

TITLE 2

Government and Administration

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CHAPTER 1

City Government

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SEC. 2-1-1 CITY GOVERNMENT.

The City of Neillsville is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

State Law Reference: Wis. Const., Art. XI, Sec. 3.

SEC. 2-1-2 OFFICIAL NEWSPAPER.

The official newspaper of the City of Neillsville shall be the Clark County Press.

CHAPTER 2

Common Council

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SEC. 2-2-1 COMMON COUNCIL.

The Aldermen of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-2 ALDERMEN.

- (a) ELECTION, TERM, NUMBER. The City shall have five (5) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of his office as Mayor. The five (5) Aldermen shall constitute the Common Council. There shall be elected an Alderman in each of the five (5) wards of the City of Neillsville who shall hold office for a term of two (2) years. Two Aldermen, representing Wards Three and Four respectively, shall be elected in even-numbered years. Three Aldermen, representing Wards One, Two and Five shall be elected in odd-numbered years.
- (b) APPOINTMENT AS MAYOR. An Alderman shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Section 62.09, Wis. Stats.

SEC. 2-2-3 MAYOR.

- (a) ELECTION. The Mayor shall be elected in even-numbered years for a term of two years.
- (b) DUTIES.
 - (1) The Mayor shall be the Chief Executive officer of the City. He shall take care that City ordinances and the State Statutes are observed and enforced and that all City officials and employees discharge their duties.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. When present, he shall preside at the meetings of the Council.
 - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.

State Law Reference: Section 62.09(8), Wis. Stats.

SEC. 2-2-4 PRESIDENT OF THE COUNCIL.

The Common Council at its first meeting subsequent to the regular election and qualification of new members, shall after organization, choose from its members a President, who in the absence of the Mayor, shall preside at meetings of the Council and during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved, by filing objections with the Clerk-Treasurer. He shall when so officiating, be styled "Acting Mayor."

State Law Reference. Section 62.09(9)(e), Wis. Stats.

SEC. 2-2-5 STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS.

- (a) STANDING COMMITTEES. At the annual organizational meeting of the Common Council, the Mayor shall appoint Aldermen to each of the following standing committees:
 - (1) Cemetery Committee (2 Aldermen, City Clerk-Treasurer and two citizens)
 - (2) Illegal Tax Committee (3 Aldermen)
 - (3) Commission on Public Works/Utilities (Mayor and all Council Members)
 - (4) Wherever in this Code of Ordinances either the Board of Public Works or the Utilities Commission is used, it shall be intended to mean the Commission on Public Works/Utilities as described in Sec. 2-2-5(3).
 - (5) Solid Waste and Recycling Committee (3 Aldermen and the Director of Public Works)
- (b) COMMITTEE APPOINTMENTS.
 - (1) The chairman of each committee shall be designated by the Mayor. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Aldermen shall serve on at least one standing committee.
 - (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.
 - (3) The Mayor may, from time to time, appoint such special committee or committees as he may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- (c) COMMITTEE REPORTS.
 - (1) All ordinances, resolutions, communications and other matters submitted to the Council shall be read by title and author and referred to the appropriate committee by the Mayor without motion unless objected to by a Council member. The Clerk-Treasurer shall read and record each such reference by title. Any Alderman may require the reading in full of any matter at any time it is before the Council.
 - (2) All bills and other financial claims against the City shall be itemized and upon receipt thereof shall be examined by the Clerk-Treasurer and referred by the Clerk-Treasurer to the Committee on Finance for report thereon at the ensuing meeting of the Council,

provided that payment of regular wages and salaries of officials and employees according to schedules adopted by the Council shall be made by the Clerk-Treasurer after verification by the Committee on Finance for report thereon at the ensuing meeting. Any ordinance or resolution appropriating money of claims for purchases or work previously authorized by the Council shall only be acted upon by the Council at the next regular meeting, provided that this provision may be suspended by affirmative action by three-fourths (3/4) of all members of the Council.

- (3) Each committee shall at the next regular Council meeting submit a report on all matters referred to it unless a longer time be granted by vote of the Council. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any City officer or employee to confer with it and supply information in connection with any matter pending before it. Minority reports may be submitted.
- (4) An aye and nay vote shall be taken on each committee report immediately following its submission provided that any Alderman may require a separate vote on any ordinance, resolution or other matter in any report. Action upon a specific matter included in any committee report shall be deferred until the next regular meeting following the submission of the report upon the request of any two Alderman.
- (5) The approval of a committee report in which the adoption of an ordinance, resolution on other matter is recommended shall comprise final action on such ordinance, resolution or other matter providing that any ordinance recommended for adoption shall have had one full reading before the Council at a meeting of the Council, unless an action on an ordinance shall be taken pursuant to a motion temporarily suspending the rules.

§ 2-2-5(a)(5) - Amended: Ord. 900, 4/23/91

§ 2-2-5(a)(3)&(4) - Amended: Ord. 927, 3/14/95

§ 2-2-5(a)(1) - Amended: Ord. 962, 5/11/99

SEC. 2-2-6 GENERAL POWERS OF THE COMMON COUNCIL.

- (a) GENERAL. The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the 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, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) 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. Condemnation shall be as provided by Ch. 32, Wis. Stats.

- (c) **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **CITY FINANCES.** 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 may manage the City finances. The Common Council may loan money to any school district located within the City or within which the City is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Council of the district may borrow money from such city accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Common Council.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

SEC. 2-2-7 COOPERATION WITH OTHER MUNICIPALITIES.

The Common Council, on behalf of the City, may join with other villages or cities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

State Law Reference: Section 66.30, Wis. Stats.

Sec. 2-2-8 INTERNAL POWERS OF THE COUNCIL.

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen and punish nonattendance. The Common Council shall be judge of the election and qualification of its members.

State Law Reference: Section 62.11, Wis. Stats.

Sec. 2-2-9 SALARIES.

The Mayor and other council members who make up the Common Council, whether operating under general or special law, may by majority vote of all the members of the Common Council determine that an annual salary be paid the Mayor and council members. Salaries heretofore established shall so remain until changed by ordinance, and shall not be increased or diminished during their terms of office.

State Law Reference: Section 62.09(6), Wis. Stats.

SEC. 2-2-10 MEETINGS.

Following a regular City election for the purpose of organization, the Common Council shall meet on the third Tuesday of April. Regular meetings of the Common Council shall be held on the second and fourth Tuesday of each calendar month, at the hour of 7:00 p.m. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Common Council shall be held in the Neillsville City Hall, including special and adjourned meetings.

Amended: Ord. 939, 2/11/97

State Law Reference: Section 62.11(2), Wis. Stats.

SEC. 2-2-11 SPECIAL MEETINGS.

Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Common Council, delivered to him personally or left at his usual place of abode at least six (6) hours before the meeting. The City Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings. A special meeting may be held without such notice when all members of the Common Council are present in person, or consent in writing to the holding of such a meeting, provided the provisions of Wisconsin's Open Meeting Law are complied with. If written consent is obtained, it shall be filed with the City Clerk-Treasurer prior to the beginning of the meeting. Attendance by any council member shall be deemed a waiver on his part of any defect of notice. Any special meeting attended by all council members shall be a regular meeting for the transaction of any business that may come before such meeting.

State Law Reference: Section 62.11(2), Wis. Stats.

SEC. 2-2-12 OPEN MEETINGS.

All meetings shall be open to the public.

State Law Reference: Section 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

SEC. 2-2-13 QUORUM AND ABSTENTION.

(a) QUORUM.

- (1) Three members-elect of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.

- (2) The Common Council may, by a majority vote of those present, but not less than three (3) affirmative votes, adjourn from time to time to a specific date and hour. An abstention shall not defeat a quorum.
 - (3) A council member shall not vote, and shall disqualify himself or herself from any other discussion or action on any proposed ordinance, order, resolution or proposition in which he or she has a direct pecuniary or personal interest if the vote would violate the city ethics standards established in Chapter 8 or Wis. Stats.
- (b) ABSTENTION. A council member who is required by law to abstain from voting on any particular matter shall not be counted present for determining:
- (1) The number of "members present" if passage of that measure requires a favorable vote by a majority or other fractional vote (i.e., 2/3 or 3/4) of the council members "present".
 - (2) The presence of a quorum for purposes of that particular vote.
- (c) VOTING. In all other matters, council members shall be encouraged to vote on matters before the Common Council.

Amended: Ord. 935, 9/16/96

State Law Reference: Section 62.11(3)(b), Wis. Stats.

SEC. 2-2-14 PRESIDING OFFICERS.

- (a) PRESIDING OFFICER. The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In case of absence of the Mayor and President of the Council, the City Clerk-Treasurer shall call the meeting to order and the council members present shall elect one of their number president pro tem.
- (b) DUTIES. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal a decision of the presiding officer. An appeal shall be sustained by a 2/3 vote of the members present, excluding the Mayor. In the absence of the City Clerk-Treasurer, the presiding officer shall appoint a clerk pro tem.

State Law Reference: Section 62.09(8), Wis. Stats.

SEC. 2-2-15 ORDER OF BUSINESS.

- (a) ORDER OF BUSINESS. At all meetings, the following order may be observed in conducting the business of the Common Council:
 - (1) Call to Order by presiding officer;
 - (2) Roll call;
 - (3) Reading and correcting the financial report and the minutes of the last preceding meeting or meetings;
 - (4) Reports of committees;
 - (5) Public appearances by citizens:
 - a. General public appearances before the Common Council without discussion or action by the Common Council.
 - b. Specific public appearances or specific public hearings before the Common Council, as described by the written agenda, with possible discussion and possible action by the Common Council.
 - (6) Unfinished business from previous meetings as described by written agenda, with possible discussion and possible action by the Common Council.
 - (7) New business, including the introduction of ordinances and resolutions, as described by written agenda, with possible discussion and possible action by the Common Council.
 - (8) Communications and recommendations of the Mayor;

- (9) Reports of city officers;
 - (10) Written communications to be read in part or total before the Common Council without discussion or action by Common Council.
 - (11) Adjournment.
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- (b) **ORDER TO BE FOLLOWED; CITIZEN COMMENTS.** No business shall be taken up out of order unless by unanimous consent of all council members and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Common Council.
 - (c) **ROLL CALL; PROCEDURE WHEN QUORUM NOT IN ATTENDANCE.** As soon as the Common Council shall be called to order, the City Clerk-Treasurer shall proceed to call the names of the members in alphabetical order, noting who are present and who are absent, and record the same in the proceedings of the Common Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Common Council may adjourn, or the presiding officer or, in case of his absence, the City Clerk-Treasurer may issue a process to any policeman commanding him forthwith to summon the absentees.

§2-2-15(a) - Amended: Ord. 935, 9/16/96

§2-2-15 - Renumbered: Ord. 991, 11/27/01

SEC. 2-2-16 INTRODUCTION OF BUSINESS.

- (a) **ORDINANCES, ETC., TO BE IN WRITING.** All ordinances, resolutions or other communications submitted to the Common Council shall be in writing, and shall include at the outset a brief statement of the subject matter and a title. All written material introduced shall be read by the City Clerk-Treasurer, and then discussed and acted upon as the Common Council deems appropriate.
- (b) **SUBJECT AND NUMBERING OF ORDINANCES.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.

