together with such additional regulations as may be adopted by the Council, shall extend over and govern the installation of all plumbing installed, altered, or repaired in the City.

§ 175-36. Plumbing Inspector.

- A. Authority granted. The Plumbing Inspector shall, under the direction of the Building Inspector, be responsible for the inspection of plumbing, water supply and drainage installations from the right-of-way line or other terminal and installations inside and in connection with any building as set forth in this article.
- B. Qualifications and appointment. The Plumbing Inspector shall be State of Wisconsin certified as a Plumbing I Inspector. The Plumbing Inspector shall be appointed by the Mayor subject to confirmation by the Common Council. The compensation to be paid the Plumbing Inspector shall be determined by the Council. The Plumbing Inspector shall also take and subscribe an oath, which together with the certificate of his appointment shall be filed with the City Clerk. The Plumbing Inspector may be removed from office

for cause only after a full hearing by the Council at which he shall be entitled to appear and produce evidence.

- C. Alternate for plumbing inspection work. The Plumbing Inspector shall not inspect his own plumbing work. The Council may appoint an alternate Plumbing Inspector, provided, he shall not make inspections except during the absence of the regular Plumbing Inspector, or when the regular Plumbing Inspector is unable to carry out the duties of the office. The Alternate Plumbing Inspector shall also inspect plumbing work done by the regular Inspector.
- D. Duties. The Plumbing Inspector, under the direction of the Building Inspector, shall be responsible for the supervision and inspection of plumbing and drainage work within or in connection with buildings in the City. He shall make periodic reports to the Building Inspector on pertinent matters related to the office. The Plumbing Inspector shall make or cause to be made all inspections of house sewers and shall faithfully enforce all laws, ordinances and rules in relation thereto. The Plumbing Inspector shall see that construction, reconstruction, and alteration of all plumbing, drainage and plumbing ventilation hereafter installed in all of the building in the City shall conform with the laws and the rules and regulations laid down by the State Department of Health and Social Services and the Common Council and that the work be done by licensed plumbers as provided by law and this chapter and amendments hereof, and to make all inspections required thereby and in the manner therein set forth.
- E. Authority of Plumbing Inspector.
- (1) The Plumbing Inspector may enter all buildings in the City in the performance of his duties and any person who willfully or knowingly resists or obstructs the Plumbing Inspector in the performance of his duties shall be guilty of a violation of this chapter.
 - (2) The Plumbing Inspector may refuse to approve any application for a plumbing permit by any person who has not complied with a lawful order of the Plumbing Inspector. The issuing and approving of a plumbing permit may be withheld until such time as a lawful order has been complied with. The person refused such permit may appeal within 10 days to the State Plumbing Inspector whose decision in the controversy shall govern.

§ 175-37. All plumbing installation to be inspected.

- A. All plumbing within city limits to be inspected. All plumbing systems or installations within the City and those connections with City water and sewerage systems beyond the City boundaries are subject to inspection as required in this chapter.
- B. System of inspection. Whenever any work is ready for inspection, the Inspector shall be notified either by the plumber in charge or the person holding the permit. The person requesting inspection shall specify the street and number and also when possible the permit number under which the work is being done. Unless otherwise permitted by the Inspector, all work, either plumbing, water supply piping, house sewers or drains, shall be left uncovered for examination until examined and approved by the Inspector. When

necessary, the Inspector shall notify the plumber in charge or the owner of the property at what time the inspection will be made. The plumber in charge shall make such arrangements as will enable the Inspector to reach all parts of the building safely and readily, and shall have present the proper apparatus and appliances for making the test and shall furnish all materials and shall perform all labor in making such tests as required by the Inspector to make the necessary and property inspection.

- C. Inspection of installations from curb to plumbing.
- (1) The Inspector shall be notified whenever any house sewer work is ready for inspection, and all work except when otherwise permitted by the Inspector shall be left uncovered for examination until examined and approved. All notifications of this kind must specify the correct location of the premises.
 - (2) In all cases where house sewers or drains are laid and the master plumber claims that he can not leave the trench open for inspection, such claim shall be determined by the Inspector. Timely notice to that effect shall be left at the office of the Inspector and an Inspector will be placed on the work to see that the same is properly done to the end of such drain. The contractor shall pay the City for such Inspector's service at the Inspector's prevailing wage rate or at the rate of a journeyman plumber, whichever is greater, and such fees shall be chargeable to the contractor.
- D. Failure to report for inspection is a violation. Failure of a master plumber to report for inspection all work done by him other than repair work will subject the master plumber to a penalty as provided in § 175-15.
- E. Installation of water meter. At the time of the rough inspection, the plumber or person holding the permit shall obtain the water meter at the City Water Utility Offices and shall install the same according to the regulations of the Water Utility.

§ 175-38. Plumbing permits.

- A. Permit required. Any licensed master plumber or any person permitted by the Wisconsin Statutes to do plumbing work, except in the case of repairs, shall before doing any plumbing work in a building or making any extension with any house sewer or drain, make application to the Building Inspector on an application form furnished by the Building Inspector, for a plumbing permit. When deemed advisable by the Inspector, the applicant shall also file plans and specifications showing the size and kind of pipes, size and kind of traps and number and kind of fixtures to be used, for approval or rejection of the Inspector. No plumbing work shall be commenced until a permit has been obtained.
- B. Definition of repairs. "Repairs" are defined as the stoppage of leaks in supply or waste pipes, clearing stoppages in waste pipes, and thawing out frozen supply or waste pipes, and repairing valves or faucets.
- C. To whom issued; exception. No permit shall be issued to any one not licensed or who has failed to renew a license. However, a permit may be issued to the owner of a single family residence to do his own plumbing work within the building and laying of the

house sewer and building supply pipe, subject to the same rules and regulations as govern licensed plumbers, provided that the connection of the house sewer to the sewer service lateral, and also the building supply pipe to the water lateral, must be made by a licensed plumber.

- D. Bad faith or unreasonable delay in performance of work is a violation. Bad faith or unreasonable delay in the performance of plumbing work or failure to respond promptly to official communications shall be a sufficient reason for withholding permits and the master plumber shall be responsible for the violation of these regulations by him and any of his employees.
- E. Revocation. The Building Inspector may revoke any permit issued hereunder subject to appeal for violation of any provision of this chapter or the State Plumbing Code.

§ 175-39. Schedule of permit fees.

- A. The Common Council shall establish a fee for processing building permits and inspections. An applicant for a building permit shall pay the required fee upon final submission of the application. An application shall not be deemed complete until the required fee is paid. A copy of the current fees established by the Common Council shall be kept on file by the City Clerk.
- B. Inspection fees.
 - (1) All fees for required inspections are included in the schedule of fees. The Inspector shall determine the number of required inspections based on the complexity of the project.
 - (2) Additional inspections or re-inspections shall be assessed \$25 per inspection. All fees for additional inspections or re-inspections shall be paid prior to final approval of the project.

§ 175-40. City Engineer to have supervision of sewers.

All sewers shall be under the supervision of the City Engineer, and no sewer service lateral shall be laid, and no opening into or connection with a sewer service lateral shall be made, except under the Engineer's direction and supervision.

§ 175-41. Record of sewers and connections.

The City Engineer shall keep a record, showing the location of the lot, the name of the owner of the premises desiring to make connection with the public sewers, and of the master plumber proposing to lay the drain or sewer or extension thereof. The Engineer shall keep a record of the exact location of the connection with the public sewer of each drain or sewer so laid.

§ 175-42. Use of sewers regulated.

- A. No connection for privies. No privy vault shall be connected with public sewers in the City.
- B. No connection of downspouts. No person shall connect or be permitted to connect the downspouts of any building or cistern overflow with any sanitary sewer, or cause or permit rain or surface water to drain directly or indirectly into any sanitary sewer.
- C. Injuries to sewers, drains, plumbing fixtures, etc. No person shall injure or obstruct any sewer, house drain, cesspool, catchbasin or any plumbing fixture or apparatus, pipes or other parts of any plumbing in a public building, or any sewer, water, or gas pipes or any parts or apparatus connected therewith, laid or constructed in the alleys, streets or other public places, or under any sidewalks in the City.

