

## CHAPTER 1

### GENERAL GOVERNMENT

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#### **1.01 FORM OF GOVERNMENT**

The City of Wisconsin Dells, Wisconsin, shall be governed by the Mayor and Common Council form of government.

#### **1.02 ELECTED OFFICIALS**

- (1) Mayor. The Mayor shall be elected by the voters of the City for a term of three (3) years and shall take office on the third Tuesday of April following the election.
- (2) Alderpersons. Two (2) Alderpersons shall be elected from each Ward to serve staggered terms of three (3) years and shall take office on the third Tuesday of April following the election.
- (3) Municipal Judge. The Municipal Judge shall be elected at large for a term of four (4) years and shall take office on May 1 following the election.
- (4) Transition.

- (1) The transition to three (3) year terms for the Mayor and members of the Common Council shall be as follows:
  - (a) The Mayor elected in 2013 shall serve a two (2) year term. The Mayor elected in 2015 shall serve a three (3) year term.
  - (b) The Alderpersons elected in 2012 shall serve two (2) year terms. The Alderpersons elected in 2014 shall serve three (3) year terms.
  - (c) The Alderpersons elected in 2013 shall serve two (2) year terms. The Alderpersons elected in 2015 shall serve three (3) year terms.
- (2) The Municipal Judge elected in 2011 shall serve a four (4) year term.
- (5) Vacancies. Vacancies in elective City office shall be filled pursuant to state law.

### **1.03 APPOINTED OFFICIALS**

- (1) Designation. The city shall have the following appointed officials:
  - (a) City Assessor;
  - (b) City Attorney;
  - (c) Clerk/Treasurer;
  - (d) Chief of Police;
  - (e) Chief of Fire Department;
  - (f) Director of Public Works;
  - (g) Health Commissioner; and,
  - (h) Such other offices as the Common Council may create by ordinance or resolution.
- (2) Offices Abolished. The City shall not have the following offices:
  - (a) Comptroller;
  - (b) Street Commissioner;
  - (c) Constable; and,
  - (d) Public Works
- (3) Appointment Process.
  - (a) In General. The appointed officials, except the Chief of the Fire Department, shall be appointed as follows: The Mayor shall designate a committee, board or commission to interview and evaluate the

candidates for the position. The committee shall make a recommendation to the Common Council and the candidate recommended shall be appointed upon the affirmative vote of two-thirds of all the members of the Common Council. Except as provided herein, appointed officials shall hold office for an indefinite terms subject to Wis. Stat. sec. 17.12.

(b) Chief of the Fire Department. The Chief of the Fire Department shall be appointed by the majority vote of all the active members of the Kilbourn Fire Department, subject to approval by the Common Council. The Chief of the Fire Department shall have a term of one year, subject to Wis. Stat. sec. 17.12.

(c) Director of Public Works. The Director of Public Works, or the designee of the Director of Public Works, shall serve as Engineer, Building Inspector, Electrical Inspector, Plumbing Inspector and Zoning Administrator. Designees, if any, shall be approved by the Common Council. Engineering services may also be contracted from time to time with consent of the Public Works Committee and Common Council.

(d) Clerk/Treasurer. The offices of the Treasurer and Clerk, as set for at Wis. Stat. secs. 62.09[9] and [11] shall be combined and consolidated and held by the Clerk/Treasurer. The duties of Comptroller shall be performed by the Clerk/Treasurer. There shall be one or more Deputy Clerk/Treasurer appointed by the Clerk/Treasurer who shall hold office subject to termination by the Clerk/Treasurer.

#### **1.04 BOARDS AND COMMISSIONS.**

(1) Designation. The City shall have the following boards and commissions:

- (a) City Plan Commission
- (b) Board of Appeals
- (c) Board of Review
- (d) Library Board
- (e) Parks, Recreation & Waterway Commission

(2) City Plan Commission. See Code Sec. 19.203

(3) Board of Appeals. The Board of Appeals shall consist of five (5) members, and two (2) alternates, be appointed pursuant to Wis. Stat. Sec. 62.23(7)(c) and shall have the powers and duties specified at Wis. Stat. Sec. 62.23(7)(e).