SEC. 2-2-17 CONDUCT OF DELIBERATIONS.

- (a) The deliberations of the Common Council shall be conducted in the following manner:
 - (1) When a motion is made and seconded, it shall be stated by the presiding officer or read by the City Clerk-Treasurer previous to debate. All resolutions should be made and submitted in writing.
 - (2) When the question is under discussion no action shall be in order, except:
 - a. to adjourn or recess;
 - b. to lay on the table;
 - c. to previous question;
 - d. to postpone to a certain day;
 - e. to refer to a committee;
 - f. to amend; or
 - g. to postpone indefinitely.These motions shall have precedence in the order listed.
 - (3) Any member desirous of terminating the debate may move the previous question, in which event the presiding officer shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate and to bring the Common Council to a direct vote, first upon any pending amendments and then upon the main question.
 - (4) A motion to adjourn shall always be in order, and a motion to adjourn, to recess, to lay on the table, and a call for the previous question shall be decided without debate.

- (5) A roll call shall not be necessary on any questions or motions except as follows:
 - a. When the ayes and noes are requested by any member.
 - b. On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the City or any fund thereof.
 - c. When required by the State Statutes of Wisconsin.
 - d. On confirmation of appointments.
- (6) All aye and nay votes shall be recorded in the official minutes.
- (b) The Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, unless otherwise provided by ordinance or statute, and except as follows:
 - (1) Whenever the presiding officer shall desire to speak upon any question, or to make any motion, he shall vacate the chair and designate the President of the Council, if present, and if not, any council member, to preside temporarily.
 - (2) No council member shall address the Common Council until he has been recognized by the presiding officer. He shall thereupon address himself to the chairman and confine his remarks to the question under discussion and avoid all personalities.
 - (3) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (4) No person other than a member shall address the Common Council except under order of business, and except that citizens may address the Common Council with the permission of the presiding officer as to matters which are being considered by the Common Council at the time.
 - (5) No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
 - (6) Every council member shall vote when a question is put unless the Common Council by a majority vote of those present shall excuse him for special cause. An council member may not change his vote on any question after the result has been announced.
 - (7) The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Common Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Common Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a large number is required by State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
 - (8) Whenever any disturbance or disorderly conduct occurs in any meeting of the Common Council, the presiding officer may cause all persons guilty of such disorderly conduct to be removed, except members of the Common Council. The presiding officer may order assistance from the City of Neillsville police to aid in such removal. If any council member is guilty of disorderly conduct, the presiding officer may order the City of Neillsville police to take him or her into custody and to remove such persons for the time being or until the meeting adjourns. Such council member may, prior to being removed, appeal the order to the Common Council in order to negate such order for removal. In addition, disorderly conduct before the Common Council may constitute disorderly conduct under Sec. 9-2-1 of the City of Neillsville Code of Ordinances.

§ 2-2-17(b)(8) - Created: Ord. 935, 9/16/96

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-18 RECONSIDERATION OF QUESTIONS.

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof at the same or at the next succeeding meeting, except confirmation of the appointment of City officials; but if a motion to

reconsider be made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Common Council shall be required to sustain it.

SEC. 2-2-19 CALL OF THE COMMON COUNCIL.

A call of the Common Council may be ordered at any time by the request of two or more members, and absent members shall be sent for, but a call cannot be made after voting has commenced. When a call of the Common Council has been requested and ordered, the door shall be closed until the report of the policeman has been received and acted upon, or until further proceedings under the call are dispensed with by a majority of the entire Common Council.

State Law Reference: Section 62.11(3)(b), Wis. Stats.

SEC. 2-2-20 PUBLICATION AND EFFECT OF ORDINANCES.

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once, and shall be immediately recorded, with the affidavit of publication, by the City Clerk-Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper, and published or purporting to be published therein by direction of the Common Council, shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided, and published copies thereof shall have appended the date of first publication.

State Law Reference: Section 62.11(4), Wis. Stats.

SEC. 2-2-21 AMENDMENT OF RULES.

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a majority of all the members of the Common Council.

SEC. 2-2-22 SUSPENSION OF RULES.

These rules shall not be suspended except by a majority vote of all the members of the Common Council.

CHAPTER 3

Municipal Officers and Employees

§ 2-3-1	General Provisions
§ 2-3-1X	Officials
§ 2-3-2	City Clerk-Treasurer
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§ 2-3-4	City Attorney
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§ 2-3-20	Vacancies
§ 2-3-21	Removal from Office
§ 2-3-22	Custody of Official Property

SEC. 2-3-1 GENERAL PROVISIONS.

- (a) Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him by the Common Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers, or as are directed by the Common Council.
- (b) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) Whenever a City official, in his official capacity is proceeded against or obliged to proceed before any Court, Board or Commission to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Common Council has ordered the proceedings discontinued, the Common

Council may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

State Law Reference: Sections 62.09(7) and 62.115, Wis. Stats.

SEC. 2-3-1X OFFICIALS.

- (a) The following City of Neillsville new offices and positions are herein created: City Clerk-Treasurer, Deputy Clerk-Treasurer, City Attorney, Chief of Police, Fire Chief, Director of Public Works, Recreation Director, Cemetery Sexton, Emergency Government Director, Health Officer, Weed Commissioner, Zoning Administrator, City Forester and Head Librarian. These new offices and positions shall be appointed positions, with the new offices and positions subject to the provisions of the ordinance. These offices are supervisory offices, with control and jurisdiction over these offices and positions by the appointing and confirming authorities.
- (b) The individuals currently holding these positions as of the effective date of this ordinance are hereby appointed by the Mayor, by the Common Council, or by the appropriate appointing bodies and hereby reconfirmed by the Common Council, where applicable, to serve in these new offices and new positions.
- (c) Any individuals currently holding these offices and positions in these new offices noted in (a) on the effective date of the ordinance will, on the effective date, be subject to terms established in this ordinance for the new offices and positions herein noted. These individuals will not, however, be subject to the probationary periods noted herein. Any person serving as "acting" in the position or as "special counsel" will be subject to the terms of the new offices and positions. Individuals currently under "just cause" or the "cause" provisions for removal, as of the effective date of the ordinance, will be subject to the protections provided the new offices and positions by the removal for "cause" provisions and will be, on the effective date, subject to removal for "cause" only.
- (d) The City of Neillsville Common Council, by this ordinance, elects to have certain offices and positions noted herein appointed by the Mayor and subject to confirmation by the Common Council, other positions appointed by other bodies and confirmed by the Common Council and others appointed by other bodies without Common Council confirmation.
- (e) The City of Neillsville Common Council, by this ordinance, elects to have certain of these new offices and positions noted herein subject to removal from these positions as noted herein. Those individuals in positions that serve at the pleasure of the appointing body are subject to removal without "cause" or hearing.
- (f) Nothing in this ordinance requires the Common Council to fill or maintain offices or positions in those offices that are in a non-statutory office.
- (g) This ordinance shall take effect sixty (60) days after enactment and publication unless a petition meeting statutory requirements of Sec. 66.01 Wis. Stats. is filed within such sixty (60) day period, and then after completion of action required under Sec. 66.01 Wis. Stats.
- (h) This ordinance cannot be repealed or amended without a two-thirds (2/3) majority of the members-elect of the Common Council.

Recreated: Ord. 936, 9/24/96

SEC. 2-3-2 CITY CLERK-TREASURER.

- (a) APPOINTMENT. The City Clerk-Treasurer, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Mayor and be subject to confirmation by the Common Council. The City Clerk-Treasurer, including any current City Clerk-Treasurer, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. The "cause" provision shall not apply for any person appointed in the new office and position during the twelve (12) month probation period, with the time period for the probationary period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated.
- (b) CONSIDERATION. The offices of City Clerk and City Treasurer are hereby consolidated, and the duties of both offices shall be performed by the person appointed as City Clerk-Treasurer.
- (c) DUTIES. Such person appointed to perform the duties of the combined offices shall perform all duties required of both offices as provided by law, and such other duties as are requested to be executed by such person by the Common Council from time to time.
- (d) AUDITS. Annual recurring audits shall be made of the records of such official, and such audit shall be made by a certified public accountant.

Recreated: Ord. 936, 9/24/96

State Law Reference: Sections 62.09(11) and 62.09(9), Wis. Stats.

SEC. 2-3-3 DEPUTY CLERK-TREASURER.

- (a) APPOINTMENT. The Deputy Clerk-Treasurer, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position be appointed by the Mayor and be subject to confirmation by the Common Council. The Deputy Clerk-Treasurer, including any current Deputy Clerk-Treasurer, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. This "cause" provision shall not apply for any person appointed in the new office and position during the twelve (12) month probationary period, with the time period for the probationary period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated.
- (b) DUTIES. The Deputy Clerk-Treasurer shall act under the City Clerk-Treasurer's direction and who, during the temporary absence or disability of the City Clerk-Treasurer or during a vacancy in such office, shall perform the duties of City Clerk-Treasurer. The acts of the Deputy shall be covered by official bond as the Common Council shall direct.

Recreated: Ord. 936, 9/24/96

State Law Reference: Section 62.09(11)(i), Wis. Stats.

SEC. 2-3-4 CITY ATTORNEY.

- (a) APPOINTMENT. The City Attorney, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Mayor and be subject to confirmation by the Common Council. The City Attorney, including any current City Attorney, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. The "cause" provision shall not apply for any person appointed in the new office and position during the twelve (12) month probationary period, with the time period for the probationary period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated.
- (b) DUTIES. The City Attorney shall have the following duties:
- (1) The City Attorney shall conduct all of the law business in which the City is interested.
 - (2) He shall, when requested by City officers, give written legal opinions, which shall be filed with the City Clerk.
 - (3) He shall draft ordinances, bonds and other instruments as may be required by City officers.
 - (4) He shall examine the tax and assessment rolls and other tax proceedings, and advise the proper City officers in regard thereto.
 - (5) He may appoint an assistant, who shall have power to perform his duties, and for whose acts he shall be responsible to the City. Such assistant shall receive no compensation from the City, unless previously provided by ordinance.
 - (6) The Common Council may employ and compensate "special counsel" to assist in or take charge of any matter in which the City is interested.
 - (7) The City Attorney shall perform such other duties as provided by state law and as designated by the Common Council.

Recreated: Ord. 936, 9/24/96

State Law Reference: Section 62.09(12), Wis. Stats.

SEC. 2-3-5 CHIEF OF POLICE.

- (a) APPOINTMENT:
- (1) The Chief of Police, except as noted in Sec. 2-3-1X(b), shall be appointed by the Police and Fire Commission. The Chief of Police shall hold office during good behavior, subject to suspension or removal by the Commission for cause. The Chief of Police shall serve a probationary period of twelve (12) months, unless otherwise approved for a different period by the Police and Fire Commission, or if extended for a just cause by the Police and Fire Commission. During the probationary period, the Police and Fire Commission may, at its option, lay off, or terminate with or without cause, said probationary employee without recourse to any grievance and arbitration procedures.
 - (2) The compensation to be paid the Chief of Police for his services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Common Council from time to time.