§ 175-43. House connection to public sewer and water systems required.

- A. Connection required. To assure preservation of public health, comfort and safety, every building within the City used for human habitation and located adjacent to the City sewer and water system, or in a block in which both such systems extend shall be connected with such public system. If such building is adjacent to or in a block in which the City water system only extends, such building shall be connected with the City water system.
- B. City may install connections. If the occupant or owner fails to comply with Subsection A for more than 10 days after notice in writing is given to him, the City shall cause such connection to be made, and the expense thereof shall be assessed as a special tax against the benefited property. Such failure shall also be a violation of this section punishable as provided in § 175-15.
- C. Payment for installation by installments. If the City causes connection to be made, the owner may, within 30 days after completion of the work, file a written request with the City Clerk stating that he can not pay such amount in one sum and asking that it be levied in not to exceed two annual installments. The unpaid balance, in such instance, shall be a special tax lien on the property and shall bear interest at the rate of 8% per year.
- D. No person shall continue to use outdoor toilet. No person shall use an outdoor toilet on any premises within the City nor any cesspool, septic tank, or other contrivance located thereon for collecting and disposing of sewage after the time a public utility water supply and sewer service becomes available to such premises by connection to mains lying in the street, or alley, or public grounds, or across a dedicated easement abutting such premises.
- E. Private defective sewer system a public nuisance. The operation of any defective septic tank, dry well, or cesspool constitutes a public nuisance and as such a violation of this chapter.

§ 175-44. Unsanitary plumbing conditions.

Whenever it shall be reported to the City Clerk or Plumbing Inspector that the plumbing in any building is contrary to the ordinances of the City or is of faulty construction and liable to breed disease or sickness, or is a menace to health, the Plumbing Inspector shall examine all the plumbing in such building and direct the occupant or owner to make changes as are necessary to put the same in proper sanitary condition. Any temporary connection, when in use for a period exceeding seven days, shall be considered unsanitary.

§ 175-45. Discharging of drains and sewers into streets or alleys prohibited.

No person shall permit any drain or sewer to discharge into any open sewer or gutter, or upon any street or public alley, or upon or over any sidewalk.

§ 175-46. Sewage not to be discharged into lakes or streams.

No owner or occupant of any real estate shall discharge domestic sewage or industrial wastes therefrom into the waters of Lake Monona, or any stream within the jurisdiction of the City, or into any sewer connected with or discharging into such lake or stream or permit the same to be so discharged from such premises.

§ 175-47. Ground water not to be discharged into sewer.

- A. Prohibition against. The connection of basement drains, sump pump drains, drain tile or any other drain system the purpose of which is alleviate a ground water problem or condition or which may contribute ground water at any time of the year to the sewerage system of the City is prohibited.
- B. Builder of new houses to see that no discharge into sewers occurs. The builder and owner of any new house shall take necessary precautions to effectively prevent any ground water from entering the basement, floor drain, or lateral and subsequently the main sewers of the sewerage system of the City.
- C. Houses not to discharge into sewer. If after inspection it is found that ground water is being discharged from a house or other building into the sewerage system of the City, the owner of the house or building shall after notice by the Building Inspector, within a reasonable time make the necessary repairs, alterations or modifications of the drainage system so as to prevent the entrance of any ground water into the system and thence into the main sewers of the City. By reasonable time is meant as soon as possible after the high water table of the ground has receded sufficiently to allow repairs to be made, but in no case more than six months from the time of serving of the notice. Such notice shall specify what repairs, alterations or modifications in the opinion of the Building Inspector, City Engineer, or a registered professional engineer must be made to correct the ground water drainage.
- D. Building Inspector or engineer may enter houses for inspection. The Building Inspector or City Engineer may enter upon any public or private premises and make inspection thereof at any reasonable time. Any person who resists or obstructs any lawful exercise

of authority by the Building Inspector or City Engineer is subject to a penalty as provided in § 175-15.

§ 175-48. Duty to report violations.

Police officers, the Plumbing Inspector, and the Building Inspector shall inquire into the causes of violation of this chapter and report the same to the proper officer for investigation and prosecution.

**ARTICLE VII
Electrical Code**

§ 175-49. Application of provisions of this article.

- A. Provisions applicable. The provisions of this article shall apply to all installation of electrical conductors, fittings, devices and fixtures, herein referred to as "electrical equipment", within or on public and private buildings and premises, with exceptions as provided in Sections 15-1-124 and 15-1-125 and with the following general exceptions:
- (1) The provisions of this article shall not apply to installations used by electrical supply or communication agencies in the generation, transmission or distribution of electricity or for the operation of signals, or the transmission of intelligence, and located within or on buildings or premises used exclusively by such an agency or in public thoroughfares.
 - (2) The provisions of this article shall not apply to the installation of equipment employed by a railroad utility in the exercise of its functions as a utility, and located outdoors or in buildings used exclusively for that purpose.
- B. Definition. As used in this article:

REASONABLY SAFE TO PERSONS AND PROPERTY — As applied to electrical installations and electrical equipment means safe to use in the service for which the installation or equipment is intended without unnecessary hazard to life, limb, or property.

§ 175-50. Electrical Inspector; qualifications and appointment.

- A. Qualifications. There is created the office of Electrical Inspector (hereinafter referred to as "Inspector"). The Inspector shall:
- (1) Be a State of Wisconsin certified Electrical Inspector and Commercial Electrical Inspector; and
 - (2) Have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety of persons and property, the statutes of the State relating to electrical work and any orders, rules and regulations issued by authority thereof,

and the National Electrical Code, as approved by the American Standards Association.

- B. Appointment. The Inspector shall be appointed by the Mayor, subject to confirmation by the Council. The Inspector shall also take and subscribe an oath, which together with the certificate of appointment, shall be filed with the City Clerk. The Inspector may be removed from the office for cause.

§ 175-51. Duties of Electrical Inspector.

- A. Generally. The Inspector shall enforce the provisions of this article. The Inspector shall, upon application, grant permits for the installation or alteration of electrical equipment, and shall make inspections of electrical installations, all as provided in this article. The Inspector shall keep complete records of all permits issued, inspections and re-inspections made and other official work performed in accordance with the provisions of this article. He shall also keep on file a list of inspected electrical equipment issued by or for Underwriters' Laboratories, Inc., which list shall be accessible for public reference during regular office hours.
- B. May employ additional assistants. The Inspector may employ, subject to approval of the Council, any Assistant Inspector, and clerical assistants necessary for the proper conduct of the office and the inspection of electrical installations as provided for in this article.
- C. Inspector not to be in electrical business. The Inspector shall not engage in the sale, installation or maintenance of electrical equipment, either directly or indirectly, and the Inspector shall have no financial interest in any concern engaged in such business in the City at any time while holding such office as herein provided.

§ 175-52. Authority of Electrical Inspector.

- A. Generally. The Inspector may during reasonable hours enter any building or premises in the discharge of official duties, or for the purpose of making any inspection, re-inspection, or test of the electrical equipment contained therein or its installation. When any electrical equipment is found by the Inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the Inspector to place such equipment in safe condition and if such work is not started as soon as possible and not completed within 15 days or any longer period that may be specified by the Inspector in such notice, the Inspector may disconnect or order discontinuance of electric service to such electrical equipment. In cases of emergency, where necessary for safety to persons or property, or where electrical equipment may interfere with the work of the Fire Department, the Inspector may disconnect or cause the disconnection immediately for any electrical equipment.
- B. Delegation. The Inspector may delegate any of his powers or duties to any assistant.

§ 175-53. Standards for installation of electrical equipment.

- A. Conform to laws and standards. All installations of electrical equipment shall be reasonably safe to persons and property and in conformity with the provisions of this Subchapter and the applicable State Statutes, and all orders, rules and regulations issued by authority thereof.
- B. Adoption of state code. All installations of electrical wiring and equipment shall comply with the rules of the Wisconsin Administrative Code Electrical Code, including any amendments thereto. The Inspector may authorize installations of special wiring methods.

§ 175-54. Electrical permits.