- (4) Board of Review.
  - (a) The Board of Review shall have five (5) members as follows: Mayor, two (2) members of the Common Council and two (2) public members; all appointed annually at the Common Council's organizational meeting.
  - (b) There shall be one (1) alternate member, appointed annually at the organizational meeting who shall serve and act only if a sitting member is removed or unable to serve pursuant to Wis. Stat. sec. 70.47(6).
  - (c) The Mayor shall be presiding officer of the Board. The City Clerk shall be the clerk of the Board and shall keep an accurate record of all proceedings and give the notices of meetings and adjournments as required.
- (5) Spring Grove Cemetery Commission. Repealed 2-13-16
- (6) Library Board. Repealed 06/28/06. See sec. 1.05(1)(d)
- (7) Parks, Recreation & Waterway Commission Board. The Parks, Recreation & Waterway Commission Board shall consist of seven (7) members as follows: a member of the Common Council who shall act as Chair, appointed annually by the Mayor and approved by the Common Council, and six (6) members of the public appointed by the Mayor for staggered terms of three (3) years and approved by the Common Council. The Board shall have the powers and duties specified at Wis. Stat. Sec. 27.08.

**1.05 INTERGOVERNMENTAL COMMISSIONS**

- (1) The city shall participate in the following intergovernmental commission:
  - (a) Wisconsin Dells-Lake Delton Sewerage Commission;
  - (b) ~~Baraboo-Wisconsin Dells Airport Commission~~ (Repealed 6/2008)
  - (b) Dells-Delton Emergency Medical Services Commission.
  - (c) Kilbourn Public Library
- (2) Wisconsin Dells-Lake Delton Sewerage Commission.
  - (a) Creation of Commission. Pursuant to the provisions of Wis. Stat. Sec. 66.30 and the enabling authorities set forth under the provisions of Wis. Stat., Chap. 62, there is hereby created a Commission for the purpose of providing and operating facilities for the joint treatment and disposal of sewage and providing a plan for the administration thereof with the Village of Lake Delton, Sauk County, Wisconsin.

(b) Official Name. The official name of said Commission shall be "Wisconsin Dells-Lake Delton Sewerage Commission" and sometimes is referred to hereinafter as "Commission".

(c) Commencement and Termination. The term of this Commission shall be for a period of 50 years with a commencement date of December 15, 1972, and to be extended thereafter for successive 10 year terms unless either the City of Wisconsin Dells or the Village of Lake Delton gives notice in writing to the other at least 2 years prior to the end of the initial term hereunder or any succeeding term.

(d) Commissioners. The Commission herein created shall consist of 6 Commissioners. The Mayor of Wisconsin Dells and the Village President of Lake Delton shall both be Commissioners and shall be so constituted and remain as Commissioners as long as they hold such offices. Each shall be replaced by his successor and hold office in the same manner. Each replacement of the position held by the Mayor or the Village President shall automatically be filled by a successor mayor or successor village president upon qualification and commencement of term of office by any such successor mayor or successor village president. The Mayor shall appoint 2 additional Commissioners subject to the approval of the Common Council of the City of Wisconsin Dells and the Village President shall appoint 2 additional Commissioners subject to the approval of the Village Board of the Village of Lake Delton. The other Commissioners shall be citizens of their respective municipalities and may be Common Council or Village Board members or other officers or employees of either municipality. The terms of the other Commissioners shall be for 2 years with staggered terms. At the organizational meeting in April of each year, the Mayor and the Village President shall each present their respective appointments for a Commissioner for a 2 year term to commence on May 1 of that year to their respective governing bodies. Failure to so appoint and secure approval from their respective governing bodies shall remain a continuing duty. Any Commissioner without a successor at the expiration of his term shall continue in office until his successor is appointed and qualifies. In the event of a vacancy in the office of a Commissioner other than the Mayor or Village President, a successor shall be appointed for the balance of the term in the manner as the initial appointment of a Commissioner is made. If a member of the Commission is temporarily incapacitated or absent, a person otherwise eligible for the position may be appointed by the Mayor or Village President without approval from their respective governing bodies until the return of the absent commissioner or the ending of the incapacity. Such temporary appointment may be made by either the Mayor or Village President by filing a record of such appointment in writing with the Secretary of the Commission. The Mayor and the Village President and either

