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SUBCHAPTER I: FORM OF GOVERNMENT AND CITY OFFICIALS

1.01 FORM OF GOVERNMENT. The City of Black River Falls operates under the Mayor-Council system of government.

1.02 ELECTED OFFICIALS. (1) **MAYOR.** The Mayor shall be elected in even-numbered years for a term of 2 years.

(2) **ALDERPERSONS.** The Council shall consist of 8 Alderpersons elected for 2 year terms. One Alderperson shall be elected annually from each of the 4 aldermanic districts.

1.03 APPOINTED OFFICIALS.

<u>OFFICIAL</u>	<u>APPOINTED BY</u>	<u>TERM</u>
(1) City Administrator	Council, upon recommendation of the Hiring Committee	Indefinite
(2) City Assessor	Council	Indefinite
(3) City Attorney	Council, upon recommendation of the Hiring Committee	Indefinite
(4) Street Superintendent	Council, upon recommendation of the Hiring Committee	Indefinite
(5) Utility Administrator	Electric and Water Utility Commission	Indefinite
(6) Chief of Police	Council, upon recommendation of the Hiring Committee	Indefinite
(7) Fire Chief	Council and Rural Fire Board upon recommendation of the Ad Hoc Appointment Committee. See also ch. 5 of this Code	Indefinite
(8) EMS Division Chief	Council, upon recommendation of the Hiring Committee	Indefinite
(9) Building Inspector	Council	Indefinite
(10) Library Director	Library Board	Indefinite

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(11) Parks and Recreation Director	Council, upon recommendation of the Hiring Committee	Indefinite
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1.04 GENERAL PROVISIONS RELATING TO CITY OFFICIALS.

(1) **SALARIES AND FRINGE BENEFITS.** The salaries and fringe benefits of City officers and employees shall, from time to time, be established by the Council in accordance with State law and the City Personnel Policy.

(2) **POWERS AND DUTIES OF CITY OFFICIALS.** City officials mandated under Section 62.09, Wis. Stats., shall have the powers and duties prescribed by law and, except for the Mayor, shall perform such duties as shall be required of them by the Council. Other City officials shall perform the duties prescribed them by the Council. The City Administrator shall perform all duties, and shall be subject to, the position description approved by the Council.

(3) **MULTI-OFFICES.** The Council may elect to appoint the same person to 2 or more compatible offices.

(4) **REMOVAL FROM OFFICE.** All City officials, except the Police Chief and City Administrator, may be removed from office for a cause by a majority of the members-elect of the Council. The City Administrator may be removed from office for cause by a three-fourths vote of the members-elect of the Council.

(5) **RESIDENCY REGULATED.** (a) Residency of City Department Heads Regulated. Upon the effective date of this Ordinance, the residency of Department Heads employed by the City is regulated as follows:

1. Department Head Defined. For purposes of this section, Department Heads are defined as the Police Chief, Fire Chief, Utilities Manager, Street Superintendent, and Parks and Recreation Director.

2. Newly-hired Department Heads. Any person newly-hired by the City of Black River Falls as a Department Head, including promotion of existing Employees, after the effective date of this Ordinance, shall become a resident of the City of Black River Falls within 120 days after satisfactory completion of any probationary period required as part of their employment. If no probationary period is required, the newly hired Department Head shall become a resident of the City of Black River Falls within six (6) months of the date of employment. As a condition of employment, a newly hired Department Head shall be required to agree in writing to the provisions of this Ordinance prior to be accepted for employment. Upon compliance with this paragraph, the Department Head shall

be required to maintain continual residence in the City of Black River Falls subject to Section (c) herein.

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3. Existing Department Heads. An existing Department Head is defined as a person employed by the City of Black River Falls as a Department Head on the effective date of this Ordinance.

(b) Residency of Other City Employees Regulated. Upon the effective date of this Ordinance, the residency of City employees, not subject to Section 2 herein, is regulated as follows:

1. All employees of the City of Black River Falls, whether full time or part time, must reside such that the employee is able to report to work from their residence within thirty (30) minutes.

2. Newly-hired employees. Any person newly hired by the City of Black River Falls after the effective date of this Ordinance, whether full time or part time, shall comply with Section (b)(1) herein within 120 days after the satisfactory completion of any probationary period required as part of their employment. If no probationary period is required, the newly-hired employee shall comply with Section (b)(1) herein within six (6) months of the date of employment. As a condition of employment, a newly-hired employee shall be required to agree in writing to the provisions of this Ordinance prior to being accepted for employment. Upon compliance with this paragraph, the employee shall be required to continuously comply with Section (b)(1) herein, subject to Section (c), herein.