No electrical equipment shall be installed within or on any building, structure or premises, publicly or privately owned, nor shall any alteration or addition be made in any such existing equipment without first securing a permit therefore from the Inspector, except as provided in § 175-49 and except that no permit will be required to execute any of the following classes of electrical work:

- A. Minor repair work, the replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles.
- B. The installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence.
- C. The installation, alteration or repair of electrical equipment installed by or for an electricity supply agency for the use of such agency in the generation, transmission, distribution or metering of electricity.
- D. Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes.

§ 175-55. Fees for permits and inspections.

- A. The Common Council shall establish a fee for processing electrical permits and inspections. An applicant for an electrical permit shall pay the required fee upon final submission of the application. An application shall not be deemed complete until the required fee is paid. A copy of the current fees established by the Common Council shall be kept on file by the City Clerk.
- B. All fees for required inspections are included in the schedule of fees. The Inspector shall determine the number of required inspections, based on the complexity of the project.
- C. Additional inspections or re-inspections shall be assessed at \$25.

§ 175-56. Inspection and certificates.

- A. Notice to be given. Upon completion of any installation of electrical equipment which has been made under a permit, the person making the installation shall notify the Inspector, who shall inspect the installation within 24 hours (exclusive of Saturdays, Sundays and holidays) of the time such notice is given or as soon thereafter as practicable.
- B. Certificate of approval. Where the Inspector finds the service installation to be in conformity with the provision of this article, he shall issue a certificate of approval, authorizing the use of the installation and connection to the supply of electricity and shall send written notice of such authorization to the agency supplying the electric service.
- C. Expiration of temporary certificate of approval. When a certificate of approval is issued authorizing the connection a use of a temporary installation, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the Inspector for cause.
- D. Where installation will be hidden from view. When any electrical equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the Inspector and such equipment shall not be concealed until it has been inspected and approved by the Inspector or until 24 hours (exclusive of Saturdays, Sundays or holidays) shall have lapsed from the time of such notification; provided on large installations, where concealment of equipment proceeds continuously, the person installing the electrical equipment shall give the Inspector due notice and inspections shall be made periodically during the progress of the work.
- E. Regular inspections. At regular intervals the Inspector shall visit all premises where work may be done and shall inspect all electrical equipment installed since the date of last inspection, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this article, after the fee required by Sections 15-1-125 and 15-1-126 has been paid. If upon inspection the installation is not found to be fully in conformity with the provisions of this article, the Inspector shall at once forward to the person making the installation a written notice stating the defects which have been found to exist.

§ 175-57. Connection to installations.

No person shall make connection from a supply of electricity or supply electricity to any electrical equipment for the installation of which a permit is required or which has been disconnected or ordered to be disconnected by the Inspector, until such connection has been authorized by the Inspector.

ARTICLE VIII
HVAC Code

§ 175-58. Purpose and scope.

This article shall apply to the heating, ventilating and air conditioning of all new buildings and to all alterations of improvements, including the replacement of any major apparatus or device in existing buildings. The provisions of this article shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering previous use.

§ 175-59. Heating, ventilating and air conditioning inspector.

- A. Qualifications. There is created the office of Heating, Ventilating and Air Conditioning (HVAC) Inspector (herein referred to as the Inspector). The Inspector shall be of good moral character, shall be possessed of such executive ability as is requisite for the performance of the duties of the office, and shall have a thorough knowledge of the standards, materials and methods used in the installation of HVAC equipment, shall be well versed in approved methods of construction for safety of persons and property, the State Statutes relating to HVAC, and any orders, rules and regulations issued by authority thereof, and Ch. SPS 364, Wis. Adm. Code (HVAC).
- B. Appointment. The Inspector shall be appointed by the Mayor, subject to confirmation by the Council. The Inspector shall also take and subscribe an oath, which together with the certificate of appointment shall be filed with the City Clerk. The Inspector shall be removed from office for cause only, after hearing by the Council at which he shall be entitled to appear and produce evidence.

§ 175-60. Duties of inspector.

- A. Enforcement. The Inspector shall enforce the provisions of this article. He shall, upon application, grant permits for the installation or alteration of equipment, and shall make inspections of installations, as provided in this chapter. The Inspector shall keep complete records of all permits issued, inspections and re-inspections made and other official work performed in accordance with the provisions of this article.
- B. Assistants. The Inspector may employ, subject to approval of the Council, any assistant inspectors and clerical assistants necessary for the proper conduct of the office and the inspection of installations as provided for in this article.
- C. Conflicting business prohibited. The Inspector and his assistants shall not engage in the business of the sale of, installation or maintenance of HVAC equipment, either directly or indirectly, and they shall have no financial interest in any concern engaged in such business in the City at any time while holding such office.

§ 175-61. Authority of inspector.

- A. Authorized inspections. The Inspector may during reasonable hours enter any building or premises in the discharge of official duties, or for the purpose of making any inspections, re-inspection or test of the equipment contained therein or its installation. When any equipment is found by the Inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the Inspector to place such equipment in safe condition, and if such work is not started as soon as possible and not completed within 15 days or any longer period that may be specified by the Inspector in such notice, the Inspector may order the discontinuance of the use of the HVAC equipment.
- B. Delegation. The Inspector may delegate any of the powers of the office or duties to any assistant.

§ 175-62. Standards for the installation of equipment.

- A. Conformance to state law. All installations shall be reasonably safe to persons and property and in conformity with this chapter and the applicable State Statutes, and all orders, rules and regulations issued by authority thereof.
- B. Conformance to other standards. Conformity of installation of HVAC equipment with applicable regulations or nationally recognized institutes and organizations shall be prima facie evidence that such installations are reasonably safe to persons and property. The HVAC Inspector may authorize use of special installation methods.

§ 175-63. Equipment standards.

- A. All HVAC equipment installed or used shall be reasonably safe to persons and property and in conformity with the provisions of this article and the applicable statutes of the State, and any orders, rules or regulations issued by authority thereof, and conformity of HVAC equipment with applicable standards as set forth in § 175-62B shall be prima facie evidence that such equipment is reasonably safe to persons and property.
- B. The Inspector may authorize the installation of special equipment.

§ 175-64. Gas valve identification.

Where there is an underground valve provided for piping systems for fuel gases such as natural gas, manufactured gas, undiluted liquefied petroleum gases, liquefied gas-air mixtures or mixtures of any of these gases, installed in the City, the valve location shall be plainly identified by an approved metal marker provided by the supplier and attached to the exterior of the outside wall of the occupancy by the owner directly above where the piping system enters the building so as to be visible at all times.

§ 175-65. HVAC permits.

- A. Permit required. No HVAC equipment shall be installed within or on any building, structure, or premises, publicly or privately owned, nor shall any alteration or a addition be made in any such existing equipment without first securing a permit therefore from the Inspector, except as provided in Subsection B and C.
- B. Emergency work. Permits shall be obtained as soon as possible after emergency work has been done on installations which would otherwise require a permit in advance. No emergency work shall be done during the Inspector's regular office hours without notifying the Inspector.
- C. Minor repair work. Any work involved in the manufacturing, testing, servicing, altering, or repairing of HVAC equipment or apparatus, except that this exemption shall not include any permanent changes other than those required for testing purposes.
- D. Applications. Application for a permit, describing the work to be done, shall be made in writing to the Inspector by the person installing the work. The application shall be accompanied by such calculations, plans, specifications and schedules as may be necessary to determine whether the installations as described will be in conformity with the requirements of this Subchapter. If the installations as described will conform with all legal requirements and if the applicant has complied with this article, a permit for such installation shall be issued. No deviation may be made from the installation described in the permit without written approval of the Inspector.

§ 175-66. Fees for permits and inspections.

- A. The Common Council shall establish a fee for processing HVAC permits and inspections. An applicant for a HVAC permit shall pay the required fee upon final submission of the application. An application shall not be deemed complete until the required fee is paid. A copy of the current fees established by the Common Council shall be kept on file by the City Clerk.
- B. Number of inspections.
 - (1) All fees for required inspections are included in the schedule of fees. The Inspector shall determine the number of required inspections, based on the complexity of the project.
 - (2) Additional inspections or re-inspections shall be assessed at \$25 per inspection. All fees for additional inspections or re-inspections shall be paid prior to final approval of the project.