(b) DUTIES:

- (1) The Chief of Police shall have command of the Police Department of the City under direction of the Mayor. He shall have general administration and control of the Department, and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by laws of the state and the ordinances of the City, and shall obey all lawful written orders of the Mayor or Common Council.
- (2) The Chief of Police shall cause the public peace to be preserved, and shall arrest with or without process and with reasonable diligence take before the proper court, every person found in the City engaged in any disturbance of the peace or violating any law of the state or ordinance of the City. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.

Recreated: Ord. 936, 9/24/96

State Law Reference: Sections 62.09(13) and 62.13, Wis. Stats.

SEC. 2-3-6 FIRE CHIEF.

- (a) APPOINTMENT. The Police and Fire Commission, except as noted in Sec. 2-3-1X(b), shall appoint the Chief of the Fire Department, who shall hold office during good behavior, subject to suspension or removal by the Commission for cause.
- (b) DUTIES. The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment, subject to the ordinances of the City and the statutory authority of the Police and Fire Commission. He shall be present at all fires and command all fire fighting operations. He may demote or expel any officer or member of the department for neglect or refusal to perform departmental duties, subject to the right of any member demoted or expelled to appeal to the Police and Fire Commission. He shall enforce, or cause to be enforced all fire prevention ordinances, laws and regulations of the City and State. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin.
- (c) REPORTS OF THE CHIEF. The Fire Chief shall report to the Common Council from time to time at his discretion or upon the request of said Common Council, and shall perform such other duties in conformance with his office as may from time to time be required of him by the Common Council.

Recreated: Ord. 936, 9/24/96

State Law Reference: Section 62.13, Wis. Stats.

SEC. 2-3-7 ASSESSOR.

APPOINTMENT. Hereinafter, instead of being elected, the Assessor of the City of Neillsville, or assessing firm, shall be appointed by the Mayor, subject to confirmation by a majority vote of the members-elect of the Common Council. The term of said Assessor shall be as determined from time

to time by the Common Council. No probationary period shall exist for this office and position. No for "cause" removal protections shall exist for this office and position unless established by written contract between the Assessor and the City of Neillsville.

Recreated: Ord. 936, 9/24/96

State Law Reference: Public Officials' oaths and bonds, Section 19.01, Wis. Stats.; corporation as assessor, Section 62.09(1)(c), Wis. Stats.; affidavit of assessor, Section 70.49, Wis. Stats.; assessor certification, Section 73.09, Wis. Stats.; assessors in cities, Section 70.05, Wis. Stats.

SEC. 2-3-8 HEALTH OFFICER.

- (a) APPOINTMENT. The Health Officer, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Mayor and be subject to confirmation by the Common Council. The Health Officer shall be qualified and appointed for the position as established in Chapter 251 Wis. Stats., and shall be appointed for a two (2) year term. The Health Officer, including any current Health Officer, shall not during the two (2) year term of the new office, be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. The "cause" provisions shall not apply for any person appointed in the new office and position during a two (2) month probationary period, commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated. At the end of the term, the Mayor is not required to reappoint, nor is the Common Council required to reconfirm the person for an additional term.
- (b) DUTIES.
- (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Common Council by the Health Officer, and if the Common Council approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
 - (2) The Health Officer shall from time to time recommend to the Common Council such sanitary measures, to be executed by the City as seem necessary, and shall discharge such other duties as may be imposed upon by the Common Council by ordinance or resolution.

Recreated: Ord. 936, 9/24/96

State Law Reference: Chapter 251, Wis. Stats.

SEC. 2-3-9 WEED COMMISSIONER.

APPOINTMENT. The Weed Commissioner shall be appointed by the Mayor and be subject to Common Council confirmation. The term of office of the Weed Commissioner shall commence

on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the City Clerk-Treasurer, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to, and fulfill the duties set out in state law. At the end of the term the Mayor is not required to reappoint, nor is the Common Council required to reconfirm any person for an additional term. No probation period shall exist for this office and position. No for "cause" removal protections shall exist for this office and position. Removal may occur by vote of the Common Council pursuant to 17.12(1) Wis. Stats.

Recreated: Ord. 936, 9/24/96

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

SEC. 2-3-10 BUILDING INSPECTOR.

- (a) APPOINTMENT. The Building Inspector, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position be appointed by the Mayor and be subject to confirmation by the Common Council. The Building Inspector, including any current Building Inspector, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. The "cause" provision shall not apply for any person appointed in the new office and position during the twelve (12) month probation period, with the time period for the probation period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated.
- (b) BUILDING INSPECTOR POSITION.
 - (1) During temporary absence or disability of the Building Inspector, the appointing authority shall designate an acting Building Inspector.
 - (2) The manner and amount of compensation to be paid to the Building Inspector shall be fixed by the Common Council.
- (c) DUTIES.
 - (1) It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to buildings or to zoning, plumbing and plumbing equipment, and electric signs, electric wiring and electrically operated equipment.
 - (2) The Building Inspector shall make all inspections necessary for compliance and enforcement of the building code.
 - (3) The Building Inspector shall have the power to order all work stopped on construction, alteration or repair of buildings, plumbing equipment, gas piping or of electrical facilities in the City when such work is being done in violation of any City ordinance. Work shall not be resumed after the issuance of such an order except on written permission of the Building Inspector.
 - (4) The Building Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. He shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.

- (d) **RIGHT OF ENTRY.** The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

Recreated: Ord. 936, 9/24/96

SEC. 2-3-11 DIRECTOR OF PUBLIC WORKS.

- (a) **APPOINTMENT.** The Director of Public Works, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Mayor and be subject to confirmation by the Common Council. The Director of Public Works, including any current Director of Public Works, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) vote of the members-elect of the Common Council. The "cause" provision shall not apply for any person appointed to the new office and position during the twelve (12) month probation period, with the time period for the probation period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated.
- (b) **QUALIFICATIONS.** The Common Council, after consultation with the Personnel Committee and Commission on Public Works/Utilities, shall establish the qualifications of the Director of Public Works. The Director of Public Works, at minimum, must meet the residency requirements established by the City. Finally, the successful candidate must, prior to initial employment, complete a successful physical examination as a condition of employment.
- (c) **COMPENSATION.** The salary of the Director of Public Works shall be established by the Common Council. He shall be entitled to vacation time with pay during each calendar year according to the schedule now in effect, plus other benefits available to city employees. He shall not engage in any other remunerative employment or activity within or without the City of Neillsville, except with the approval of the Common Council.
- (d) **DUTIES.** The Director of Public Works shall have the following powers and duties subject to direction and possible additions or deletions of powers and duties as established by resolution of the Common Council:
 - (1) Administration of utilities and public works for the City of Neillsville.
 - (2) General charge and supervision of all public works, including cemeteries, parks and playgrounds.
 - (3) General charge and supervision of all maintenance, repair and construction of streets, alleys, curbs, gutters, sidewalks, bridges, streets, signs, lights and light systems, traffic control devices, house numbering, storm sewers, culverts, drainage facilities, sanitary sewers, city buildings and structures and all machinery, equipment, and property used in any activity under the control of the Director of Public Works.
 - (4) Direct and supervise the operation of the sewage disposal plant system and municipal waterworks systems.
 - (5) General charge of public services, including garbage, recycling and waste collection, snow and ice removal, street cleaning, mosquito and rodent control, weed control and other potential public nuisance abatement activities assigned by the Common Council.
 - (6) Perform, where qualified, engineering and planning duties and, where not qualified, to cooperate with engineers and planners retained or employed by the City of Neillsville.

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- (7) Keep all public records and documents required by law and ordinance relating to property and activities under the supervision of the Director of Public Works and to insure that all such other items owned by the City of Neillsville remain the property of the City of Neillsville to be kept at City Hall or other properly designated places as determined by the Director of Public Works.
- (8) Report and recommend to the Commission on Public Works/Utilities, the Personnel Committee and Common Council for promotion, appointment, discipline and/or discharge all Department heads, where applicable, under the supervision of the Director of Public Works.
- (9) Report and recommend to the Commission on Public Works/Utilities, the Personnel Committee and Common Council for promotion, appointment, discipline and/or discharge all other employees under the direction of the Director of Public Works.
- (10) Perform, if appointed and qualified under Section 2-3-10, the duties of the City Building Inspector, including duties related to plumbing, electric and sidewalk inspector.
- (11) Perform, if appointed and qualified under Section 2-3-12, the duties of the City Zoning Administrator.
- (12) Perform, if appointed and qualified under Section 2-3-9, the duties of the Weed Commissioner.
- (13) Perform, if appointed and qualified under Section 2-3-16, the duties of the City Forester.
- (14) Perform, if appointed and qualified under Section 2-3-15, the duties of the Cemetery Sexton.
- (15) Perform, if appointed and qualified under 2-3-13, the duties of the Emergency Government Director.
- (16) Specific administrative duties include:
 - a. Supervise and assist, where necessary, the Department of Public Works/Utilities personnel on all projects.
 - b. Maintain gasoline and diesel fuel records for the Department of Public Works/Utilities.
 - c. Maintain equipment operation records per State requirements (Records used to determine State Aids).
 - d. Provide and supervise services to the public as they relate to public works and public property in the City, including cemetery and recreational property.
 - e. Control and enforce working hours and vacation time for Public Works/Utilities personnel.
 - f. Supervise and control operations of former landfill site.
 - g. Establish discipline and work rules for the Department of Public Works after consultation with Personnel Committee.
 - h. Supervise and assist in proper maintenance of all city owned vehicles.
 - i. Apply appropriate discipline to Department of Public Works/Utilities Personnel, after notification to the person to be disciplined and the Union Representatives, where applicable, after consultation and approval with Personnel Committee and Common Council.
 - j. Control all purchases necessary for efficient operation of Public Works Department.
 - k. Provide by January 15 of the next year an annual inventory on all city equipment and supplies.

- l. Promote city beautification (within budget limits and/or Common Council authorization).
 - m. Control Public Works personnel and equipment on behalf of City in the event of disasters or emergencies.
 - n. Attend regular Common Council meetings where necessary to report on public works projects and operations.
 - o. Carry out orders of the Mayor or Common Council on any specific public works function or activity. Where orders are in conflict, the Common Council order, if made, shall be the operative order. If no Common Council order is made, then any conflict between the Mayor and the Public Works/Utilities Commission or the Personnel Committee shall be brought to the Common Council by the Director of Public Works as soon as possible for action by the Common Council.
 - p. Monitor and be responsible for the safety of employees of the Public Works Department by ensuring a safe working environment and proper instruction in the safe and proper operation and care of all tools, machines and equipment used by said employees.
 - q. Train or see to the training of all Department of Public Works/Utilities personnel.
 - r. Prepare or see to the preparation of all work schedules for the Department of Public Works/Utilities personnel.
 - s. Work cooperatively with the Recreation Director or Cemetery Sexton, when requested by the Recreation Director, the Cemetery Sexton, or the Parks and Recreation Board, to secure the quiet, orderly, safe and suitable uses of the parks and playgrounds, including the facilities and equipment located therein. Work cooperatively with the Cemetery Sexton, when requested by the Cemetery Sexton or the Cemetery Commission, to secure the quiet, orderly, safe and suitable uses of the cemetery and the facilities and equipment located therein.
- 17) Specific budget and property duties are the following:
- a. Aid the City Clerk and the appropriate committees to budget for the Department of Public Works/Utilities.
 - b. Control the expenditures for the Department of Public Works/Utilities to maximize the value of public expenditures.
 - c. Establish preventive maintenance and inspection schedules, inventory control and other administrative and personnel actions to protect valuable public property and to dispose of and/or replace non-functional, destroyed and/or dangerous property.
 - d. Submit by October 1st each year an annual report detailing proposals, actions, concerns and recommendations to the Common Council for the annual budget.
- 18) Perform other duties as placed upon the Director of Public Works from time to time by motion, resolution or ordinance of the Common Council which shall have the right to amend the duties of the Director of Public Works.
- 19) Serve on City Committees as established by the Code of Ordinances or as appointed by the Mayor and confirmed by the Common Council.