3. Existing Employees. An existing employee is defined as an employee employed by the City of Black River Falls on the effective date of this Ordinance:

(a) All existing employees residing such that they comply with Section (b)(1) herein on the effective date of this Ordinance shall continue to comply with Section (b)(1) as a condition of continued employment.

(c) Waiver. The Common Council shall have the sole authority to grant a waiver from the terms of this Ordinance in the interest of fairness and upon consideration of all pertinent facts concerning an employee and the nature of the employee's work, upon finding that it would be in the best interest of the City of Black River Falls and in the interest of fairness to grant a waiver.

(d) Exceptions. The terms of this Ordinance shall not apply to employees of the City of Black River Falls hired as lifeguards and reserve City of Black River Falls Police Officers. Employees of the Black River Emergency Medical Service shall not specifically be subject to this Ordinance.

(e) Enforcement. Failure of an employee of the City of Black River Falls to comply with the terms of this Ordinance shall constitute good cause for termination of employment.

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1.05 RECEIPT OF GIFTS AND GRATUITIES PROHIBITED. (1) No employee or official of the City shall receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value in excess of \$15 which he is not authorized to receive from any person if such person:

(a) Has or is seeking to obtain contractual or other business or financial relationship with the City or the Council; or

(b) Conducts operations or activities which are regulated by the City or the Council; or

(c) Has interests which may be substantially affected by the City or the Council.

(2) The receipt of any gift, gratuity or anything of value, as denoted above, is contrary to the public policy of the City.

1.06 DISCLOSURE OF INTEREST IN LEGISLATION. (1) Any member of the Council who has a financial interest or personal interest in any proposed legislation before the Council shall disclose on the records of the Council the nature and extent of such interest.

(2) Any other City official or employee who has a financial or personal interest in any proposed legislative action of the Council and who participates in discussion with or gives an official opinion or recommendation to the Council shall disclose on the records of the Council the nature and extent of such interest.

1.07 SMOKING PROHIBITED

SECTION 1: Smoking Prohibited. Section 1.07 of the Code of Ordinances of the City of Black River Falls is hereby recreated to read as follows:

Section 1.07 Smoking Prohibited

The following terms are defined for the purposes of this section:

(a) **Definitions.**

(1) “Assisted living facility” means a community – based residential facility, a residential care apartment complex, or an adult family home, as defined in Sec. 50.01, Wis. Stats.

(2) “Child care center” means a facility operated by a child care provider that provides care and supervision for four (4) or more children under seven (7) years of age

for less than twenty-four (24) hours a day.

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(3) “Educational facility” means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

(4) Notwithstanding Sec. 101.01(5), Wis. Stats., “employment” means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged.

(5) "Enclosed indoor area", means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

(6) “Inpatient health care facility” means a hospital, as defined in Sec. 50.33 (2), Wis. Stats., a county home established under Sec. 49.70, Wis. Stats., a county infirmary established under Sec. 49.72, Wis. Stats., a nursing home, as defined in Sec. 50.01 (3), Wis. Stats., a hospice, as defined in Sec. 50.90 (1), Wis. Stats., a Wisconsin veterans home under Sec. 45.50, Wis. Stats., or a treatment facility.

(7) “Lodging establishment” means any of the following:

- a. A bed and breakfast establishment.
- b. A hotel.
- c. A tourist rooming house, including any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients.

(8) “Person in charge” means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.

(9) “Place of employment,” notwithstanding Sec. 101.01 (11), Wis. Stats., means any enclosed indoor area that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.

(10) “Private club” means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

(11) “Public conveyance” means a mass transit vehicle, either publically or privately owned, a school bus, or any other device by which persons are transported, for hire, on a highway or by rail, water, or air, but does not include such a device while providing transportation in interstate commerce.

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(12) “Public place” means any enclosed indoor area that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

(13) “Restaurant” means an establishment as defined in Sec. 254.61 (5), Wis. Stats.

(14) “Retail establishment” means any store or shop in which retail sales is the principal business conducted.

(15) “Smoking” means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:

- a. A lighted cigar.
- b. A lighted cigarette.
- c. A lighted pipe.
- d. Any other lighted smoking equipment.

(16) “Sports arena” means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

(17) “State institution” means a mental health institute, as defined in Sec. 51.01 (12), Wis. Stats., a center for the developmentally disabled, as defined in Sec. 51.01 (3), Wis. Stats., or a secure mental health facility at which persons are committed under Sec. 980.06, Wis. Stats.

(18) “Tavern” means an establishment, other than a restaurant, that holds a “Class B” intoxicating liquor license or Class “B” fermented malt beverages license.

(19) “Tobacco product” means any form of tobacco prepared in a manner suitable for smoking but not including a cigarette.