§ 175-67. Inspection and certificates.

- A. Notice to be given. Upon completion of any installation of HVAC equipment under a permit the person making the installation shall notify the Inspector, who shall inspect the installations within 24 hours (exclusive of Saturdays, Sundays and holidays) of the time such notice is given or as soon thereafter as practicable.

- B. Certificate of approval. Where the Inspector finds the installation to be in conformity with this article, he shall issue to the person making the installation, a certificate of approval with duplicate copy for delivery to the owner, authorizing the use of the installation.
- C. Expiration of temporary certificate of approval. When a certificate of approval is issued authorizing the use of a temporary installation, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the Inspector for cause.
- D. Concealed installations. When any HVAC equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the City Hall and such equipment shall not be concealed until it has been inspected and approved by the Inspector or until 24 hours (exclusive of Saturdays, Sundays and holidays) shall have elapsed from the time of such notification; provided on large installations, where the concealment of equipment proceeds continuously, the person installing the heating or ventilating or air conditioning equipment shall give the Inspector due notice and inspections shall be made periodically during the progress of the work.

§ 175-68. Connection to installations.

No person shall make installations, additions, or alterations to any heating, ventilating and air conditioning equipment for the installation of which a permit is required or which has been discontinued or ordered disconnected by the Inspector, until such installation, addition, or alteration has been authorized by the Inspector.

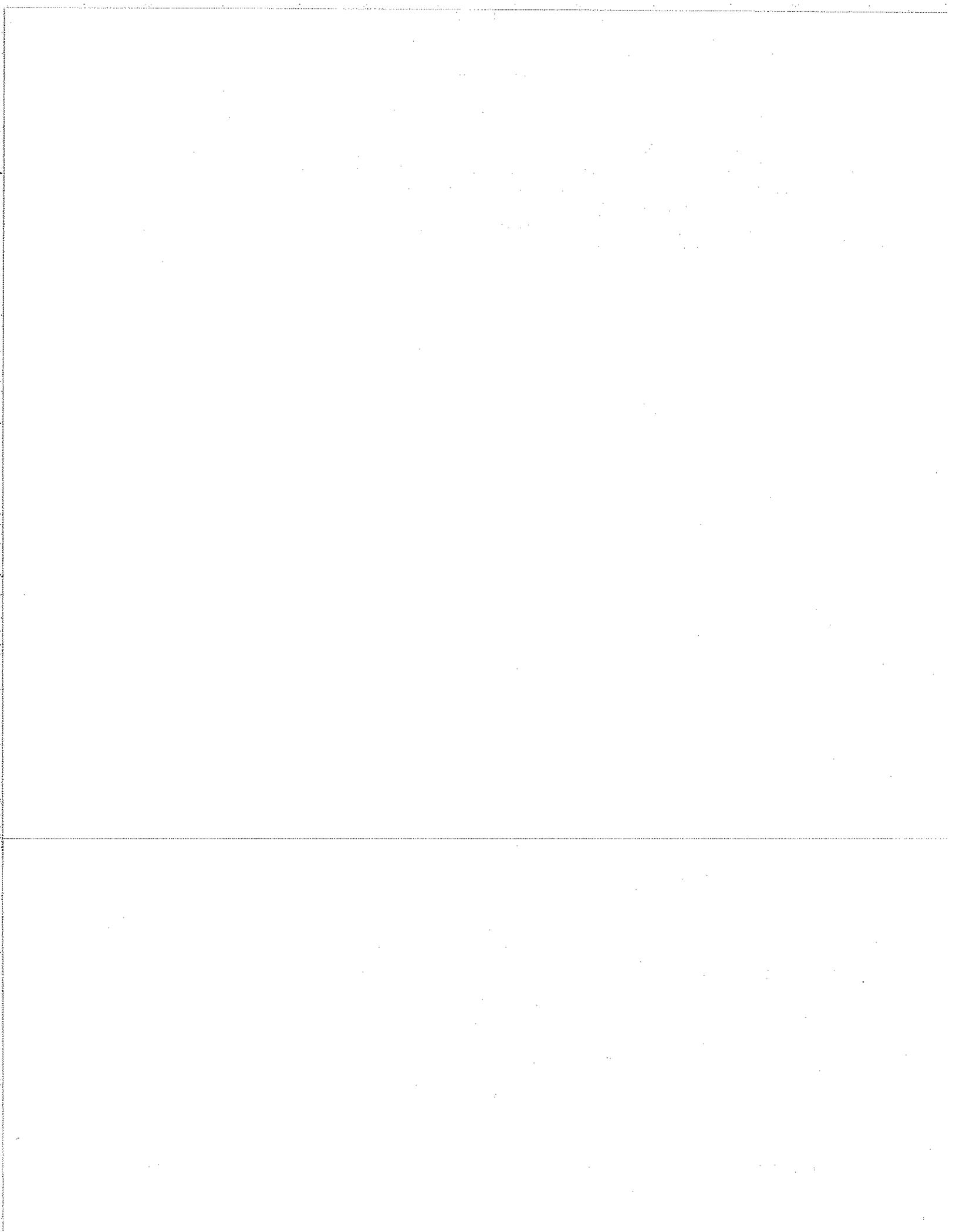
§ 175-69. Minimum standards for heating.

- A. No person shall let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following minimum heating standards:
 - (1) All habitable rooms shall be provided with a permanently connected heating system complying with this article.
 - (2) The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and the person performing service. A heating system must be capable of maintaining a minimum temperature of 67° F.
- B. In addition to the penalties provided in § 175-15, any person violating this section shall be deemed to have caused a public nuisance and shall be liable for the cost of abatement thereof.

§ 175-70. Appeals.

Any person may register an appeal with the Board of Appeals for a review of any decision of the Inspector, provided such an appeal is made in writing within five days after such person

shall have been notified of such decision of the Inspector. Upon receipt of such appeal, the Board shall proceed to determine whether the action of the Inspector complies with this article and within five days shall make a decision in accordance with its findings. Three members of the Board present at any meeting shall constitute a quorum for the transaction of business but any action taken at any meeting shall required the affirmative vote of at least three members. The Chair of any meeting of the Board shall vote.





Ch. 207, Day-Care Centers

§ 8-1-10 of the 1994 Code

- A. The Department of Health and Social Services (HSS) is now the Department of Health Services (DHS); note that §§ 207-2 and 207-6 refer to HSS 45 and HSS 55, which no longer exist. How should these references be revised? See also the Department of Children and Families (DCF).

Decision:

- Revise "Ch. HSS 45 and HSS 55, Wis. Adm. Code" to: _____
- Other: DCF 250 and 251

- B. In § 207-3, should *Department of Health and Social Services* be changed to *Department of Children and Families*?

Decision:

- Update title to *Department of Children and Families*.
- Revise as follows: _____

Ch. 216, Erosion and Stormwater

Title 15, Ch. 2, of the 1994 Code; amended in its entirety by Ord. No. 12-14-669

- A. In § 216-8A we have replaced the date with the date of adoption of the City's ordinance.
- B. Section 216-11B(5) refers to a "draft maintenance agreement as described in sec. 15-2-13(a)(1)(h)" This subsection is now § 216-13A(8), a summary of infiltration calculations, and does not appear to be the correct subject matter. We are unable to update this reference; please advise.

Decision:

- Update the reference as follows: _____
- Other: _____

- C. Section 216-11C(4) read in part: "a stormwater permit issued under this ordinance and applicable plan, timetables and potential liability imposed by sub. 8(c)"; although there is no Subsection 8(c) in this section. We question whether the original reference should have been to *sub. (h)(3)*. We have updated the reference accordingly, but please confirm.



Chapter 207

DAY-CARE CENTERS

§ 207-1. Definitions.

§ 207-2. Operation of day-care centers regulated.

§ 207-3. State license required for day-care centers.

§ 207-4. Fence required.

§ 207-5. Violations a public nuisance.

§ 207-6. Building Inspector to inspect and enforce.

§ 207-7. Violations and penalties.

[HISTORY: Adopted by the Common Council of the City of Monona as § 8-1-10 of the 1994 Code. Amendments noted where applicable.]

§ 207-1. Definitions.