§ 2-3-11(a) & (c) - Recreated: Ord. 936, 9/24/96

§ 2-3-11(b) & (d) - Recreated: Ord. 940, 3/12/97

§ 2-3-11 (d)(2) & (d)(16)d. - Amended: Ord. 1016, 11/27/07

SEC. 2-3-12 ZONING ADMINISTRATOR.

- (a) RESPONSIBILITIES. The Zoning Administrator shall have the responsibility of administering and enforcing the provisions of the City of Neillsville Zoning Code.
- (b) DUTIES. The Zoning Administrator shall have the following powers to enforce the provisions of the City of Neillsville Zoning Code:
 - (1) Examine and approve any application pertaining to the use of land, buildings or structures to determine if the application conforms with the provisions of the zoning code.
 - (2) Issue all zoning certificates and keep permanent records thereof.
 - (3) Conduct inspections of buildings, structures and uses of land to determine their compliance with the zoning code.
 - (4) Receive, file and forward for action all applications for appeals, variations, conditional uses, and amendments to the zoning code which are filed in the Zoning Office.
 - (5) Initiate, direct, and review, from time to time, a study of the provisions of the zoning code, and make reports of his recommendation to the Planning Commission and the Common Council not less frequently than once a year.
 - (6) Revoke certificates of zoning compliance where provisions of the zoning code are being violated.
 - (7) Maintain permanent and current records of the zoning code, including all maps, amendments, conditional uses, and variations.
 - (8) Provide and maintain public information relative to all matters arising out of the zoning code.
- (c) APPOINTMENT. The Zoning Administrator, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position be appointed by the Mayor and be subject to confirmation by the Common Council. The Zoning Administrator, including any current Zoning Administrator, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. The "cause" provision shall not apply for any person appointed in the new office and position during the twelve (12) month probation period, with the time period for the probationary period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated.

§ 2-3-11 - Recreated: Ord. 936, 9/24/96

§ 2-3-11(b) & (d) - Recreated: Ord. 940, 4/8/97

SEC. 2-3-13 EMERGENCY GOVERNMENT DIRECTOR.

- (a) RESPONSIBILITIES. The Emergency Government Director shall have the responsibility of administrating the provisions of Sections 3-3-1 through 3-3-8 of the City of Neillsville Code of Ordinances related to emergencies involving the City of Neillsville, and to act for and in behalf of the Mayor and the Common Council in matters related to emergencies involving the City of Neillsville.
- (b) APPOINTMENT. The Emergency Government Director, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Mayor and be subject to confirmation by the Common Council. The

Emergency Government Director, including any current Emergency Government Director, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. The "cause" provision shall not apply for any person appointed to the new office and position during the twelve (12) month probationary period, with the time period for the probationary period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated.

Created: Ord. 936, 9/24/96

SEC. 2-3-14 RECREATION DIRECTOR.

- (a) **RESPONSIBILITIES.** The Recreation Director shall have the responsibility of administering the provisions of Sec. 2-4-7 of the City of Neillsville Code of Ordinances and Sec. 27.08 Wis. Stats. related to recreation programs and activities in the City of Neillsville, and to act for and in behalf of the Parks and Recreation Board and the Common Council in matters related to recreation in the City of Neillsville. In addition, the Recreation Director, the Cemetery Sexton and the Director of Public Works shall work cooperatively to secure the quiet, orderly, safe and suitable uses of the parks and playgrounds and the equipment and facilities located therein.
- (b) **APPOINTMENT.** The Recreation Director, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Parks and Recreation Board. The Recreation Director, including any current Recreation Director, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. The "cause" provision shall not apply for any person appointed in the new office and position during the twelve (12) month probationary period, with the time period for the probation period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from this position without "cause" demonstrated.

Created: Ord. 936, 9/24/96

§ 2-3-14(a) Amended: Ord. 940, 3/12/97

SEC. 2-3-15 CEMETERY SEXTON.

- (a) **RESPONSIBILITIES.** The Cemetery Section shall have the responsibility of administering the provisions of Sec. 2-4-11 of the City of Neillsville Code of Ordinances related to cemeteries of the City of Neillsville, and to act for and in behalf of the Board of Cemetery Commissioners and the Common Council in matters related to cemeteries owned or operated by the City of Neillsville. As far as possible, the Sexton shall utilize the service of existing city officials and employees. In addition, the Cemetery Sexton shall be responsible, in consultation with the Recreation Director and under the direction of the Parks and Recreation Board, to manage, control, improve and care for all public parks and playgrounds, including the facilities and equipment, within the City of Neillsville and without the corporate limits of the City. The Cemetery Sexton, the Recreation Director and the Director of Public Works shall work cooperatively with each other to secure the quiet, orderly, safe and suitable uses of the parks and playgrounds and the facilities and equipment located therein. The Cemetery Sexton shall work

cooperatively with the Director of Public Works, when requested by the Director of Public Works or the Commission of Public Works/Utilities, to secure the quiet, orderly, safe and suitable uses of the public works, beyond the cemetery, parks and playgrounds, including the public works facilities and equipment located therein.

- (b) APPOINTMENT. The Cemetery Sexton, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Mayor and be subject to confirmation of the Common Council. The Cemetery Sexton, including any current Cemetery Sexton, shall not be removed except for "cause" as established by the Common Council, and then only by a three-quarters (3/4) majority vote of the members-elect of the Common Council. The "cause" provision shall not apply for any person appointed in the new office and position during the twelve (12) month probationary period, with the time period for the probation period commencing upon appointment and qualification. During this time period, a majority vote of the members-elect of the Common Council may remove the person from the position without "cause" demonstrated.

Created: Ord. 936, 9/24/96

§ 2-3-15(a) Amended: Ord. 940, 3/12/97

SEC. 2-3-16 CITY FORESTER.

- (a) RESPONSIBILITIES. The City Forester shall have the responsibility of administering the provisions of Sections 4-4-1 through 4-4-15 of the City of Neillsville Code of Ordinances and Sec. 27.09 Wis. Stats., and to act for and in behalf of the Parks and Recreation Board and Common Council in matters related to trees and forests involving the City of Neillsville.
- (b) APPOINTMENT. The City Forester, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Parks and Recreation Board with the conditions of appointment, removal and employment, for the City Forester, including the current City Forester, established by the Parks and Recreation Board. No removal for "cause" shall be explicitly established by this ordinance for this office or position. The Parks and Recreation Board may establish in its contract provisions and written policy for the office and position such appointment, removal and employment position provisions as it so desires consistent with state and federal law.

Created: Ord. 936, 9/24/96

SEC. 2-3-17 HEAD LIBRARIAN.

- (a) RESPONSIBILITIES. The Head Librarian shall have the responsibilities of administering the provisions of Sec. 2-4-2 of the City of Neillsville Code of Ordinances related to libraries owned or operated by the City of Neillsville, and to act for and in behalf of the Library Board and Common Council in matters related to libraries owned and operated by the City of Neillsville. The Head Librarian shall direct and supervise the operation of the Neillsville Public Library as directed by the Library Board. The Head Librarian is responsible for planning, organizing, directing and coordinating all the activities of the City of Neillsville library under policies

determined by the Neillsville Library Board. Programs are to be planned and directed by the Head Librarian to the community needs within the budgetary constraints.

- (b) APPOINTMENT. The Head Librarian, except as noted in Sec. 2-3-1X(b), shall on the effective date of this ordinance or thereafter, for the new office and new position, be appointed by the Library Board with the conditions of appointment, removal and employment, for the Head Librarian, including any current Head Librarian, established by the Library Board. No removal for "cause" shall be explicitly established by this ordinance for this office or position. The Library Board may establish in its contract provisions and written policy for the office and position such appointment, removal and employment position provisions as it so desires consistent with state and federal law. The Head Librarian, including any current Head Librarian, shall obtain and maintain current public library certification as established by the Department of Public Instruction.

Created: Ord. 936, 9/24/96

SEC. 2-3-18 ELIGIBILITY FOR OFFICE.

- (a) ELECTOR STATUS. No person shall be elected by the people to a City office, who is not at the time of his election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward, and actually residing therein.
- (b) REJECTION. An appointee by the Mayor, requiring to be confirmed by the Common Council, who shall be rejected by the Common Council, shall be ineligible for appointment to the same office for one year thereafter.

Recreated: Ord. 936, 9/24/96

State Law Reference: Section 62.09(2), Wis. Stats.

SEC. 2-3-19 OATHS OF OFFICE.

- (a) REQUIREMENT. Within five (5) days after the election or appointment of any City officers, the City Clerk-Treasurer shall notify the person so selected thereof, unless he or she voted at the election. Every person elected or appointed to the office of Mayor or City Clerk-Treasurer shall within five (5) days after election or notice thereof, when required, take and file the official oath.
- (b) FORM, PROCEDURE. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, subchapter I, Wis. Stats.

Renumbered: Ord. 936, 9/24/96

State Law Reference: Ch. 19, Subch. I, Wis. Stats.

SEC. 2-3-20 VACANCIES.

- (a) HOW OCCURRING. Except as provided in Sec. 2-3-21, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) HOW FILLED. Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.23, Wis. Stats.

Renumbered: Ord. 936, 9/24/96

SEC. 2-3-21 REMOVAL FROM OFFICE.

- (a) ELECTED OFFICIALS. Elected officials may be removed by the Common Council as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) APPOINTED OFFICIALS. Appointed officials may be removed as provided in Section 17.12(1)(c) and 17.16, Wis. Stats.

Renumbered: Ord. 936, 9/24/96

Annotation: 62 Atty. Gen. Op. 97.

SEC. 2-3-22 CUSTODY OF OFFICIAL PROPERTY.

City officers must observe the standards of care imposed by section 19.21, Wis. Stats., with respect to the care and custody of official property.

Renumbered: Ord. 936, 9/24/96

State Law Reference: Section 19.21, Wis. Stats.