(20) “Treatment facility” means a publically or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.

(b) Prohibition Against Smoking.

(1) Except as provided in sub. (d) no person may smoke in any of the following enclosed indoor areas:

- a. Child care centers.
- b. Educational facilities.
- c. Inpatient health care facilities.
- d. Theaters.

- e. Restaurants.
- f. Taverns.

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- g. Private clubs.
- h. Retail establishments.
- i. Common areas of multiple – unit residential properties.
- j. Lodging establishments.
- k. State, county, city, village, or town buildings.
- l. All enclosed indoor areas, other than those listed in subds. a. to k., that are places of employment or that are public places.

(2) No person may smoke anywhere on the premises of a child care center when children who are receiving child care services are present.

(3) No person may smoke in any of the following, regardless of whether it is an enclosed indoor area:

- a. A sports arena.
- b. A bus shelter.
- c. A public conveyance.
- d. A vehicle owned, rented or leased by the City of Black River Falls.

(c) Responsibility of Persons in Charge.

(1) No person in charge may allow any person to smoke in violation of sub. (b) above, at a location that is under the control or direction of the person in charge.

(2) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.

(3) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

- a. Posting signs as specified by the Wisconsin Department of Commerce, setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

b. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.

c. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

(4) If a person refuses to leave a location after being requested to do so as provided in par. (3)c., the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

(5) A person in charge may take measures in addition to those listed in pars (3) and

(4) to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

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(d) Exceptions.

The prohibition against smoking in Subsection (b)(1) does not apply to the following:

- a. A private residence.
- b. A room used by only one person in an assisted living facility as his or her residence.
- c. A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

(e) Outdoor Smoking Areas. Any person in charge of a restaurant, tavern, private club, or retail establishment may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

(f) Penalties.

(1) Any person who violates sub. (b) shall be subject to a forfeiture of thirty dollars \$30.00 for the first offense and \$100.00 for any subsequent offenses committed within the same year.

(2) Any person in charge who violates sub. (c) shall be subject to a forfeiture of \$50.00 for the first offense and \$100 for any subsequent offenses committed within the same year.

(3) No person in charge may be required under par. (2) to forfeit more than \$100.00 in total for all violations of sub.(c) occurring on a single day.

(g) Injunction.

Notwithstanding Sec. 165.60, Wis. Stats., state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section.

1.08 to 1.15 (Reserved)

SUBCHAPTER II: BOARDS AND COMMISSIONS

1.16 PLAN COMMISSION. (1) MEMBERSHIP. The Plan Commission shall consist of the Mayor who shall be the Chairperson, one Alderperson and 5 citizen members of recognized

experience and qualifications. The citizen members shall be appointed by the Mayor and confirmed by the Council for 3 year terms. The Alder-person member shall be appointed by the
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Mayor and confirmed by the Council for a 2 year term. The City Clerk shall be the Commission Secretary.

(2) **POWERS AND DUTIES.** The Plan Commission shall have the powers and duties prescribed in §62.23, Wis. Stats., and such other powers and duties as shall be vested in the Commission, from time to time, by the Council.

1.17 BOARD OP ZONING APPEALS. (1) MEMBERSHIP. (a) The Board of Zoning Appeals shall consist of 5 citizen members appointed by the Mayor, subject to confirmation by the Council, for staggered terms of 3 years.

(b) Two alternate members shall be appointed by the Mayor for terms of 3 years and shall act only when a regular member is absent or refuses to vote because of interest.

(c) The Zoning Administrator shall attend meetings, upon request, to provide technical assistance as requested by the Board.

(2) **POWERS AND DUTIES.** The Board shall have the powers and duties prescribed in §62.23(7)(e), Wis. Stats.

1.18 BOARD OF REVIEW. (1) MEMBERSHIP. In accordance with the provisions of §70.46(1), Wis. Stats., the Board of Review shall consist of the Mayor, the City Clerk and one Alderperson. Additionally, 2 alternate members of the Board shall be appointed to serve only in the event of incapacity, removal under §70.47(6m)(a)1., Wis. Stats., or removal for bias. The alternates shall be Alderpersons. The Mayor shall appoint, annually, with the approval of the

Council, the Alderperson member and the alternate members of the Board. The Mayor and the Clerk shall be members of the Board by virtue of their offices.

(2) **POWERS AND DUTIES.** The Board shall have the powers and duties prescribed in §70.47, Wis. Stats.

1.19 POLICE COMMITTEE. (1) MEMBERSHIP. The Police Committee shall consist of 3 members, none of whom shall be officers or employees of the City, appointed by the Mayor and confirmed by the Council, for staggered 3 year terms.