As used in this section:

DAY-CARE CENTER — Any place which receives at any one time for compensation four or more children under the age of seven years, for care and supervision, for less than 24 hours a day for more than 10 days a month without the attendance of a parent, relative, or legal guardian.

DAY CARE OPERATOR — A person who for compensation provides care and supervision for four or more children under the age of seven for less than 24 hours a day but not including:

- A. A relative or guardian of a child who provides care and supervision for the child;
- B. A public or parochial school, or the Y.M.C.A.; or
- C. A person employed to come to the home of a child's parent or guardian for less than 24 hours a day.

§ 207-2. Operation of day-care centers regulated.

No day-care center shall be operated within the City unless the facilities thereof are in compliance with the provisions of Ch. HSS 45 and HSS 55, Wis. Adm. Code, which is hereby adopted and incorporated in this section reference with the same effect as if it were fully set forth herein. A copy of such regulations, as from time to time amended, shall be kept permanently on file in the office of the City Clerk. The owner, lessor, lessee, operator and person in charge of any day-care center shall be mutually and severally responsible for compliance with the provisions of this Subsection.

§ 207-3. State license required for day-care centers.

No person shall engage in the business of day-care center operator within the City who does not hold a valid day-care center operator's license issued by the Wisconsin Department of Health and Social Services.

§ 207-4. Fence required.

To assure the safety of those children who are cared for at a day-care center, all such centers which are not located on a corner lot shall have all or an adequate portion of the rear yard fenced so as to help assure the safety of the children while playing outside. Centers located on corner lots shall maintain such a fenced area on a side yard.

§ 207-5. Violations a public nuisance.

Any violations of the provisions of this section are hereby declared to be a public nuisance.

§ 207-6. Building Inspector to inspect and enforce.

The City Building Inspector shall have the power and duty to enforce the provisions of this section including the powers of access and abatement provided in § 263-2 of the Code of the City of Monona. The Building Inspector shall have the power to determine compliance of day-care centers with the provisions of Ch. HSS 45 and HSS 55, Wis. Adm. Code.

§ 207-7. Violations and penalties.

In addition to the penalties provided in § 1-4 of the Code of the City of Monona, any person owning the premises on which a day-care center is operated in violation of this section shall be deemed to have caused a public nuisance and shall be liable for the cost of abatement thereof.

MONONA STRATEGIC PLAN UPDATE – 2016

DEPARTMENT: Library		STAFF: Erick Plumb
SECTION	STRATEGY / TACTIC ACCOMPLISHED:	
3B	Respond Promptly to Resident Questions and Concerns, and Follow-Up with Resident	
3D	Increase Use of Technology, Including Website and Social Media to Inform Public – <i>We have upgraded our social media, website, and internet networks.</i>	
6AB	Interdepartmental Collaboration: Reduce Duplication of Services - Library, Parks & Senior Center - <i>Quarterly meetings among Dept. Heads bring collaboration opportunities.</i>	
6C	Complete Planning and Events for Library’s 50 th Anniversary – <i>Completed in 2014. Events raised over \$10,000 for the Friends of the Library.</i>	
SECTION	IN PROGRESS:	DEADLINE / STATUS
3C	Meet and Greet for New Residents at Existing Community Events	With the addition of additional staff, we are able to attend more community events, such as Farmer’s Mkt, Back to School nights, etc. We continue to work at strengthening our ties to Monona Grove schools.
3C	Utilize Social Media to Contact as Many Residents as Possible	The Library maintains a robust social media presence, uses alerts on website and e-newsletter is available to subscribe to electronically.
4C	Find Ways to Reduce Energy and Fuel Usage	We installed new lighting in areas of the library that utilize “daylight harvesting” technology, responding to natural light levels. We continue to look at projects that will increase building energy efficiency. All light fixtures replaced with LED lights.
6AB	Program Analysis and Evaluation of Library, Senior Center and Parks/Rec. Programs -	Staff continually evaluates programs and we continue to analyze effectiveness of what we offer.
6H	Better Use of Data in Decision Making	In addition to expanded data collection, we will be offering a community-wide survey this Fall to ensure we are on the right track with community goals for the Library as well as to plan future services.

MONONA STRATEGIC PLAN UPDATE – 2016

DEPARTMENT: Community Media		STAFF: Will Nimmow
SECTION	STRATEGY / TACTIC ACCOMPLISHED:	
	1.	
	2.	
	3.	
	4.	
	5.	
SECTION	IN PROGRESS:	DEADLINE
6H	1. Upgrade to Broadband Network MUFN	July 2017
	2.	
	3.	
	4.	
SECTION	NOT STARTED:	REASON / ITEM NEEDED TO PROGRESS
5E	1. MUFN Broadband Network Upgrade	Tabled, PD using fiber to Fitchburg
	2.	
	3.	
	4.	
	5.	
SECTION	NEW PRIORITIES 2017 - 2019	DEADLINE
	1. Establish formal process between city staff and WVMO	August 2017
	2. Restructure/add staffing to increase video presence online	July 2017
	3. Equipment upgrades for municipal room improvements	July 2017
	4. Utilize UniverCity Projects to enhance digital communications for the city	July 2017
	5. Media literacy education, partnership with library	July 2019

Major Projects / Issues:

- **UniverCity:** Kick-Off is September 14th, 5:30-7 PM, at the Aldo Leopold Nature Center. I'll work with Jason Vargo & co. to get as much publicity as we can for the event, and possibly include an informational video segment about UniverCity, similar to the one we did for Build Monona.
- **Dispatch Study** – Draft report and recommendations are being presented to Public Safety Commission August 10, and hope to present to City Council in September.
- **Transit Study** – Plan to finish up report and recommendations to present to City Council in September. The active transportation data collection survey report is due August 20 (130 received so far).
- **Tourism** – Sonja and I met with Kristie Schilling July 21 to talk economic development, local businesses, the hotel tax/tourism and BID district. The hotel tax ordinance revision has been drafted. There has been discussion about whether MESBA is eligible to be Monona's tourism agent, and MESBA thinks they are because of the clause in the law as follows: *A nonprofit organization that was incorporated before January 1, 2015, spends 100 percent of the room tax revenue it receives from a municipality on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.* MESBA can argue that they spend all of the money the city gives them on the tourism booklet among other tourism items. The first steps required by law before any expenditure planning will be to create a tourism commission in the ordinance and then appoint members. We will continue our discussions with Kristie Schilling on these topics.
- **2017 Budget** – Department heads have submitted their capital budgets. Marc and I will work on compiling and reviewing them. Operating budget instructions should go out the week of August 8th.

Planning / Development:

- **Riverfront Project:** Sonja and I had many meetings in July about development sites (and not just with the Riverfront; just about all developable sites seem to have interest). One thing to add: We met with Dan Budenz's daughter Kim Klein (now his agent) July 27, at her request to discuss the property at 6418 Bridge Road. They have hired an environmental consultant who has done testing.

Personnel / Administration:

- **Code Enforcement Ordinances:** Marty, Leah and I met with McFarland to discuss building and code inspection staffing. Within the next few years, most building inspectors in our region will retire and no one is coming up through the ranks to replace them. We are exploring options with McFarland, which might include an extended internship starting with code inspection. We are having discussions with Madison College and they are interested in helping with recruitment.
- **WPPA Police Union** – Previously, we agreed to take the continued arbitration hearing off the calendar for now and have a confidential conference (August 11) to discuss settlement of the successor collective bargaining agreement, as well as the pending grievances. If that settlement discussion does not lead to a resolution, 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.

Meetings / Training Attended:

- CVMIC Summer Meeting
- Anti-Harassment Training (CVMIC)
- BUILD Monona

**MONONA POLICE DEPARTMENT
MONTHLY REPORT**



JUNE 2016

OPERATIONS DIVISION

In June of 2016, the Operations Division handled 38 vehicle crashes, which is down a bit from the 48 crashes last month. Vehicle crashes are a significant part of a Police Officer's day. There were 85 traffic warnings, 272 traffic citations, and 54 parking tickets issued. There were a total of 1,547 calls for service in June.