CHAPTER 4

Boards, Commissions and Committees

§ 2-4-1	Board of Review
§ 2-4-2	Library Board
§ 2-4-3	Board of Health
§ 2-4-4	Commission on Public Works/Utilities
§ 2-4-5	Zoning Board of Appeals
§ 2-4-6	Planning Commission
§ 2-4-7	Parks and Recreation Board
§ 2-4-8	Police and Fire Commission
§ 2-4-9	Airport Commission
§ 2-4-10	RESERVED
§ 2-4-11	Board of Cemetery Commissions
§ 2-4-12	Commission on Economic Development
§ 2-4-13	Block Grant Committee
§ 2-4-14	Tourism Commission

SEC. 2-4-1 BOARD OF REVIEW.

- (a) COMPOSITION. The Board of Review shall consist of the Mayor, the City Clerk-Treasurer and the members of the Common Council.
- (b) DUTIES. The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (c) MEETINGS. The Board of Review shall meet annually on the second Monday of May at the City Hall of the City of Neillsville, and notice of such meeting shall be published pursuant to the State Statutes. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

SEC. 2-4-2 LIBRARY BOARD.

- (a) ORGANIZATION: TERMS.
 - (1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the City of Neillsville, consisting of a seven (7) member board in three (3) classes, three (3) of such members shall serve for a period of three (3) years, two (2) to serve for two (2) years, and two (2) to serve for a period of one (1) year.
 - (2) Terms of such members shall be from July first in the year of their appointment, and thereafter each regular appointment shall be for a term of three (3) years. All members shall be residents of the City of Neillsville, EXCEPT that two (2) members may be from adjoining towns. Members shall be appointed by the Mayor, subject to majority approval by the Common Council. The Mayor shall appoint as one of the Library Board members a school district administrator, or his representative, to represent the public school district or districts in which the library is located.
 - (3) A majority of the membership of the Board shall constitute a quorum.
 - (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the

Library Board shall organize by election from among their number a President and such other officers that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

(b) **POWERS AND DUTIES:**

- (1) The Library Board shall have the duties and powers prescribed by Chapter 43, and more particularly set forth in section 43.58 of the Wisconsin Statutes.
- (2) In addition, the Library Board shall submit yearly a line-by-line budget for approval by a majority of the Common Council.
- (3) After Council approval of the line-by-line budget, transfer of funds by the Library Board may be made **ONLY** by a 2/3 vote of the entire membership of the Library Board.

Recreated: Ord. 863, 1/24/86

State Law Reference: Sections 43.54 and 43.58, Wis. Stats.

SEC. 2-4-3 BOARD OF HEALTH.

- (a) **COMPOSITION.** The City of Neillsville Board of Health shall consist of the Mayor and the Common Council serving as a committee of the whole.
- (b) **OFFICERS.** The Mayor shall serve as the chairman of the Board of Health.
- (c) **POWER OF APPOINTMENT.** The Board of Health may appoint persons to aid them.
- (d) **RESPONSIBILITIES.**
 - (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health of the City of Neillsville to assume the general administration of health and sanitation laws and regulations in the City, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the City.
 - (2) **POWERS.** The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the City of Neillsville. All orders and regulations of the Board shall be published in the official newspaper and after publication, shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Section 141.015, Wis. Stats.

SEC. 2-4-4 COMMISSION ON PUBLIC WORKS/UTILITIES.

- (a) **HOW CONSTITUTED; TERMS.** The Commission on Public Works/Utilities shall consist of the Mayor and the Common Council serving as a committee of the whole.
- (b) **ORGANIZATION.** The members of the Commission on Public Works/Utilities shall, on the fourth Tuesday in April of each year, choose a president of the Commission from their number. The City Clerk-Treasurer shall be the secretary of the Commission by virtue of his/her office. The Commission may establish such special committees and their membership as it may deem advisable to perform such duties as may be assigned to them.
- (c) **RULES FOR, BY COUNCIL.** The Council may make such rules as the Council deems proper, not contravening this subchapter, for the government of the Commission on Public Works/Utilities and the manner in which the business of said Commission shall be conducted.
- (d) **QUORUM; RECORD; REPORT.** A majority of the Commission shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such City.

(e) **DUTIES AND POWERS.**

- (1) In general. It shall be the duty of the Commission, under the direction of the Council, to superintend all public works and keep the streets, alleys, sewers and public works and places in repair.
- (2) Unusual use of streets. No building shall be moved through the streets without a written permit therefor granted by the Commission on Public Works/Utilities, except where the Council has by ordinance authorized some other officer or officers to issue a permit therefor. The Commission shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles therein; provided, that its decision in this regard may be reviewed by the Council.
- (3) Restoring streets. In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the Commission, said Commission shall cause the same to be done at the expense of said corporation or individual. The expense thereof, when chargeable to a lot owner, shall be certified to the City Clerk-Treasurer by the Commission, and if not paid shall be carried into the tax roll as a special tax against the lot.
- (4) Water Sewer Utilities. The management, operation and control of the water utilities, and sewage utilities (including plants, water mains, sewer lines, pumping stations, etc.) are vested in the Commission.
- (5) Further Duties. The Commission on Public Works/Utilities shall have charge of the water and sewer works of the City of Neillsville and all connections and appurtenances thereto. Said Commission shall be in charge of all matters pertaining or relating to water or sewer services not inconsistent of the ordinances of said city of the laws of the State of Wisconsin. They shall have charge of the help, laborers, engines, etc. working located in or about the water works, purchasing of materials, supplies, and in connection with the work pertaining to said services. They shall make reasonable rules and regulations governing the use and control of the water and sewer services.

Recreated: Ord. 927, 3/14/95

State Law Reference: Sec. 62.14, 62.15, Wis. Stats.

SEC. 2-4-5 ZONING BOARD OF APPEALS.

- (a) **ESTABLISHMENT.** A Zoning Board of Appeals shall be appointed as specified in Section 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, appointed by the Mayor subject to confirmation by the Common Council. The members shall serve without compensation and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairman.
- (b) **POWERS.** The Zoning Board of Appeals shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is error in any order, requirement decision, or determination made by an administrative official in the enforcement of the City Zoning Code.
 - (2) To hear and decide special exceptions to the terms of the City of Neillsville zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.

- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of three members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirement of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) **MEETINGS AND RULES.** All meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with the applicable Wisconsin Statutes.
 - (d) **OFFICES.** The Common Council shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.
 - (e) **APPROPRIATIONS.** The Common Council shall appropriate funds to carry out the duties of the Board and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.

SEC. 2-4-6 PLANNING COMMISSION.

- (a) **COMPOSITION.** The Planning Commission shall consist of the Mayor, the Chairman of the Parks and Recreation Board, an council member, and four (4) citizens. The Director of Public Works shall be an ex officio member of the Commission.
- (b) **APPOINTMENT.**
 - (1) The council member of the Commission shall be elected by a two-thirds (2/3) vote of the Common Council, and during each April thereafter.
 - (2) **Citizen Members.** The three (3) regular citizen members of the Commission shall be appointed by the Mayor, subject to confirmation by the Common Council. The original citizen members shall be appointed upon creation of the commission and shall hold office for a period of one, two and three years, respectively, from the succeeding first day of May and thereafter annually during the month of April such member shall be appointed for a term of three (3) years.
- (c) **RECORD.** The Planning Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk-Treasurer. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- (d) **DUTIES.**
 - (1) The Master Plan.
 - a. The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Planning Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such

- physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
- b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Planning Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Planning Commission and the Common Council in the performance of their duties.
- (2) Matters Referred to the Commission. The Common Council or officer of the City having final authority thereon, shall refer to the Planning Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within 30 days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
- (3) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

State Law References: Secs. 61.35, 61.23, and Chapter 236, Wis. Stats.

SEC. 2-4-7 PARKS AND RECREATION BOARD.

- (a) COMPOSITION. The Board of Park Commissioners of the City of Neillsville, known as the Parks and Recreation Board of the City of Neillsville, shall consist of seven (7) persons of the Neillsville School District to be chosen by the Mayor, including one council member.
- (b) APPOINTMENT OF MEMBERS. It shall be the duty of the Mayor to appoint seven (7) persons of said City who shall constitute such Parks and Recreation Board with one Alderman member. All appointments shall be for three (3) years, except that the Alderman member shall be annually appointed. All appointments shall be subject to approval of the Common Council.
- (c) POWERS AND DUTIES. The Parks and Recreation Board is empowered and directed:
 - (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
 - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by Resolution.
 - (3) To buy or lease lands in the name of the City for park purposes within or without the City and with the approval of the Common Council, to sell or exchange property no longer required for its purposes.
 - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the City for park purposes.
 - (5) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- (d) RECORD. The Parks and Recreation Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk-Treasurer.

SEC. 2-4-8 POLICE AND FIRE COMMISSION.

There is hereby created a Board of Police and Fire Commissioners of the City of Neillsville, Wisconsin, pursuant to Section 62.13 of the Wisconsin Statutes. Said Board shall consist of five (5) members appointed by the Mayor and confirmed by the Common Council. The Mayor in the first instance shall appoint five (5) members of said Board for terms expiring upon the appointment of their respective successors in the years 1965 through 1970, both inclusive. Beginning with the year 1965, each appointment shall be made for the term of five (5) years as provided by Statute. Said Board shall have the power and authority prescribed by Section 62.13, Wis. Stats.

State Law Reference: Section 62.13, Wis. Stats.

SEC. 2-4-9 AIRPORT COMMISSION.

- (a) The City of Neillsville Airport Commission shall consist of the Director of Public Works, one Alderman and three (3) citizen members appointed by the Mayor, subject to Council confirmation. The citizen members shall have six (6) year terms of office. The Alderman member shall be annually appointed at the April organizational meeting of the Common Council. The term of the Director of Public Works shall coincide with the terms of that office.

- (b) The Commission shall be responsible for managing the Neillsville Airport, under the general direction of the Common Council.

Recreated: Ord. 859, 7/23/85

State Law Reference: Chapter 114, Wis. Stats.

SEC. 2-4-10 RESERVED.

Repealed: Ord. 927, 3/14/95

SEC. 2-4-11 BOARD OF CEMETERY COMMISSIONERS.

- (a) APPOINTMENT. There is hereby created a Board of Cemetery Commissioners consisting of five (5) persons to be appointed by the Mayor, subject to the approval of the Common Council. Their terms shall be for one year commencing on the first day of May after their appointment.
- (b) CEMETERY SEXTON. The Cemetery Commission shall appoint a Cemetery Sexton who shall serve until removed by action of the Board of Cemetery Commissioners. He shall be responsible for the administration of this Chapter and any supplemental rules and regulations adopted by the Board or the City Council. As far as possible the Sexton shall utilize the services of existing City officials and employees.
- (c) SALARY. The Cemetery Sexton and Cemetery employees shall receive such salaries and/or wages as are determined by the Board of Cemetery Commissioners and approved by the Common Council.

§ 2-4-11(a) - Amended: Ord. 963, 5/11/99

SEC. 2-4-12 COMMISSION ON ECONOMIC DEVELOPMENT.