(2) **POWERS AND DUTIES.** The Police Committee shall have the power and duty to discipline the Police Chief and City police officers who are not probationary, in accordance with the provisions of §62.13(5), Wis. Stats.

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1.20 LIBRARY BOARD. (1) MEMBERSHIP. The Library Board shall consist of 9 members.

(a) Members Appointed by Mayor. Seven members shall be appointed by the Mayor, subject to confirmation by the Council, for staggered 3 year terms, as follows:

1. One member shall be a City Alderperson.
2. One member shall be recommended by the School District.
3. Five members shall be residents of the City.

(b) Members Appointed by County Chairperson. Two members shall be appointed by the County Chairperson, subject to confirmation by the County Board, for staggered 3 year terms.

(c) Removal From Office. In the event any member moves from the municipality from which he was appointed or misses 3 consecutive Board meetings, the member may be removed from office by the appointing authority.

(2) **POWERS AND DUTIES.** The Library Board shall have the powers and duties prescribed in §43.58, Wis. Stats. The Board shall consult with the Council for the purpose of coordinating library personnel policies with general City personnel policies.

1.21 ADMINISTRATIVE REVIEW APPEALS BOARD. (1) MEMBERSHIP. The Administrative Review Appeals Board shall consist of the Mayor, one Alderperson and one citizen member. The Alderperson member shall be appointed annually by the Mayor, subject to confirmation by the Council. The citizen member shall be appointed by the Mayor, subject to confirmation by the Council, for a one year term.

(2) **POWERS AND DUTIES.** See ch. 6 of this Code.

1.22 BOARD OF PUBLIC WORKS. (1) MEMBERSHIP. The Public Works Committee shall constitute the Board of Public Works.

(2) **POWERS AND DUTIES.** The Board shall have the powers and duties prescribed in §62.14, Wis. Stats., and such other powers and duties assigned by the Council.

1.23 ELECTRIC AND WATER UTILITIES COMMISSION. (1) MEMBERSHIP. The Electric and Water Utilities Commission shall consist of 2 Alderpersons and 3 citizens. The Alderpersons shall be appointed by the Mayor and confirmed by the Council for 3 year terms and the citizen members shall be appointed by the Mayor and confirmed by the Council for 2 year terms.

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(2) **POWERS AND DUTIES.** The Commission shall have the powers and duties prescribed in §66.0805, Wis. Stats., and such other duties prescribed by the Council.

1.24 INDUSTRIAL PARK COMMISSION. (1) **MEMBERSHIP.** The Industrial Park Commission shall consist of 10 members who shall be the Mayor or his designee, a member of the Council appointed by the Mayor, the Chairperson of the Jackson County Board of Supervisors or his designee, a member of the Jackson County Board of Supervisors appointed by the Chairperson, the Chairperson of the Town Board of the Town of Brockway or his designee, the President of the Ho Chunk Nation or his designee, and 4 citizen members appointed by the Mayor. The terms of office for the members of the Council and the Jackson County Board shall be the term during which they hold office and the 4 citizen members shall serve staggered 2 year terms. All vacancies on the Commission shall be filled for the unexpired term in the same manner as appointment for the full term.

(2) **POWERS AND DUTIES.** The powers and duties of the Commission shall be as follows:

(a) Advise the Council of their recommendations for the development of the Industrial Park.

(b) Actively promote the full development of the Industrial Park by proper advertising, conferences with potential users of the facility and all other resources available to the Commission within the budgetary limits set forth in sub. (3) below.

(3) **ORGANIZATION AND PROCEDURE.** The members of the Industrial Park Commission shall choose from among their number a President and a Secretary and may make such procedural rules as are not in conflict with this Code. All Commission expenditures shall be audited by the Commissioners and signed by the President of the Commission or, in his absence, the Secretary, as approval of the expenditures. Upon approval of the expenditures by the President, the claims shall be submitted to the Council for their approval. The President shall prepare, or cause to be prepared, a biannual report of the activities and expenditures of the Commission and shall submit a report at the regularly scheduled Council meetings held during the months of March and September. Meetings of the Commission shall be held as required in the City.

1.25 BLACK RIVER FALLS AIRPORT COMMISSION. (1) **MEMBERSHIP.** The Airport Commission shall consist of 5 Commissioners, to be appointed to 6 year staggered terms, as follows:

(a) Two Commissioners shall be appointed by the Chairperson of the Jackson County Board of Supervisors.

(b) Two Commissioners shall be appointed by the mayor.

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(c) One Commissioner shall be appointed alternately by the Mayor and the Chairperson, the first being appointed by the Mayor.

(2) SALARY. The Commissioners shall be paid per diem of \$25 for attendance at any regular or special meetings of the Commission.