of them may by written instrument filed with the Commission designate another party eligible for the position of Commissioner or one of the other Commissioners as his deputy with full power to act for such Mayor or Village President when either are absent or incapacitated including the handling of their duties as an officer of the Commission. When a person who is also a Commissioner is acting as a deputy to the Mayor or Village President such person shall have 2 votes at any meeting of the Commissioners. It is further provided that either the Common Council of the City of the Village Board of the Village may remove any or either of the Commissioners appointed from their municipality without cause except that the right of removal shall not apply to the removal of the Mayor or the Village President as Commissioners. In the event of any such removal a successor shall be appointed in the same way as an appointment is made in the event of a vacancy.

(e) Officers. The first Chairman of the Commission shall be the Village President of the Village of Lake Delton and the first Secretary of the Commission shall be the Mayor of the City of Wisconsin Dells. On May 1, 1973, the Mayor of the City of Wisconsin Dells will become the Chairman and the Village President of the Village of Lake Delton will become the Secretary. Such rotation of office shall be repeated on each May 1 thereafter. The Board of Commissioners shall appoint a Treasurer to serve at the pleasure of the Board of Commissioners. Such person may be a Commissioner or may be any other adult resident of the City of Wisconsin Dells or the Village of Lake Delton.

(f) General Powers. Said Commission shall have the possession, care, control and management of the property and affairs of the Commission, subject, however, to any limitations set forth hereinafter.

(g) Purposes. Said Board of Commissioners is empowered and directed under the terms of this Commission to forthwith proceed to acquire the necessary land and to construct and erect thereon a plant for the handling, treatment and disposal of all the waste water presently being handled by the systems of each of the parties hereto and all such waste water reasonably anticipated in the foreseeable future to be collected by the collector systems of each municipality. Upon the completion of such plant such Commission shall connect such plant with the collector systems of the City of Wisconsin Dells and the Village of Lake Delton and to receive, handle, treat and dispose of the discharges received from both of them. Such responsibility continues until the termination of this Commission. Such Commission shall have the further responsibility of maintaining, improving, expanding, adding to and replacing such plant and parts thereof in order to properly and continuously handle the effluent received and including adding additional types of treatment such as tertiary as may be required during the term of this Commission.

(h) Meetings of the Commission. The Board of Commissioners shall meet in regular meeting at least 4 times a year at a time and place to be established by it. It is not necessary for the Board to have a regular meeting place but may change from meeting to meeting. If the Board establishes a regular meeting date for each month, such meetings may be held without further notice. Special meetings may be called and held upon written notice from the President or from the Secretary or from any 2 Commissioners upon at least 10 days written notice of the time and place of meeting which must be within the City of Wisconsin Dells or the Village of Lake Delton. Such notice time may be reduced to 24 hours if the

notice is signed by both the Chairman and the Secretary. A meeting may also be held at any time or place upon the written consent of all of the Commissioners signed prior to the holding of the meeting. A Commissioner may consent to the meeting in such manner without attending the meeting. A special meeting may also be held without notice or consent of any kind if all of the Commissioners are present at the meeting and agree to holding the meeting by convening the same. Any such meeting except for the last provided may convene and do business with a quorum present which is herein defined as 4 Commissioners. A meeting other than a regular meeting or one held with written consent can only do business if all 6 Commissioners are present or in the event of a temporary vacancy all acting Commissioners are present. Action may be taken at any such meeting by a majority of the quorum present unless the statutes of the State of Wisconsin or other law require otherwise.

(i) Minutes. The Secretary of the Commission shall attend all meetings of the Board of Commissioners, keep a full record of the proceedings and shall reduce the same to writing as minutes and keep the same as a permanent record. A copy of such minutes shall be furnished to the City Clerk of the City of Wisconsin Dells and the Village Clerk of the Village of Lake Delton within 15 days after each meeting. The official minutes of any such meeting shall be approved by the Chairman evidenced by his signature approving the same. In the event the Chairman is absent from a meeting one of the Commissioners from the same municipality as the Chairman shall be selected by the Commissioners to act as acting Chairman of the meeting, except if the Chairman has appointed a deputy and such deputy is present, such deputy shall act as Chairman of the meeting. In the event of the absence of the Secretary from any meeting, one of the Commissioners from the same municipality as the Secretary shall be selected by the Commissioners present to act as acting Secretary of the meeting.