- (a) COMPOSITION. The Commission on Economic Development shall consist of seven (7) members, three (3) of whom shall be appointed each year for a term of three (3) years, subject to Council confirmation, with one (1) member being the current acting Mayor.
- (b) DUTIES.
 - (1) To confer with and advise the Mayor, Common Council and Planning Commission on all matters concerning the industrial development of the City.
 - (2) To advertise the industrial advantages and opportunities of the City within the means provided by any appropriations made therefor by the Council.
 - (3) To collect data and information as to the type of industries best suited to the City.
 - (4) To develop, compile and coordinate information regarding available areas suitable for industrial development.
 - (5) To encourage the proper zoning and orderly development of areas suitable for industrial development and to promote the interest of economic development of such areas of the City.
 - (6) To aid the Common Council and Planning Commission in the attraction of new industries and in the encouragement of expansion by existing industries and businesses.
 - (7) To cooperate with all industries and businesses in the City in the solution of any community problems which they might have, and to encourage the management of such concerns to have a healthy and constructive interest in the City's welfare.

- (8) To periodically survey the overall condition of the City from the standpoint of determining whether the City has a community climate and furnishes such services and facilities as are conducive to industrial and economic expansion.
- (9) To confer with and advise the Mayor and Common Council on the management of the City's industrial park and the leasing, sale or use of other City-owned properties for industrial purposes.

§ 2-4-12(a) - Amended: Ord. 964, 5/11/99

SEC. 2-4-13 BLOCK GRANT COMMITTEE.

The Mayor, subject to Council confirmation, shall appoint seven (7) person to the Block Grant Committee for three (3) year terms of office. Three (3) members shall be appointed one year, and two (2) members in each of the following two (2) years. In addition, the Director of Public Works shall also be a member of the Committee. In cooperation with the Mayor and Common Council, the Committee shall be responsible for administering federal block grants received by the City of Neillsville.

SEC. 2-4-14 TOURISM COMMISSION.

- (a) **COMPOSITION.** The Tourism Commission of the City of Neillsville shall consist of five (5) persons, of which at least one person must be an owner or operator of a lodging facility within the City of Neillsville. All other members of the Commission can be either citizens of Neillsville and/or elected officials.
- (b) **APPOINTMENT.** It shall be the duty of the Mayor to appoint five (5) members. All appointments shall be for one (1) year terms. All appointments shall be subject to approval of the Common Council.
- (c) **POWERS AND DUTIES.** The Tourism Commission is empowered and directed to:
 - (1) Annually elect a chairperson, a vice chairperson and a treasurer.
 - (2) Meet on a regular basis as needed for tourism promotion and tourism development.
 - (3) Receive from the City of Neillsville, 70% of the room tax collected each year.
 - (4) Monitor the spending of the room tax funds received.
 - (5) Contract with another organization to perform the functions of a tourism entity.
 - (6) Report any delinquent room tax collections or inaccurate room tax expenditures to the Common Council.
 - (7) Assure that all of the room tax revenues received by the Commission are spent on tourism promotion and tourism development as defined in Sec. 66.0615(1)(fm), Wis. Stats.
 - (8) Assure the organization contracted with provides all necessary information to the City Clerk Treasurer to timely meet the room tax reporting requirements.

§ 2-4-14 - Created: Ord. 1054, 11/10/16

CHAPTER 5

Finance

§ 2-5-1	Preparation of Tax Roll and Receipts
§ 2-5-2	Duplicate Treasurer's Bond Eliminated
§ 2-5-3	City Budget
§ 2-5-4	Changes in Budget
§ 2-5-5	City Funds to be Spent in Accordance with Appropriation
§ 2-5-6	Fiscal Year
§ 2-5-7	Public Depositories
§ 2-5-8	Claims Against City
§ 2-5-9	Temporary Investment of Funds Not Immediately Needed
§ 2-5-10	Facsimile Signatures
§ 2-5-11	Room Tax

SEC. 2-5-1 PREPARATION OF TAX ROLL AND TAX RECEIPTS.

- (a) **AGGREGATE TAX STATED ON ROLL.** Pursuant to sec. 70.65(2), Wis. Stats., the Clerk-Treasurer shall, in computing the tax roll, insert only the aggregate amount of state, county, school and 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) **RATES STAMPED ON RECEIPTS.** Pursuant to sec. 74.08(1), Wis. Stats., in lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the Clerk-Treasurer. The Clerk-Treasurer shall cause to be printed or stamped on the tax receipt the separate proportion or rate of taxes levied for state, county, school, local or other purposes.

State Law Reference: Sections 70.65 and 74.08, Wis. Stats.

SEC. 2-5-2 DUPLICATE TREASURER'S BOND ELIMINATED.

- (a) **BOND ELIMINATED.** The City of Neillsville elects not to give the bond on the City Clerk-Treasurer 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 Clerk-Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Clerk-Treasurer to the County Treasurer.

State Law Reference: Section 70.67, Wis. Stats.

SEC. 2-5-3 CITY BUDGET.

- (a) DEPARTMENTAL ESTIMATES. When requested by the Mayor and City Clerk-Treasurer, each year, each officer, department and committee shall file with the Clerk-Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Clerk-Treasurer and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.
- (b) BUDGET PREPARATION. Each year the Mayor and the Clerk-Treasurer shall prepare and submit to the Common Council a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar year. The budget shall include the following information:
- (1) The expense of conducting each department and activity of the City for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommended as compared with appropriations for the current year.
 - (2) An itemization of all anticipated income of the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
 - (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
 - (4) Such other information as may be required by the Common Council and by state law.
- (c) COPIES OF BUDGET. The Common Council shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- (d) HEARING.
- (1) The Mayor and Clerk-Treasurer shall submit to the Council at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Council it shall be deemed to have been regularly introduced therein.
 - (2) A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for holding the public hearing thereon, shall be published in a newspaper of general circulation in the City of Neillsville at least ten (10) days prior to the time of such public hearing.
 - (3) Not less than ten (10) days after the publication of the proposed budget and the notice of hearing thereon, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City of Neillsville shall have the opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.

SEC. 2-5-4 CHANGES IN BUDGET.

The amount of the tax to be levied or certified, the amounts of the various appropriations and the purposes thereof shall not be changed after approval of the budget except by a 2/3 vote of the entire membership of the Common Council. Notice of such transfer shall be given by publication within eight days thereafter in the official City newspaper.

SEC. 2-5-5 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 Section 2-5-4 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.

SEC. 2-5-6 FISCAL YEAR.

The calendar year shall be the fiscal year.

SEC. 2-5-7 PUBLIC DEPOSITORIES.

- (a) The Common Council shall designate 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 Clerk-Treasurer and bondsman shall not be liable for such losses as are defined by state law. The interest arising therefrom shall be paid into the City treasury.
- (b) The Mayor and Clerk-Treasurer may sign on behalf of the City all necessary checks and other withdrawal orders of City funds.

State Law Reference: Section 62.12(7), Wis. Stats.

SEC. 2-5-8 CLAIMS AGAINST CITY.

- (a) **CLAIMS TO BE AUDITED AND APPROVED.** Pursuant to §66.0609, Wis. Stats., the City of Neillsville creates this ordinance to establish an alternative system for approval of claims, other than the voucher method as prescribed by §66.0607, Wis. Stats. Prior to submission of any account, demand or claim to the Common Council for approval or payment, the City Clerk-Treasurer shall audit and approve each claim as a proper charge against the treasury, and endorse his or her approval on the claim after having determined that all of the following conditions have been complied with:
 - (1) That funds are available for the claim pursuant to the budget approved by the governing body.
 - (2) That the item or service covered by the claim has been duly authorized by the proper official, department head or board or commission.
 - (3) That the item or service has been actually supplied or rendered in conformity with the authorization described in par. (2).
 - (4) That the claim is just and valid pursuant to law.

- (b) **AUDITING OF CLAIMS.**
- (1) The City Clerk-Treasurer shall file with the governing body, not less than monthly, a list of the claims approved under par. (a) above, showing the date the claim is scheduled to be paid, name of claimant, the purpose of the claim and the amount of the claim. Prior to any payment being made on a claim, the governing body shall review the filing and must approve the claim(s) by a majority of the body endorsing his or her approval on the filing.
 - (2) The governing body of the City of Neillsville shall obtain an annual detailed audit of its financial transactions and accounts by a certified public accountant licensed or certified under ch. 422, Wis. Stats., and designated by the governing body.
- (c) **PAYMENT OF REGULAR WAGES OR SALARIES.** Regular wages or salaries of City officers and employees shall be paid by payroll, verified by the proper City official, department head, board or commission and filed with the City Clerk-Treasurer in time for payment on the regular pay day.
- (d) **METHOD OF INCURRING CLAIMS.** All action of the Common Council appropriating money or creating a charge against the City, other than claims for purchases or work previously authorized by the Council, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of three-fourths (3/4) of all members of the Council. A roll call vote shall be taken and recorded on all appropriations.

§ 2-5-8 (a) - Amended: Ord. 1043, 12/23/13

§ 2-5-8 (b) (1) & (2) - Recreated: Ord. 1043, 12/23/13

SEC. 2-5-9 TEMPORARY INVESTMENT OF FUNDS NOT IMMEDIATELY NEEDED.

The Clerk-Treasurer may invest any City funds not immediately needed, pursuant to Section 66.04(2), Wis. Stats.

SEC. 2-5-10 FACSIMILE SIGNATURES.

In lieu of the personal signatures of the Clerk-Treasurer and Mayor, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Common Council, but the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof.

SEC. 2-5-11 ROOM TAX

- (a) **DEFINITIONS.** For the purpose of this section, the following words and phrases shall have the following meanings:
- (1) **Gross Receipts.** As defined in §77.51(4)(a), (b) and (c), Wis. Stats., insofar as applicable and §11.05 and 11.48, Wis. Adm. Code, except as limited in paragraph (b) hereafter to furnishing sleeping accommodations.
 - (2) **Hotel/Motel.** A building or group of buildings in which the public may obtain accommodations for a consideration including, without limitation, such establishments as inn, motels, hotels, tourist homes, tourist housing or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and other building or group of buildings in which accommodations are available to the public, except

- accommodations including mobile homes as defined in §66.0435(1)(d), Wis. Stats., whether the home is classified as real or personal property, rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanitoriums or nursing homes or by corporations or associations organized and operated exclusively for religious, charitable or education purposes, provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.
- (3) 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.
- (b) (1) IMPOSITION OF ROOM TAX. Pursuant to §66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms, lodging or sites for sleeping to transients by hotel keepers, 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 not be imposed on food or other services provided. Such tax shall be at the rate of 6% of the gross receipts from such retail furnishing of rooms, lodging or sites for sleeping, except such gross receipts received from persons who are themselves exempt from paying a room tax. Such tax shall not be subject to the selective sales tax imposed by §77.52(2)(a)1., Wis. Stats.
- (2) ADMINISTRATIVE FEE. Any an all hotel keepers, innkeepers, motel operators or other persons who are subject to the tax imposed in section (1) above, that pay the tax obligation in a timely manner, shall be allowed to retain 5% of the tax imposed as an administrative fee.
- (c) DISTRIBUTION OF TAXES COLLECTED. 100% of the proceeds of such tax when collected shall be deposited into the City's general fund, and shall be apportioned as follows:
- (1) 70% shall be spent by the municipality on tourism promotion and development.
- (2) 30% shall be spend by the municipality for parks and recreation within the municipality.
- (d) ADMINISTRATION.
- (1) Collection and distribution of the room tax shall be administered by the City Treasurer. The tax imposed under this section is due and payable within one month of the end of each calendar quarter for which imposed. A tax return shall be filed with the City Treasurer along with taxes due by those furnishing at retail such rooms and lodging on or before the same date on which the tax is due and payable. Accompanying the return shall be a copy of the current State sales tax report for the quarter.
- (2) All quarterly returns shall be signed by the person required to file a return or his authorized agent, but need not be verified by oath.
- (e) INTEREST ON LATE TAXES. All late taxes under this section shall bear interest at a rate of 1% per month from the due date of the tax until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer.
- (f) ISSUANCE OF PERMIT.
- (1) Every person furnishing rooms or lodging under subsection (2) for the purpose of identifying such businesses shall file with the City Treasurer an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the City Treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business and such other information as the City Treasurer requires. The application shall contain an authorization to the Wisconsin Department of Revenue to release sales tax returns and information to the City Treasurer.