(3) POWERS AND DUTIES. The Commission shall elect a Chairperson and a Secretary, who shall keep an accurate record of all of its proceedings and transactions and report such to the governing bodies. The Commission shall have complete and exclusive control and management of the Airport. All moneys appropriated for the construction, improvement, equipment, maintenance or operation of the Airport, managed as provided by this subsection, or earned by the Air-port or made available for its construction, improvement, equipment, maintenance or operation in any manner whatsoever, shall be deposited with the City Treasurer where such moneys shall be kept in a special fund and paid out only on order of the Commission and signed by 2 authorized check signers. The Commission shall have the powers and duties set forth in §114.14, Wis. Stats.

1.26 EMERGENCY MANAGEMENT. (1) DECLARATION OF POLICY. (a) To prepare the City with an effective course of action to be utilized in coping with emergencies resulting in any enemy action and natural or man-made disasters, an Emergency Management Service Organization is created to comply with the program of the State as set forth in §166.01, Wis. Stats.

(b) The Emergency Management Service Organization shall take action in accordance with the Emergency Management Service plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the Governor may be terminated at the discretion of the Mayor or Emergency Management Director.

(c) It is further declared to be the purpose of this section and the policy of the City that all emergency management functions of the City be coordinated to the existing services and facilities of the City and with comparable functions of the Federal, State and County governments and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disasters that may occur.

(2) DEFINITIONS. The definition of terms used in this section shall be as set forth in §166.02, Wis. Stats.

(3) EMERGENCY MANAGEMENT DIRECTOR. The Fire Chief is hereby appointed Emergency Management Director.

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(4) DECLARATION OF DISASTER. (a) Whenever, in the judgment of the Mayor, a natural disaster or emergency exists, he may so declare and order that the City Hall or other designated facility shall become the emergency operations center of the City for coordinating the delivery of emergency services, as set forth in the City's emergency operations plan.

(b) The disaster operations chain of command shall consist of the following:

1. The Mayor
2. The Emergency Management Director

(c) The Fire Chief, as head of Emergency Management Services, shall be the Chief executive officer of emergency operations. He shall issue such orders and directions to the other members and shall assist them in delivering emergency services that they may be able to provide using the resources of the various departments and facilities under their control.

(5) EMERGENCY MANAGEMENT COMMITTEE. The Emergency Management Committee shall be the Public Safety Committee.

(6) DUTIES OF EMERGENCY MANAGEMENT COMMITTEE. The Emergency Management Committee shall be an advisory and planning group advising the Mayor and the Council on all matters pertaining to emergency management.

(7) DUTIES AND AUTHORITY OF THE EMERGENCY MANAGEMENT DIRECTOR.
(a) Non-emergency Period. The Director shall direct emergency management training programs and exercises, coordinate all activities for emergency management within the City and maintain liaison and cooperate with the County Emergency Management Director. The Director also shall perform all administrative duties necessary for the rendering of reports and procurement of Federal matching funds. The Emergency Management Committee, under the Director's supervision, shall prepare a comprehensive general plan for the emergency management of the City and shall present such plan to the Council for its approval, and shall perform such other duties as may be assigned by the Council.

(b) Emergency Period. The County Emergency Management Director shall act as advisor or chief of staff to the Mayor. In the absence of the Mayor, the Director shall assume the Mayor's emergency duties and responsibilities.

(8) UTILIZATION OF EXISTING SERVICES AND FACILITIES, POLICY. In preparing and executing the Emergency Management program, the services, equipment, supplies and facilities of the existing departments and agencies of the City shall be utilized to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are requested of them.

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(9) COOPERATION. The City may cooperate pursuant to §66.0301, Wis. Stats., to furnish services, combine offices and finance emergency management services with other municipalities and the County upon appropriate resolution of the Council.

(10) SUCCESSION TO LOCAL OFFICES. The Council, by resolution, may provide for the continuity of management in the event of and throughout the duration of a state of emergency resulting from emergency action by providing a method by which temporary emergency appointments to public office are made, except as limited by express constitutional provisions. Such ordinance or resolution shall define the scope of the powers and duties which may be exercised and shall provide for the termination of appointments so made, pursuant to §166.07, Wis. Stats.

(11) EMERGENCY REGULATIONS. Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Council, the Mayor may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety. Any such emergency order, rules and regulations shall expire within 48 hours of the issuance of the same unless extended by the Council, in accordance with §166.23, Wis. Stats.

(12) STATE LAW ADOPTED BY REFERENCE. Chapter 166, Wis. Stats., is hereby adopted by reference.