(j) Chairman. The Chairman shall be the chief executive officer of the Commission and, subject to the control of the Board of Commissioners to be exercised as hereinafter set forth, shall in general, supervise all of the business and affairs of the Commission. He shall, when present, preside at all meetings of the

Commissioners. He shall have authority, subject to such rules as may be prescribed by the Board of Commissioners, to appoint such agents and employees of the Commission as he shall deem necessary, to prescribe their powers, duties and compensation and to delegate authority to them. Such agents and employees shall hold office at the discretion of the Chairman. He shall have the authority, subject to control of the Board of Commissioners to sign, execute and acknowledge on behalf of the Commission, all deeds, mortgages, notes, bonds, contracts, leases, reports and all other documents or instruments necessary or proper to be executed in the course of the business of the Commission, or which has been authorized by resolution of the Board of Commissioners. In general, he shall perform all duties incident to the office of Chairman which are hereby declared to be similar to those of the mayor of a city or such other duties as may be prescribed by the Board of Commissioners from time to time, except as herein limited. Since it is the intent of these contracting parties to provide for equal control of the Commission by the two municipalities it is hereby provided that the authority exercised by the Chairman hereunder shall have the concurrence of the Secretary. Any instrument executed by the Chairman as above authorized will require the attestation of the Secretary to be valid.

(k) Secretary. The Secretary shall keep the minutes of the meetings of the Board of Commissioners in one or more books provided for that purpose; draw and sign all orders upon the treasury in the manner provided by Section 66.042 of the Wisconsin Statutes and keep a full account thereof with appropriate books; see that all notices are duly given and in accordance with the directions of the Board of Commissioners or as required by law; be custodian of the Commission records and of the seal of the Commission and see that the corporate seal of the Commission is affixed to all documents, the execution of which on behalf of the Commission under its seal is duly authorized; file with the respective clerks of the City and Village of the minutes of meetings as hereinafter required and other records to be filed with them; make reports required from the Commission to the Department of Natural Resources and other agencies or commissions or departments or offices of the State of Wisconsin, counties of the State or the federal government which are required from the Commission unless the same is required to be filed by the Chairman or the Treasurer; and in general perform all duties incident to the office of Secretary and have such other duties and exercise such authority as from time to time may be delegated or assigned to him by the Board of Commissioners. In general he shall perform all duties incident to the office of Secretary which are hereby declared to be similar to those of the clerk of a city except as herein limited or enlarged. It shall be his duty to confer with the Chairman in order to properly concur with him and attest to his signature as required in Section 1.04(7)(j) aforesaid.

(l) Treasurer. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Commission, receive and give receipts for monies due and payable to the Commission from any source whatsoever and deposit all such monies in the name of the Commission in such banks, trust companies or other depositories as shall be selected or designated by the Board of Commissioners and disburse such funds from time to time in the manner as hereinafter provided and in general perform all of the duties incident to the office of Treasurer and have such other duties and exercise such other authority as from time to time may be delegated or assigned to him by the Board of Commissioners. He shall keep a detailed account in suitable books in such manner as the Board of Commissioners shall direct. In general, he shall perform all duties incident to the office of Treasurer which are hereby declared to be similar to those of the Treasurer of a city except as herein limited or enlarged. The Treasurer shall give bond by a surety company licensed to do business in the State of Wisconsin in such amounts as determined by the Board of Commissioners.

(m) Disbursements of Funds. Funds shall be disbursed by order check and it is hereby provided that Section 66.042 of the Wisconsin Statutes shall apply to the Commission as to approval and authorization of disbursements and the procedure of payment through order check.

(n) Public Depositories. The Board of Commissioners shall designate a public depository for its operating and construction account. In addition, said Commission may designate other depositories for the purpose of depositing or holding funds or as a paying agent. All funds of the Commission shall be considered public deposits and be governed by Chapter 34 of the Wisconsin Statutes and the designation of the depositories aforesaid shall be made in the manner provided by Section 34.05 of the Wisconsin Statutes.