Training

Officer Mielke attended 24 hours of Radar and Laser Operator training

Officer Wunsch did some transition training with Officer Fogeltanz as Officer Wunsch will be assigned as the School Resource Officer for the 2016/2017 school year.

Officer Landon Flora attended a 40-hour Field Training Officer certification training.

Speed Trailer

The Speed Trailer was placed in the 4700 block of Winnequah Road from June 6th through June 15th and in the 4100 block of Monona Drive from June 28th through June 30th. To request the speed trailer, in your neighborhood, contact Officer Jim Reiter at: jreiter@ci.monona.wi.us

Security Checks

Officers performed 155 security checks in the month of June. A security check is when an Officer goes into a business and walks around to meet with staff to discuss any problems that the businesses are aware of. This also serves as a deterrent for theft. For the overnight shift, this entails checking the perimeter of the business and pulling on doors to make sure the businesses are secure.

Retail Thefts

There were 51 retail theft cases in June, up 9 from 42 cases in May. Around 50 cases are typical in a month. These cases can be time consuming if the suspect flees and follow-up outside the City is necessary.

Tellurian Treatment Center

In June we had 5 calls to the Tellurian property totaling 1 hour of police time.

Use of Force Incidents

On June 21st at 4:10pm, Officers responded to a burglary in progress at 3939 Monona Drive. A subject entered the unsecure garage door of a condominium, which was left open for a construction crew. The offender attempted to leave with multiple items. One of the residents detained the subject until the arrival of police. Once back at the PD, the intoxicated suspect became argumentative and clenched his fist and charged at an officer. The male was pushed away and several officers entered the interview room to secure the male into handcuffs. The suspect struggled and was forced up against the wall to gain compliance with being handcuffed, which he then submitted to. (MO16-03587)

On June 23rd, at approximately 5:52 pm, officers observed a vehicle on South Towne that was wanted by the Fitchburg PD. A traffic stop was initiated, however due to the erratic driving in rush hour traffic on the beltline; the officers quickly terminated trying to chase the vehicle. A short time later the car was found abandoned on HWY 51 south of HWY 12. Sergeant Nachreiner and K-9 Miya tracked the offender through a heavily wooded area and took the subject into custody without incident. The driver was charged with two counts of Felony Eluding an Officer, Operating under the Influence (7th offense), possession of Cocaine and Possession of Drug Paraphernalia. No force was needed to affect the arrest, but we document and review police pursuit attempts under use of force. (MO16-03632)

Citizen Complaints

Citizen complaints will be listed here monthly and the Operations Lieutenant shall prepare an annual summary report for the Chief of Police which will be disseminated to the Police and Fire Commission. The annual summary report shall include but not be limited to: Listing each complaint, explaining any action(s) taken, recommending training needs, and recommending policy changes.

There were no citizen complaints filed in June of 2016

1st Shift Monthly Report

On June 3rd at 11:48 am we received a call of a woman bitten by a Chihuahua while walking on Alder Rd. The dog was not on a leash and was not under the control of anyone. The owner was cited for dog at large (\$98.80 fine) and for having an animal which has attacked 2 or more persons (\$124 fine).

On June 18th at 6:19 am an officer observed some debris in the roadway and damage to a decorative light at the entrance to an apartment complex on Monona Drive. Left behind at the scene was some car debris to indicate the damage was caused by a Hit and Run. The debris indicated the suspect vehicle was a Toyota. The officer then began checking the area for the suspect vehicle. At 7 am the suspect vehicle was located. (Shown below). The 35 year old owner admitted he was driving last night and traveled home from the East Washington Ave area, but had no memory of striking anything or

damaging his car. The owner had insurance so the damage will be covered, but this case could have ended in a tragedy, as the damage to his car was extensive for having no memory of how it occurred.



Officer Overtime Analysis

2016	JUNE Hrs	TOTAL HRS To Date	APPROX COST To Date
TRAINING CONSORTIUM (In-Service)	-	137	\$6,850
OTHER REQUIRED TRAINING (ECIR/Radar/CPR/K9)	12	109	\$5,450
OPTIONAL OFFICER TRAINING	-	3	\$150
SICK LEAVE Coverage	24	160	\$8,000
VACATION Coverage	68	291	\$14,550
FLOATING HOLIDAY Coverage	-	44	\$2,200
MILITARY LEAVE Coverage	36	36	\$1,800
COURT	9.5	98	\$4,900
LATE/EARLY CALL or SERIOUS INCIDENT	9	122.5	\$6,125
Special Event (Meeting, Parade, Festival, Drug Work)	-	117.25	\$5,863
Mental Health Case	-	21.75	\$1,088
Dispatch Coverage	-		
TRAFFIC GRANT (Reimbursed)	78.5	283.5	\$14,175
TOTAL HRS	237.00	1423	
Expense Per Month @ average \$50.00 / HR	\$11,850		\$71,150

Lieutenant Curtis Wiegel is the Operations Commander and 1st shift patrol supervisor. He can be reached at cwiegel@ci.monona.wi.us.

2nd Shift

Officers on second shift conducted 122 traffic stops. We handled 26 Retail Thefts, 17 crashes, and Two Drunk Drivers. We also made 5 warrant arrests.

On June 15, 2016 at 6:43pm police responded to a hotel for a domestic disturbance. While investigating it was determined that a female had \$600 stolen from her. It was also determined that her phone number was on numerous escort service sites. The male had left prior to police arrival. Through the investigation it was discovered that no domestic crime was committed.

On June 21, 2016 at 4:10pm Officers responded to the 3900 block of Monona Dr. for a robbery in progress. Upon arrival Officers found a resident and construction worker holding a male subject down on the ground. The suspect had entered the underground garage of the complex and began stealing items. When the suspect was confronted by a resident, an altercation took place. Both the suspect and resident received minor injuries. The suspect was taken to jail. It was later discovered that the suspect is also a person of interest in other burglaries in Madison.

On June 24, 2016 at 5:55pm Officers were sent to Menards for some male subjects passing a gun around in the car. While responding the suspect vehicle left Menards and went to the Monona Mart Gas Station. Officers arrived on scene and took the occupants out at gun point. The occupants were juveniles. One of the occupants advised that there was a BB Gun in the vehicle under the passenger seat. This was recovered. Parents were contacted and the juveniles were released. The BB Gun was destroyed per the parents request. Below is a photo of the actual gun taken. Could you tell if that's a BB Gun or a real gun?



Sergeant Jeremy Winge is the 2nd shift patrol supervisor and can be contacted at: jwinge@ci.monona.wi.us

3rd Shift

The Monona Police Department third shift officers handled 3 vehicle crashes, 4 retail thefts, and responded to several disturbance calls during the month of June. Officers made 91 traffic stops resulting in 5 OWI arrest. Officers also arrested 1 individual who had an active arrest warrant out for them.

On June 5th, 2016 at 2:42 a.m. a vehicle was stopped for deviating from its lane of traffic on Monona Dr. The operator of the vehicle was arrested for 3rd offense, OWI with a B.A.C. of .13 g/210L.

On June 25th, 2016 at 1:34 a.m. a vehicle was stopped for speeding, 92 mph in a 55 mph zone on Stoughton Rd. The operator was arrested for 1st offense, OWI with a B.A.C. of .13 g/210L.

Sergeant Adam Nachreiner is 3rd shift patrol supervisor and can be contacted at anachreiner@ci.monona.wi.us

INVESTIGATIVE DIVISION

Detective Unit

During the month of June, 89 cases were reviewed for possible referral to the Investigative Division.

Crime	Number of Cases
Burglary	1
Death Investigation	1
Drug Investigation	5
Fraud	10
Overdose	3
Retail Theft	51
Theft	18

Members of the Investigative Unit were assigned to, or assisted with, 27 incidents.

Current Investigations

MO16-02319 – SEXUAL ASSAULT OF A CHILD

An adult female reported being sexually assaulted as a child, about 15 years ago, while she lived in Monona.

MO16-01700 – RETAIL THEFT

Detectives assisted in investigating and citing a suspect from out of town.

MO16-02863 – THEFT/ID THEFT

A resident was a victim of a theft from his auto, and credit cards were taken and used. Partial suspect information was developed and investigated by detectives, however, no further leads developed.