(13) PENALTY. It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Management organization in the enforcement of any order, rule, regulation or plan issued pursuant to this section or to do any act for-bidden by any order, rule, regulation or plan issued pursuant to the authority contained in this section. For a violation of any of the provisions of this section, he shall forfeit not more than \$500.

1.27 COMMUNITY DEVELOPMENT AUTHORITY.

SECTION 1. City of Black River Falls Community Development Authority

COMMISSION CREATED. Pursuant to the authority granted in Section 66.1339, Wis. Stats., and Section 66.1335, Wis. Stats., there is hereby created a community development authority in the City of Black River Falls to be governed by the “City of Black River Falls Community Development Authority Commission” which will be referred to in this text as the “Authority Commission”.

SECTION 2. The Authority Commission Membership and Terms of Office

- A. MEMBERSHIP. The Authority Commission shall consist of seven (7) members, who shall all be residents of the City. Two (2) of the Commissioners shall be
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members of the City Council. All powers of the Black River Falls Community Development Authority are vested in the Commission.

B. QUALIFICATIONS OF COMMISSIONERS. In making appointments to the Commission, the City Council shall give consideration to the general interest of the appointee in redevelopment, slum clearance and urban renewal programs. The City Council shall, whenever possible, select representatives of business groups and civic organizations. Appointees shall have sufficient ability and experience in related fields, especially finance and management to maintain efficiency in the redevelopment program and its planning and direction.

C. APPOINTMENTS, TERMS AND PAY OF COMMISSIONERS.

1. VOTE REQUIRED. The appointment of all Commissioners shall be made by the Mayor and confirmed by the Council. To avoid delay in appointments, the City Council may, each time an appointment is not confirmed on a first vote, nominate a candidate from the floor and upon that nominee receiving a majority vote of the City Council, that nominee shall be seated as a Commissioner. Nominations from the City Council shall receive a second or said nomination shall fail.

2. TERMS OF OFFICE. The term of office for Commissioners shall be four (4) years with the exception that council appointees shall serve a term concurrent with the term of the City office. The non-City Council Commissioners initial terms shall be staggered and designated by their appointment with two (2) appointments for one (1) year, one (1) for two (2) years, one (1) for three (3) years, and one (1) for four (4) years. All terms of office shall run from the effective date of this Ordinance and the anniversary date thereafter. Each Commissioner shall hold his/her office until a successor has been appointed and qualified. Vacancies and new appointments shall be filled in the same manner as provided in paragraph C.1. above. Removal of Commissioners shall be governed by Section 66.1201, Wis. Stats.

3. PAY. Commissioners shall be allowed repayment of their actual and necessary expenses, including local traveling expenses incurred in the discharge of their duties. The City Council may from time to time establish other compensation for Commissioners.

GENERAL GOVERNMENT 1.27(D)

D. EXECUTIVE DIRECTOR. The Executive Director of the Authority Commission shall be the Mayor, who shall serve the Commission as its secretary and advisor and shall perform all duties requested by the Commission. The Assistant Director to act in the absence of the Executive Director shall be appointed by the Executive Director subject to majority confirmation of the Commission.

SECTION 3. Community Development Authority's Jurisdiction, Power, and Duties.

- A. JURISDICTION. Upon the effective date of this Ordinance, except as provided in B. below, the City shall thereafter be precluded from exercising the powers provided in Section 66.43 (4), Wis. Stats. and the Authority Commission shall have exclusive power to proceed to carry on the blight elimination, slum clearance and urban renewal projects in the City.
- B. RESERVATION OF RIGHTS. The City shall not be precluded from applying for, accepting and contracting for federal grants, advances or loans where the conditions of said grants, advances or loans require the participation of the City.
- C. LEGAL STATUS OF THE AUTHORITY COMMISSION. Upon the effective date of this Ordinance, the City of Black River Falls Community Development Authority is deemed an independent, separate and distinct public body and body corporate and politic and shall have its own seal.
- D. POWERS AND DUTIES. The Authority Commission is hereby empowered with all of the powers and duties granted to it by Section 66.1201, 66.1301 to 66.1327(3), 66.43, 66.1333, 66.1337 and 66.1105, Wis. Stats., and by any other statute, code, ordinance, rule or regulation applicable to enable it to carry out its powers and duties under Section 66.4325, Wis. Stats. The Commission, in addition to all its powers granted herein, shall have specific authority to take title to real and personal property in its own name, including the right of eminent domain under Chapter 32, Wis. Stats., or any other law relating to eminent domain for redevelopment authority. The Chairperson, or the assistant Chairperson in the absence of the Chairperson, and the Executive Director, or the Assistant Director in the absence of the Executive Director, shall have the authority to execute all documents on behalf of the Authority Commission.