The application shall be signed by the owner if a sole proprietor and if not a sole proprietor and if not a sole proprietor, by the person authorized to act on behalf of such applicant.

- (2) After compliance with paragraph (1) by the applicant, the City Treasurer shall grant and issue to each applicant a separate permit for each place of business within the City. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.
 - (3) Whenever any person fails to comply with this section, the City Clerk may, upon ten days notification, and after affording such person the opportunity to show cause why his/her permit should not be revoked, revoke or suspend any or all of the permits held by such person. The City Clerk shall give to such person written notice of the suspension or revocation of his/her permit unless he/she is satisfied that the former holder of the permit will comply with the provision of this section. A fee of \$10.00 shall be imposed for the renewal or issuance of a permit which had been previously suspended or revoked.
- (g) DELINQUENT TAXES.
- (1) No permit under this chapter shall be granted or issued to any person or for any premises against whom or for which taxes or charges by the City are delinquent and unpaid.
 - (2) If the grant or issuance of a permit is denied for nonpayment of taxes or charges, the City Treasurer shall notify the applicant in writing that the permit will not be granted or issued for nonpayment of taxes or charges. The applicant may appeal the decision to the City Council which may grant or deny the permit after affording the applicant a hearing before the City Council.
- (h) TAX LIABILITY ON TRANSFER OF BUSINESS. If any person liable for any amount of tax under this chapter sells the business or stock of goods or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the City Treasurer that 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, the purchaser shall become personally responsible for payment of the amount required to be withheld to the extent of the purchase price of the accommodations valued in money.
- (i) AUDIT. Whenever the City Treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the City Treasurer may be audit determine the tax required to be paid to the City, or the refund due to any person under this section. The determination may be made upon the bases of the facts contained in the return being audited or upon any other information obtained by the City Treasurer. The City Treasurer is authorized to examine and inspect the Wisconsin sales tax records, the books, records, memoranda and property of any person in order to verify the tax liability of that person. Nothing herein shall prevent the City Treasurer from making a determination.
- (j) RECORDS. Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer requires and shall make them available for inspection by the City Treasurer upon reasonable notice.

- (k) CONFIDENTIALITY. All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the City Treasurer are deemed to be confidential, except the City Treasurer may divulge their contents to the person who filed the return; officers, agents or employees of the Federal Internal Revenue Service or the state Department of Revenue; city attorney; mayor; finance, budget or personnel committee chairperson; and no others.
- (l) LATE FILING FEE. Delinquent tax returns shall be subject to a late filing fee of \$10.00. The tax imposed by this section shall become delinquent if not paid:
 - (1) In the case of a timely return, within 30 days after the due date or the return, or within 30 days after expiration of an extension period if one has been granted.
 - (2) In the case of no return being filed or a return being filed late, by the date of the return.
- (m) NONFILING OR LATE FILING PENALTY. If, due to negligence, no return is filed or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of \$25.00, exclusive of interest or other penalties. If a person fails to file a return when due, or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this section, a penalty of \$25.00 shall be added to the tax required to be paid, exclusive of interest or other penalties.
- (n) Any person who is subject to the tax imposed by this section who fails to obtain a permit as required in sub. (f), fails or refuses to permit the inspection of his/her state sales tax records by the City Treasurer after such inspection has been requested by the City Treasurer, fails to file a return as provided in this section, fails to remit the taxes due within 60 days of the tax due date, or who violates any other provision of this section may be subject to a forfeiture as provided in §66.0615(3), Wis. Stats. Each day or portion thereof that such violation continues is deemed a separate offense.

Created: Ord. 1023, 9/23/08

§ 2-5-11(b)(1) - Amended: Ord. 1026, 11/12/08

§ 2-5-11(b)(1) - Amended: Ord. 1033, 10/1/12

CHAPTER 6

Special Assessments

§ 2-6-1	Common Council May Levy Special Assessments
§ 2-6-2	Resolution and Report Required
§ 2-6-3	Costs That May Be Paid By Special Assessment
§ 2-6-4	Exemptions; Deductions
§ 2-6-5	Notice of Proposed or Approved Project
§ 2-6-6	Council Actions After Hearing
§ 2-6-7	Combined Assessments
§ 2-6-8	Council's Power to Amend, Cancel or Confirm Special Assessment
§ 2-6-9	Where Cost of Improvement is Less Than Assessment
§ 2-6-10	Appealed Assessments Payable When Due
§ 2-6-11	Special Assessment a Lien on Property
§ 2-6-12	Special Charges Permissible
§ 2-6-13	Miscellaneous Provisions

SEC. 2-6-1 COMMON COUNCIL MAY LEVY SPECIAL ASSESSMENTS.

- (a) The City of Neillsville by resolution of its Common Council may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement.
- (b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Common Council.

State Law Reference: Section 66.62, Wis. Stats.

SEC. 2-6-2 RESOLUTION AND REPORT REQUIRED.

- (a) Prior to making any such special assessments, the Common Council shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under Section 2-6-5 of this Chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.
- (b) The report required by Subsection (a) shall consist of:
 - (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate, as to each parcel of property affected, of:
 - a. The assessment of benefits to be levied.
 - b. The damages to be awarded for property taken or damaged.
 - c. The net amount of such benefits over damages or the net amount of such damages over benefits.

- (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case the estimates required under subsection (3) shall be replaced by a schedule of the proposed assessments.
- (5) A copy of the report when completed shall be filed with the Clerk-Treasurer for public inspection.

SEC. 2-6-3 COSTS THAT MAY BE PAID BY SPECIAL ASSESSMENT.

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the City and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Common Council.

SEC. 2-6-4 EXEMPTIONS; DEDUCTIONS.

- (a) If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed and shall be paid by the City.
- (b) A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts, shall be entitled to such deduction or exemption as the Common Council determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance the assessment will not be less than the long way of such lot. The Common Council may allow a similar deduction or exemption from special assessments levied for any other public improvement.

SEC. 2-6-5 NOTICE OF PROPOSED OR APPROVED PROJECT.

On the completion and filing of the report required in Section 2-6-2(5) of this Chapter, the Clerk-Treasurer shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the Common Council or Committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be given either by publication in the official City newspaper or posted in not less than three (3) public places within the City and a copy of said notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or posting of said notice.

SEC. 2-6-6 COUNCIL ACTIONS AFTER HEARING.

- (a) After the hearing, the Common Council may approve, disapprove, modify or re-refer the report to the designated officer or employee with such direction as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.

- (b) If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Common Council shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c)
 - (1) If the work or improvement has not been previously authorized or approved, the Common Council shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
 - (2) If the work or improvement has been approved by the Common Council or work commenced or completed prior to the filing of the report or prior to the hearing, then the Common Council shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.
- (d) The Clerk-Treasurer shall publish the final resolutions as required in Section 2-6-5 of this Chapter.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized, shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Section 66.60(12), Wisconsin Statutes, or any other applicable provision of law.

SEC. 2-6-7 COMBINED ASSESSMENTS.

If more than a single improvement is undertaken, the Common Council may combine the assessments as a single assessment on each property affected except that the property owner may object to any one or more of said improvements.

SEC. 2-6-8 COUNCIL'S POWER TO AMEND, CANCEL OR CONFIRM SPECIAL ASSESSMENT.

If after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Common Council determines to reconsider an assessment, it is empowered, after giving notice as required in Section 2-6-5 to amend, cancel or confirm any prior assessment and notice of this amending, canceling or confirming be given by the Clerk-Treasurer as provided in Section 2-6-6 of this chapter.

SEC. 2-6-9 WHERE COST OF IMPROVEMENT IS LESS THAN ASSESSMENT.

If the cost of the work or improvement is less than the assessment levied, the Common Council without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full the City shall refund the property owner such overpayment.

SEC. 2-6-10 APPEALED ASSESSMENTS PAYABLE WHEN DUE.

Pursuant to subsection (12)(F) of Section 66.60, Wisconsin Statutes, it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.

SEC. 2-6-11 SPECIAL ASSESSMENT A LIEN ON PROPERTY.

Pursuant to subsection (13) of Section 66.60, Wisconsin Statutes, any special assessment levied under this chapter shall be a lien on the property against which it is levied on behalf of the City of Neillsville. The Common Council shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Common Council shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

SEC. 2-6-12 SPECIAL CHARGES PERMISSIBLE.

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by the Common Council by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the Common Council except that in the case of street, sidewalk, curb or gutter repair, twenty (20) days notice published in the official City newspaper, or by posting such notice in three (3) places in the City and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Common Council as to whether the service in question shall be performed.
- (b) Such special charges shall not be payable in installments. If not paid within the period fixed by the Common Council, such delinquent charge shall become a lien as provided in Section 2-6-11 of this Chapter.
- (c) Section 2-6-2(a) of this Chapter shall not be applicable to proceedings under this section.

SEC. 2-6-13 MISCELLANEOUS PROVISIONS.

- (a) If any assessment or charge levied under this chapter is invalid because such statutes are found to be unconstitutional, the Common Council may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) The Common Council may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.
- (c) Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this ordinance that the City of Neillsville may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

CHAPTER 7

Public Records

§ 2-7-1	Definitions
§ 2-7-2	Duty to Maintain Records
§ 2-7-3	Legal Custodian(s)
§ 2-7-4	Public Access to Records
§ 2-7-5	Access Procedures
§ 2-7-6	Limitations on Right to Access
§ 2-7-7	Destruction of Records
§ 2-7-8	Preservation Through Microfilm

SEC. 2-7-1 DEFINITIONS.

- (a) "Authority" means any of the following City entities having custody of a City record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.
- (b) "Custodian" means that officer, department head, division head, or employe of the City designated under Section 2-7-3 or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
- (c) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

SEC. 2-7-2 DUTY TO MAINTAIN RECORDS.

- (a) Except as provided under Section 2-7-7, each officer and employe of the City shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employe or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employes.
- (b) Upon the expiration of an officer's term of office or an employe's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employe shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employe, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

SEC. 2-7-3 LEGAL CUSTODIAN(S).