MO16-02613 - BURGLARY

This was a daytime residential burglary in the 1500 block of Baskerville Ave with forced entry. Several items were stolen from inside the residence. Detectives are still working on leads but have not officially identified any suspects.

MO16-02353 - BURGLARY

This was a burglary from a shared basement in the 6300 block of Roselawn Ave with no force entry. A possible suspect has been identified but Detectives are still trying to gather evidence in the case.

MO16-02624 – SEXUAL ASSAULT

This was an alleged sexual assault between two employees at a business on Monona Drive. This was a lengthy investigation and the incident has been forwarded to the District Attorney's Office to review for potential charges.

MO16-03167 - THEFT

This was a theft from a residence by a subject know by the homeowner in the 6300 block of Ford Street. After investigating and interviewing several associated people, there was enough doubt that the homeowner may have given the suspect permission to sell the items for her son who was in prison. The suspect did sell the items but admittedly never gave the money to the homeowner. Detectives recovered most of the property but are unable to pursue charges due to the possible civil nature of the incident.

MO16-03776 – DRUG INVESTIGATION

Detectives observed two subjects in a vehicle selling marijuana to two other individuals in the 1200 block of East Broadway. The two dealers were arrested and evidence was recovered in the vehicle.

MO16-02752 – STALKING

A male employee who works on Royal Ave reported being stalked by his ex-girlfriend. The victim had obtained a restraining order against the female suspect. The female called the male daily, left threats on his voice-mail, tried to get him arrested several times with false complaints and tried to get him fired from his employment. This female is in hiding and we are actively trying to place her into custody.

MO16-03102 - THEFT

The investigation uncovered a theft perpetrated by the victim's daughter, a known heroin user. The suspect stole from several family members. The case has been forwarded to the DA for charges and a warrant was requested for the suspect.

MO16-03587 - BURGLARY

A resident in the 3900 block of Monona Drive observed someone burglarizing the garage area of the complex. The resident, also a victim, detained the suspect to keep him from leaving while police were called to respond. The suspect was arrested, taken to jail and has been charged with Burglary. The suspect was currently on parole for several other burglaries and is likely to be facing additional prison time. While this incident ended in a positive way, we want to caution the public from taking this type of action which could have resulted in them being injured or assaulted by the suspect.



If you have information to provide in these or other incidents, please contact:
Det. Matthew Bomkamp at mbomkamp@ci.monona.wi.us or Det. Sgt. Ryan Losby at rlosby@ci.monona.wi.us.

Other Activities

Property room management
Municipal court officer duties
Liquor License Review Committee

School Resource Officer

The school year ended somewhat early for all the schools in the Monona Grove School District. The seniors at MGHS ended the year with their last exams on 06-01-16, with graduation being on 06-05-16. The last day of school for all the other students was 06-08-16.

On that last day of school for the seniors a large group gathered in the commons at the end of the day. A senior student in the middle of that group lit a large smoke bomb and placed it on the floor. The crowd dispersed and the school's fire alarms activated. At that time school staff and I were not able to see who lit the smoke bomb. Through investigation we discovered who had done it and obtained an admission. The student received a citation and significant school sanctions.

An accident occurred in the parking lot of the high school. A staff member was backing out of her parking stall that was located on a curved part of the lot. At the same time a student was driving around this curved area. The front of the student's car struck the back of the staff member's car causing significant damage.

While I was at the high school two special education teachers requested emergency help with an out of control student they were transporting. The staff members advised they were travelling on the beltline but were currently stopped in the parking lot of Menards in Monona. I responded to Menards and the student eventually calmed down. The student was released to a parent at the scene.

This is the last report by SRO Shawn Fogeltanz. After seven and one half years as the Monona Grove School Resource Officer he has opted to return to the Patrol Division. Officer Luke Wunsch has been appointed as the new School Resource Officer.

SRO Luke Wunsch can be contacted at lwunsch@ci.monona.wi.us
SRO Shawn Fogeltanz can be contacted at sfogeltanz@ci.monona.wi.us

Clerk of Courts

During the month of June, 382 traffic, municipal ordinance and parking citations were issued. In addition there were 86 warnings issued for various traffic offenses. Twenty-two adults were also referred to the Dane County District Attorney's Office for criminal charges.

Dispatch

The Monona Communications Center dispatches Police, Fire, and EMS, answers routine phone calls from citizens seeking information or wanting police assistance, processes citation payments, prepares and submits accident reports to the State of Wisconsin, files law enforcement related paperwork, and performs many other routine daily duties.

During the month of June, Dispatchers handled 1,547 calls for service. Of these calls for service, 141 calls came in on the 911 lines. Many of the calls for service are converted into incidents which require a report and additional paperwork. On average, each incident, consumes about 1.5 hours of the Dispatcher's time.

Lieutenant Sara Deuman is the Technical Services Commander in charge of Dispatch and Investigations. She can be contacted at sdeuman@ci.monona.wi.us

**MONONA POLICE DEPARTMENT
MONTHLY REPORT**



JULY 2016

OPERATIONS DIVISION

In July of 2016, the Operations Division handled 60 vehicle crashes, which is up a lot from the 38 crashes last month. Vehicle crashes are a significant part of a Police Officer's day. For traffic enforcement, there were 246 traffic warnings, 286 traffic citations, and 28 parking tickets issued. Our calls total for July was 1,769 calls for service.

Training

10 officers attended a two hour training from DCI on Officer Involved Death Investigations.

17 Officers attended a Rapid Deployment In-Service Training at the Monona Grove High School.

Speed Trailer

The Speed Trailer was placed in the 6100 block of Sylvan Lane from July 12th through July 18th. To request the speed trailer, in your neighborhood, contact Officer Jim Reiter at: jreiter@ci.monona.wi.us

Security Checks

Officers performed 188 security checks in the month of July. A security check is when an Officer goes into a business and walks around to meet with staff to discuss any problems that the businesses are aware of. This also serves as a deterrent for theft. For the overnight shift, this entails checking the perimeter of the business and pulling on doors to make sure the businesses are secure.

Retail Thefts

There were 35 retail theft cases in July, down from 51 cases in June. Around 50 cases are typical in a month. These cases can be time consuming if the suspect flees and follow-up outside the City is necessary.

Tellurian Treatment Center

In July we had 7 calls to the Tellurian property totaling 6.5 hours of police time.

Use of Force Incidents

On July 19th at 7:45 am Officers were dispatched to a suspicious car in a residential neighborhood with two men sleeping inside. Upon arrival the investigating officer believed the passenger looked like a male who had fled from him at a retail theft a few weeks prior. Once the male realized he was about to be arrested, he again fled. The male fell a few times and the officer was able to catch him and they fell to the ground and a struggle ensued. The second officer presented a Taser and the struggling suspect became immediately compliant. This male was wanted on two retail thefts and a burglary in Middleton. (MO16-04339)

On July 26th at 6pm Officers were dispatched to a disturbance where an argument was occurring inside a residence and one male broke down a door with a hammer. Upon arrival an enraged male exited the house wielding a baseball bat chasing a second male. Officers ordered the male at gunpoint, to drop the bat and get down on the ground. After a few repeated commands were yelled, he complied. The officers re-holstered their weapons and handcuffed the male without further issue. The male was arrested for domestic related disorderly conduct, criminal damage to property, and for a warrant through the Dept. of Corrections. (MO16-04510)

Citizen Complaints

There were no citizen complaints in July.