GENERAL GOVERNMENT 1.27

SECTION 4. Governmental Procedures and Operation.

- A. OPERATIONAL MEETING. The Authority Commission shall immediately after its membership has been appointed, hold an organizational meeting and perform the following duties:

Elect a chairperson, vice chairperson and treasurer.

Commence preparation for the adoption of rules of procedure which shall, after approval of the City Council, be adopted and thereafter shall govern the procedure and organization of the Authority Commission.

Contractually retain the services of the City Engineer, or his designate, City Attorney, or his designate, and City Financial Consultant, or his designate, to represent, assist and advise the Authority Commission.

- B. COMPREHENSIVE PLAN OF REDEVELOPMENT. Except for such redevelopment projects as may be given to the Authority Commission by the City Council, the Authority Commission shall not commence or undertake any redevelopment projects until it has created an acceptable comprehensive plan of redevelopment as provided for in Section 66.431 (6), Wis. Stats.
- C. PERSONNEL. The Authority Commission may employ such personnel as is required to carry on its duties and responsibilities subject only to budget constraints in Section Five below.

SECTION 5. Budget.

- A. BUDGET. On or before September 1 of each year, the Authority Commission shall prepare and submit to the City Council for approval, a budget prepared in conformity with Section 65.90, Wis. Stats. The City Council shall have the power to alter or modify said budget relating to salaries, office operations or facilities. The City Council may levy such taxes and assessments as may be necessary to provide funds for the budget.

SECTION 6. Limitations of Powers.

- A. LIMITATION OF POWERS. Except as expressly reserved or defined in this Ordinance, the Authority Commission is hereby granted all other powers permitted by law.

1.28 to 1.39 (Reserved)

SUBCHAPTER III: ELECTIONS AND POLITICAL BOUNDARIES

1.40 CITY CLERKS ELECTION DUTIES. As provided in §7.15, Wis. Stats., the City Clerk shall have charge of and supervise all elections held in the City.

1.41 ELECTION OFFICIALS. Election officials for each polling place shall be appointed pursuant to §57.30, 7.31 and 7.32, Wis. Stats.

1.42 NOMINATION OF ELECTED CITY OFFICIALS. All candidates for elective City office shall file nomination papers pursuant to §8.10, Wis. Stats.

1.43 POLLING HOURS. The polls of the City shall open at 9:00 A.M. and close at 8:00 P.M. for all elections.

1.44 POLLING PLACE. The polling place for all 4 wards shall be City Hall.

1.45 CITY BOUNDARIES. The boundaries of the City are set forth on the Official Map of the City which is on file in the office of the City Clerk.

1.46 WARD BOUNDARIES. The boundaries of the 4 wards of the City are set forth on the Ward Map of the City which is on file in the office of the City Clerk.

1.47 ALDERMANIC DISTRICTS. The boundaries of the 4 Aldermanic Districts are set forth on the Ward Map of the City which is on file in the office of the City Clerk.

1.48 to 1.55 (Reserved)

SUBCHAPTER IV: PUBLIC RECORDS

1.56 PUBLIC RECORDS, ACCESS TO. (1) DEFINITIONS. As used in this subchapter: "Authority" means any City entity having custody of a City record including 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 sub. (3) below or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in *his* 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.

GENERAL GOVERNMENT 1.56(1)(c)

(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 office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(2) DUTY TO MAINTAIN RECORDS. (a) Except as provided under sec. 1.57(5) of this subchapter, each officer and employee of the City shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employe or his deputies, or to the possession or control of which he may be lawfully entitled as such officer or employee.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to

and receipted for by the City Clerk, on behalf of the successor, to be delivered to such successor upon the latter's request.

(3) LEGAL CUSTODIANS. (a) Each elected official is legal custodian of his records and the records of his office, the official may designate an employee of his staff to act as legal custodian.

(b) Unless otherwise prohibited by law, the City Clerk or the City Clerk's designee shall act as legal custodian for the Council and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Council. This shall not include the Police Department, the Fire Department and the Ambulance Department whose custodians shall be the Police Chief, the Fire Chief and the Ambulance Coordinator, respectively.

GENERAL GOVERNMENT 1.56(3)(c)

(c) For every authority not specified in pars. (a) or (b) above, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee. This subsection shall not apply to the Council.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Ch. 19, subch. II, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) **PROCEDURAL INFORMATION.** Pursuant to §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 whom and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of this section. This section does not apply to members of the Council.

(5) **PUBLIC ACCESS TO RECORDS; FEES.** (a) Except as provided in sub. (7) below, any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.