- (a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employe of his or her staff to act as the legal custodian.
- (b) Unless otherwise prohibited by law, the City Clerk-Treasurer or his designee shall act as legal custodian for the Common Council and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Common Council.
- (c) For every authority not specified in subsections (a) and (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employe of his or her staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.

SEC. 2-7-4 PUBLIC ACCESS TO RECORDS.

- (a) Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in sec. 19.35(1), Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to City employes to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - (1) The cost of photocopying shall be \$.25 per page, excluding accident reports. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
 - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
 - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (5) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$ 5.00.
 - (7) Elected and appointed officials of the City of Neillsville shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to sec. 19.34, Wis. Stats, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from who, and the methods whereby, the public may obtain information and access to records in its custody, make

requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the Common Council.

SEC. 2-7-5 ACCESS PROCEDURES.

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under sec. 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 2-7-4(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the City Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in Section 2-7-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under sec. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

SEC. 2-7-6 LIMITATIONS ON RIGHT TO ACCESS.

- (a) As provided by sec. 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.
 - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
 - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 - (4) Pursuant to sec. 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.

- (b) As provided by sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the City Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the request record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
 - (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (2) Pursuant to sec. 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
 - (3) Pursuant to sec. 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline or any City officer or employe, or the investigation of charges against a City officer or employe, unless such officer or employe consents to such disclosure.
 - (4) Pursuant to sec. 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
 - (5) Pursuant to sec. 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of City property, investing of City funds, or other City business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Pursuant to sec. 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (7) Pursuant to sec. 19.85(1)(g), Wis. Stats., communications between legal counsel for the City and any officer, agent or employe of the City, when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents or employes is or is likely to become involved, or communications which are privileged under sec. 905.03, Wis. Stats.
 - (8) Pursuant to sec. 19.85(1)(h), Wis. Stats., request for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If in the judgement of the custodian and the City Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

SEC. 2-7-7 DESTRUCTION OF RECORDS.

- (a) City officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to sec. 16.61(3)(e), Wis. Stats., and then after such shorter period:
 - (1) Bank statements, deposit books, slips and stubs.
 - (2) Bonds and coupons after maturity.

- (3) Canceled checks, duplicates and check stubs.
 - (4) License and permit applications, stubs and duplicates.
 - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (6) Receipt forms.
 - (7) Special assessment records.
 - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.
- (1) Contracts and papers relating thereto;
 - (2) Excavation permits;
 - (3) Inspection records.
- (c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period:
- (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Financial reports other than annual financial reports.
 - (4) Justice dockets.
 - (5) Oaths of office.
 - (6) Reports of boards, commissions, committees and officials duplicated in the Common Council proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Canceled voter registration cards.
 - (9) Official bonds.
 - (10) Police records other than investigative records.
 - (11) Resolutions and petitions.
- (d) Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided by sec. 19.21(4)(a), Wis. Stats.
- (e) Any tape recordings of a governmental meeting of the City may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

SEC. 2-7-8 PRESERVATION THROUGH MICROFILM

Any City officer, or the director of any department or division of City government may, subject to the approval of the Common Council, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in sec. 16.61(7)(a) and (b), Wis. Stats, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Section 2-7-4 through 2-7-6 of this Chapter.

CHAPTER 8

Ethical Standards

§ 2-8-1	Ethical Standards of Public Officials
§ 2-8-2	Responsibilities of Public Office
§ 2-8-3	Dedicated Service
§ 2-8-4	Use of Public Property; Obligations of Citizens
§ 2-8-5	Conflict of Interest
§ 2-8-6	Specific Conflicts of Interest
§ 2-8-7	Sanctions

SEC. 2-8-1 ETHICAL STANDARDS OF PUBLIC OFFICIALS.

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people. The purpose of this Chapter is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the City.
- (b) The municipal officials and employees of the City, whether elected or appointed, are "public officials and employees" within the meaning and intent of this chapter.

SEC. 2-8-2 RESPONSIBILITIES OF PUBLIC OFFICE.

- (a) Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs shall be above reproach.
- (b) Public officials are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the law of the nation, state and municipality.

SEC. 2-8-3 DEDICATED SERVICE.

Public officials and employees shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

SEC. 2-8-4 USE OF PUBLIC PROPERTY; OBLIGATIONS OF CITIZENS.

- (a) **USE OF PUBLIC PROPERTY.** No public official or employee shall request, use or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

- (b) **OBLIGATION OF CITIZEN.** No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

SEC. 2-8-5 CONFLICT OF INTEREST.

No council member or other public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgement, or will tend to impair his independence or judgement or action in the performance of his official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political association.

SEC. 2-8-6 SPECIFIC CONFLICTS OF INTEREST.

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive.

- (a) **INCOMPATIBLE EMPLOYMENT.** No council member or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgement or action in the performance of his official duties. In the event a council member, official or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Common Council for the records of that authority.
- (b) **DISCLOSURE OF CONFIDENTIAL INFORMATION.** No council member, other public official or employee, shall without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall he use such information to advance the financial or other private interest of himself or others.
- (c) **GIFTS AND FAVORS.** No council member or other public official or employee shall accept any gift having a value greater than five dollars, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Any council member or other public official or employee who accepts any gift, favor or thing of value shall, in the case of a council member, disclose the matter in the minutes of the next Common Council meeting, and in the case of other officials or employees, report the matter to the Common Council for disclosure in the minutes of the next meeting.
- (d) **REPRESENTING PRIVATE INTERESTS BEFORE CITY AGENCIES OR COURTS.** No council member or other public official or employee whose salary is paid in whole or in part by the City, shall appear in behalf of private interests before any agency of the City. He shall not represent private interests in any action or proceeding against the interest of the City in any litigation to which the City is a party.
- (e) **NEPOTISM.**
 - (1) No appointing authority or department head shall appoint or employ members of his or her family, nor appoint or employ members of any family member of any employee to a full-time position, nor shall a supervisor supervise any member of his or her family. This section shall not apply to regular part-time employees, other part-time employees, part-time positions or persons hired for seasonal employment.
 - (2) No collective bargaining agreement shall be entered into by the city if said agreement violates the intent of this section.
 - (3) The term "family" means for purposes of this section: husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law and sister-in-law.

- (4) This section shall only apply to persons employed by the City of Neillsville on October 1, 1996. This section shall not prevent or be used to prohibit employment based on marital status, except that an individual shall be prohibited from directly supervising or being directly supervised by his or her spouse.
- (f) DISCLOSURE OF INTEREST IN LEGISLATION
 - (1) A council member who has a financial or other private interest in any legislation shall disclose on the records of the Common Council the nature and extent of such interest. This provision shall not apply if the council member disqualified himself from voting.
 - (2) Any other public official or employee who has a financial or other private interest, and who participates in discussion with, or gives an official opinion to, the Common Council shall disclose on the record of the Common Council the nature and extent of such interest.

§ 2-8-6(e) - Recreated: Ord. 935, 9/16/96

SEC. 2-8-7 SANCTIONS.

Violation of any provision of this section should raise conscientious questions for the council member or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the City. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

CHAPTER 9

Review of Administrative Determinations

§ 2-9-1	Review of Administrative Determinations
§ 2-9-2	Determinations Reviewable
§ 2-9-3	Determinations Not Subject to Review
§ 2-9-4	Municipal Authority Defined
§ 2-9-5	Persons Aggrieved
§ 2-9-6	Reducing Determination to Writing
§ 2-9-7	Request for Review of Determination
§ 2-9-8	Review of Determination
§ 2-9-9	Administrative Appeal
§ 2-9-10	Hearing on Administrative Appeal
§ 2-9-11	Final Determination
§ 2-9-12	Judicial Review
§ 2-9-13	Legislative Review

SEC. 2-9-1 REVIEW OF ADMINISTRATIVE DETERMINATIONS.

- (a) Any person aggrieved by an administrative determination of the Common Council or a board, commission, committee, agency, officer or employe of the City 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.

State Law Reference: Section 68.01, Wis. Stats.

SEC. 2-9-2 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 Section 2-9-3(d).
- (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 employe or officer, other than by a court.
- (e) The suspension or removal of a City officer or employe except as provided in Section 2-9-3(b) and (g).

State Law Reference: Section 68.02, Wis. Stats.

SEC. 2-9-3 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 statutes 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 license of 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.

State Law Reference: Section 68.03, Wis. Stats.

SEC. 2-9-4 MUNICIPAL AUTHORITY DEFINED.

"Municipal authority" includes the Common Council, commission, committee, agency, officer, employe or agent of the City making a determination under Section 2-9-1, and every person, committee or agency of the City to make an independent review under Section 2-9-8(b).

State Law Reference: Section 68.04, Wis. Stats.

SEC. 2-9-5 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 employe of the City who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employe of the City, but may respond or intervene in a review proceeding under this Chapter initiated by another.

State Law Reference: Sections 68.01 and 68.06, Wis. Stats.

SEC. 2-9-6 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.

State Law Reference: Section 68.07, Wis. Stats.

Sec. 2-9-7 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, employe, 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.

State Law Reference: Section 68.08. Wis. Stats.

SEC. 2-9-8 REVIEW OF DETERMINATION.

- (a) INITIAL DETERMINATION. If a request for review is made under Section 2-9-7, 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, employe, 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.
- (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 thirty (30) days, and the office or person with whom notice of appeal shall be filed.

State Law Reference: Section 68.09, Wis. Stats.

SEC. 2-9-9 ADMINISTRATIVE APPEAL.

- (a) FROM INITIAL DETERMINATION OR DECISION ON REVIEW.
 - (1) If the person aggrieved had a hearing substantially in compliance with Section 2-9-10 when the initial determination was made, he may elect to follow Sections 2-9-6 through 2-9-8, but is not entitled to a further hearing under Section 2-9-10 unless granted by the municipal authority. He may, however, seek judicial review under Section 2-9-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with Section 2-9-10 when the initial determination was made, he shall follow Sections 2-9-6 through 2-9-8 and may appeal under this Section from the decision made under Section 2-9-8.
- (b) TIME WITHIN WHICH APPEAL MAY BE TAKEN UNDER THIS SECTION. Appeal from a decision on review under Section 2-9-8 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.

State Law Reference: Section 68.10, Wis. Stats.

SEC. 2-9-10 HEARING ON ADMINISTRATIVE APPEAL.

- (a) **TIME OF HEARING.** The City shall provide the appellant a hearing on an appeal under Section 2-9-9 within fifteen (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, 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, without confirmation, 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 the person directly affected an opportunity to be heard in accordance with this Section before making such determination.

State Law Reference: Section 68.11, Wis. Stats.

SEC. 2-9-11 FINAL DETERMINATION.

- (a) Within 20 days of completion of the hearing conducted under Section 2-9-10 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 Section 2-9-10 or a decision on review under Section 2-9-8 following such hearing shall be a final determination, judicial review of which may be obtained under Section 2-9-12.

State Law Reference: Section 68.12, Wis. Stats.

SEC. 2-9-12 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 establishes 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.

State Law Reference: Section 68.13, Wis. Stats.

SEC. 2-9-13 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 Section 2-9-12.
- (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 Section 2-9-10.

State Law Reference: Section 68.14, Wis. Stats.