1st Shift Monthly Report

On July 27th at 3:32pm a 30 year old male was traveling northbound on Shores Acres Rd near Lambolely in his 1999 Lexus SUV when he struck a car parked alongside the roadway, ramped off its tire, and flipped onto his roof. The witness stated this driver was not speeding at the time of the crash. The driver stated he was focused on the car in front of him and did not realize how far over to the right he was operating, and the next thing he new he was upside down. (MO16-04524)



On July 31st at 1:38pm Officers spotted a car wanted by Madison Police for questioning in an incident which happened earlier this day. Officers made contact with a male in the parking lot of Taco Bell. The male had some mental health issues and became enraged by the officers speaking with him. As officers were speaking with this male, his mother showed up, and that helped calm him for a minute. When Madison officers arrived to question the male, he again became very hostile. The male clenched his fists and there were a few tense moments, but once the male realized he would be tasered if he became physical, he cooperated and was handcuffed. When the officers walked back over to the male's car, they observed a large hunting knife sticking out between the seats of the car. The officers were very lucky to have initiated contact as this subject was stepping out of his car. Had the male become enraged while in proximity to grab the knife, this call could have been even more dangerous. (MO16-04607)



Officer Overtime Analysis

2016	JUN Hrs	JUL Hrs	TOTAL HRS To Date	APPROX COST To Date
TRAINING CONSORTIUM (In-Service)	-	56	193	\$9,650
OTHER REQUIRED TRAINING (ECIR/Radar/CPR/K9)	12	3	112	\$5,600
OPTIONAL OFFICER TRAINING	-	-	3	\$150
SICK LEAVE Coverage	24	-	160	\$8,000
VACATION Coverage	68	16	307	\$15,350
FLOATING HOLIDAY Coverage	-	-	44	\$2,200
MILITARY LEAVE Coverage	36	2	38	\$1,900
COURT	9.5	13	111	\$5,550
LATE/EARLY CALL or SERIOUS INCIDENT	9	27.75	150.25	\$7,513
Special Event (Meeting, Parade, Festival, Drug Work)	-	59	176.25	\$8,813
Mental Health Case	-	-	21.75	\$1,088
Dispatch Coverage	-	4	4	\$200
TRAFFIC GRANT (Reimbursed)	78.5	77	360.5	\$18,025
TOTAL HRS	237.00	257.75	1681	
Expense Per Month @ average \$50.00 / HR	\$11,850	\$12,888		\$84,038

Lieutenant Curtis Wiegel is the Operations Commander and 1st shift patrol supervisor. He can be reached at cwiegel@ci.monona.wi.us.

2nd Shift

Officers on second shift conducted 210 traffic stops, handled 20 Retail Thefts, 28 crashes, and 4 Drunk Drivers. We also made several warrant arrests.

On July 12, 2016 at 5:13 pm police responded to a residence on Falcon Cir for a theft. While investigating it was determined that a female had stolen over \$1,100 from the male victim. The victim advised that he picked up his friend and brought her back to his place. After drinking all day with other friends the victim and suspect passed out together. The victim advised that when he woke the suspect was gone and so was his wallet. This is an ongoing investigation and we are still attempting to track down the suspect.

On July 25, 2016 at 10:00 pm Officers responded to the 2500 block of Royal Ave. for a fight in progress. Dispatch advised that there were about 10 people fighting. Upon arrival Officers found a male punching a street sign. Several other kids were standing around. As Officers attempted to contact this male he became uncooperative and began walking away. Officers were able to contain him at Speedway. It was learned that the kids went to Wal-Mart to see a friend who works there. They were live streaming the disturbance on Facebook. A group of other kids saw the live stream and went to Wal-Mart. Words were exchanged in the road between Wal-Mart and Speedway. A fight ensued. The suspects fled once police were called.

Sergeant Jeremy Winge is the 2nd shift patrol supervisor and can be contacted at: jwinge@ci.monona.wi.us

3rd Shift

The Monona Police Department third shift officers handled 6 vehicle crashes, 4 retail thefts, and responded to several disturbance calls during the month of July. Officers made 163 traffic stops resulting in 9 OWI arrest. Officers also arrested 4 individuals who had active arrest warrants.

On July 3rd, 2016 at 12:57 a.m. officers responded to a single vehicle accident on Owen Rd at Midmoor Rd. The operator of the vehicle was arrested for OWI 1st and possession of marijuana. The investigation determined that speed and alcohol impairment were contributing factors to the accident.



On July 4th, 2016 at 11:38 p.m. officers responded to Taco Bell, for a report of a male who fell asleep while waiting for his food in the drive-thru. The operator was arrested for 3rd offense, OWI. A preliminary breath test showed a B.A.C. of .187.

On July 16th, 2016 at 1:59 a.m. a vehicle was stopped for speeding, 91 mph in a 55 mph zone on HWY 12 at Monona Dr. The operator was arrested for 1st offense, OWI with a B.A.C. of .16 g/210L.

On July 17th, 2016 at 12:50 a.m. officers again responded to Taco Bell for a report of a male who passed out in the drive thru. The operator was arrested for 1st offense, OWI with a B.A.C. of .13 g/210L.

Sergeant Adam Nachreiner is the 3rd shift patrol supervisor and can be contacted at anachreiner@ci.monona.wi.us

INVESTIGATIVE DIVISION

Detective Unit

During the month of July, 70 cases were reviewed for possible referral to the Investigative Division.

Crime	Number of Cases
Burglary	3
Drug Investigation	4
Fraud	13
Overdose	1
Retail Theft	35
Sex Offense	1
Theft	13

Members of the Investigative Unit were assigned to, or assisted with, 17 incidents.

Current Investigations

MO16-02319 – SEXUAL ASSAULT OF A CHILD

An adult woman reported being sexually assaulted as a child when she resided in City 15 years ago.

MO16-03872 – FORGERY

A woman was arrested for passing fake US Currency. Detectives followed up with witnesses and videos. Detectives also identified this person to other agencies who had the same suspect doing the same thing, but didn't know who the suspect was.

MO16-04027 – DRUG INCIDENT

Detectives and Officers responded to a closed business for a report of marijuana being grown on the property outside. Detectives took possession of nine marijuana plants being grown in pots and destroyed them.

MO16-03370 - CREDIT CARD FRAUD

A suspect used a stolen credit card at multiple area businesses and online. The suspect has been identified and arrested.

MO16-04046 - CHECK FRAUD

A ring out of Georgia who targets business mailboxes looking for checks hit the area. The ring recruits local people, often targeting the homeless, prints checks on the computer and presents them for cash at local banks. The people recruited keep a portion of the money and turn the remainder over to ring leaders. Some of the members have been identified by our department and the case has been turned over to a federal agency for further investigation.

MO16-04224 - ASSIST MADISON POLICE

Madison had a Bank Robbery on the West side. A subject was seen at our Wal-Mart afterwards using new sequential \$100 bills. The video of this subject was turned over to Madison Detectives for their case.

MO13-4735 – STOLEN RV TRAILER

In 2013 a subject had his RV trailer stolen. An elderly couple in northern WI tried to register an RV with the same Vehicle ID Number. The investigation revealed the RV trailer manufacturer accidentally issued the same VIN number on two trailers. The WI DMV issued a new VIN number to the duplicate trailer.

MO16-04339 – FUGITIVE ARREST

Patrol responded to a call of a suspicious occupied vehicle in a residential area. Contact resulted in locating a subject wanted for multiple property related crimes. In addition, many other police agencies were looking for the subject who was later arrested and booked into jail. An associate of the suspect also provided information about an undiscovered burglary committed by the suspect in Dane County.

If you have information to provide in these or other incidents, please contact:
Det. Matthew Bomkamp at mbomkamp@ci.monona.wi.us or Det. Sgt. Ryan Losby at rlosby@ci.monona.wi.us

Other Activities

Property room management
Municipal court officer duties
Liquor License Review Committee

School Resource Officer

Check back in September for the next SRO report.

SRO Luke Wunsch can be contacted at lwunsch@ci.monona.wi.us

Clerk of Courts

During the month of July, 365 traffic, municipal ordinance and parking citations were issued. In addition there were 246 warnings issued for various traffic offenses. Sixteen adults were also referred to the Dane County District Attorney's Office for criminal charges.

Dispatch

The Monona Communications Center dispatches Police, Fire, and EMS, answers routine phone calls from citizens seeking information or wanting police assistance, processes citation payments, prepares and submits accident reports to the State of Wisconsin, files law enforcement related paperwork, and performs many other routine daily duties.

During the month of July, Dispatchers handled 1,769 calls for service. Of these calls for service, 145 calls came in on the 911 lines. Many of the calls for service are converted into incidents which require a report and additional paperwork. On average, each incident, consumes about 1.5 hours of the Dispatcher's time.

Lieutenant Sara Deuman is the Technical Services Commander in charge of Dispatch and Investigations. She can be contacted at sdeuman@ci.monona.wi.us