(b) Records shall 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 shall 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 employees to inspect, copy or abstract a record. This subsection does not authorize or require the purchase or lease of equipment nor does it require the provision of a separate room for inspection, copying or abstracting of records.

(e) The authority 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:

GENERAL GOVERNMENT 1.56(5)(f)

1. A cost per page of photocopying, as determined by the City Clerk, shall be charged. Said cost shall not exceed the actual, necessary and direct costs to the authority of reproduction, and such charges shall be prominently displayed and made available for inspection by the authority at his office.
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 therefore exceeds \$50, in which case the actual cost shall be determined by the authority and billed to the requester.
6. The authority shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds \$5.
7. The authority may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
8. Elected and appointed officials of the City shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(6) ACCESS PROCEDURES. (a) A request to inspect or copy a record shall be made to the authority. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §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 sub. (5)(f)6. above. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or Federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. When the legal custodian has

GENERAL GOVERNMENT 1.56(6)(b)

doubts as to whether the requested records are exempt from disclosure, in whole or in part, he shall have 3 working days to confer with the City Attorney prior to making a determination. 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 request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in sub. (7) below. 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 5 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 §19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

(7) LIMITATIONS ON RIGHT TO ACCESS. (a) As provided by §19.36, Wis. Stats., the following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by State or Federal law or authorized to be exempted from disclosure by State law.
2. Any record relating to investigative information obtained for law enforcement purposes if Federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the State.
3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
4. A record or any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by §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 determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained. in them.

GENERAL GOVERNMENT 1.56(7)(c)

2. Records of current deliberations after a quasi-judicial hearing.
3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any City officer or employee, or the investigation of charges against a City officer or employee, unless such officer or employee consents to such disclosure.
4. Records concerning current strategy for crime detection or prevention.
5. Records of current deliberations or negotiations on the purchase of City property, investing of City funds or other City business whenever competitive or bargaining reasons require nondisclosure.
6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
7. Communications between legal counsel for the City and any officer, agent or employee of the City when advice is being rendered concerning strategy with respect to

current litigation in which the City or any of its officers, agents or employees is, or is likely, to become involved, or communications which are privileged under §905.03, Wis. Stats.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If, in the judgment of the custodian and the City Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing non-disclosure of the exempt material, the entire record shall be withheld from disclosure.

(8) CONFIDENTIAL INFORMATION. Whenever the Assessor, in the performance of his duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., such income and expense information that is provided to the Assessor shall be held *by* him on a confidential basis, except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of his official duties, including, but not limited to, use *by* the Assessor in performance of official duties of his office and use by the Board of Review in performance of its official duties; or, pursuant to order of a court, income and expense information provided to the Assessor under §70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per §70.47(7)(af), not subject to the right of inspection and copying under §19.35(1), Wis. Stats.

GENERAL GOVERNMENT 1.57

1.57 PUBLIC RECORDS, DESTRUCTION OF. (1) **FINANCIAL RECORDS.** A City officer may destroy the following non-utility records of which he is the legal custodian and which are considered obsolete after completion of an audit by State auditors or an auditor licensed under Ch. 442, Wis. Stats., but not less than 7 years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will, in the future, be fixed by the committee on public records, pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:

- (a) Bank statements, deposit books, slips and stubs.
- (b) Bonds and coupons after maturity.
- (c) Cancelled checks, duplicates and check stubs.
- (d) License and permit applications, stubs and duplicates.
- (e) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
- (f) Receipt forms.
- (g) Special assessment records.
- (h) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(2) **UTILITY RECORDS.** 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 Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than 7 years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to §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 2 years:

- (a) Water, sewer, electrical stubs and receipts of current billings.
- (b) Customers' ledgers.
- (c) Vouchers and supporting documents pertaining to charges not included in plant accounts.
- (d) Other utility records after 7 years with the written approval of the State Public Service Commission.

(3) **OTHER RECORDS.** Any City officer may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than 7 years after the record was effective, unless another period has been set by Statute, or by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period:

- (a) Assessment rolls and related records, including Board of Review minutes.
- (b) Contracts and papers relating thereto. Correspondence and communications.
- (c) Financial reports other than annual financial reports.

GENERAL GOVERNMENT 1.57(3)

- (d) Insurance policies.
- (e) Oaths of office.
- (f) Reports of boards, commissions, committees and officials duplicated in the Council minutes. Resolutions and petitions.
- (g) Voter record cards.

(4) NOTICE REQUIRED. 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 in §19.21(4)(a), Wis. Stats.

(5) TAPE RECORDINGS. Any tape recording 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.

(6) LIMITATION. This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or State administrative regulations.

(7) PRESERVATION THROUGH MICROFILM. Any City officer or the head of any department or division of City government may keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in §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 this Code.