(o) Accounting System. The Board of Commissioners shall maintain a system of accounting in conformity with generally accepted accounting methods appropriate for utilities but may adjust such accounting methods in order to facilitate reporting and accounting to federal and state agencies if reporting and accounting to a federal and/or state agency is required. A joint annual audit shall be conducted and copies of such annual audit shall be furnished the Clerk of each of the municipalities hereunder and the underwriters of bonds, if any, issued by the Commission. If required by any bond issue or for any other purpose deemed necessary by the Board of Commissioners an audit may be made by a certified accountant independent of those associated with the Commission.

(3) Airport Commission-Repealed 6/2008

- (4) Dells-Delton Emergency Medical Services Commission.  
A commission is established to manage and operate emergency medical services in the City of Wisconsin Dells, Village of Lake Delton and Town of Delton. The Commission shall be operated pursuant to an inter-municipal agreement establishing the Dell-Delton Emergency Medical Services Commission, as that agreement any be amended from time to time by the members.
- (5) Kilbourn Public Library.  
The City of Wisconsin Dells and the Village of Lake Delton shall maintain and operate a joint library to be known as the Kilbourn Public Library. The joint library shall be governed and administered pursuant to the agreements between the City Alderperson the Village.

**1.06 CITATION PROCEDURE FOR ORDINANCE VIOLATIONS**

- (1) Statutory Authorization. The city elects to issue citations for violations of ordinances, including ordinances for which a statutory counterpoint exists.
- (2) Form. Citations shall contain all of the information required by state law. A copy of the citation form used by the city shall be kept on file in the office of the city clerk.
- (3) Schedule of Deposits. Citations shall be subject to a schedule of deposits which shall be revised by the municipal court judge from time to time and, as revised, approved by the common council by motion or resolution.
- (4) Issuance of Citations. a) Any law enforcement officer may issue citations authorized by this chapter. b) In addition, the following city officials may issue citations with respect to ordinances which are directly related to their official responsibilities: building inspector, fire chief and designees, electrical inspector, plumbing inspector, health officer, animal control officer, zoning administrator, city planner, code compliance official and director of public works.
- (5) Procedure. State law pertaining to a violator’s options and procedures on default, is adopted and incorporated by reference.
- (6) Non-exclusivity. The adoption and authorization for use of a citation under this chapter does not preclude the city from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this chapter.
- (7) Statutory References: Wis. Stat. secs 66.0113 and 800.02.

## 1.07 PUBLIC RECORDS

### (1) Definitions.

(a) "Authority" means any of the following City entities having custody of a City record: an office, elected official, agency, board, commission, 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, or employee of the City designated under sub. (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.

### (2) Duty to Maintain Records.

(a) Except as provided under sub. (7), each officer and employee of the City shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

(b) Upon the expiration of any 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 or her successor all records then in his or her custody and the successor shall receipt therefor 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 clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(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 employ of his or her staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the City Clerk or the Clerk's designee shall act as legal custodian for the Common Council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Common Council.

(c) For every authority not specified in subs. (a) and (b), the authority's administrative officer is the legal custodian for the authority, but the officer may designate an employee 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.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subch. 11 of Ch. 19, Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) Public Access to Records.

(a) Except as provided in 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), 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 employees to inspect, copy or abstract a record.

(e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. The cost of photocopying shall be established by resolution adopted pursuant to Section 2.05 except that copies for the Police Department shall be governed by Wis. Stat. 814.71. The cost for copying has been calculated not to exceed the actual, necessary and direct costs 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 \$40.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester. Actual costs shall be determined on the basis of any direct costs to the City in addition to the actual hourly wage, including fringe benefits, of the employee searching for the record multiplied by the amount of time spent in the search.

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 Wisconsin Dells 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, 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 subs. (4) through (6) of this ordinance. This subsection does not apply to members of the Common Council.

(5) Access Procedures.

(a) A request to inspect 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 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 shall be in writing before an action to enforce the request is commenced under sec. 19.37, 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 for a fee is required under sub. (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 so 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 sub. (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 a record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under sec. 19.37(1), Stats., or upon application to the attorney general or a district attorney.

(6) Limitations or Right to Access.

(a) As provided by Sec. 19.36, 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; and

(4) A record or any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by sec. 43.30, 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 requested record. Examples of matter for which disclosure may be refused include, but are not limited to, the following:

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

(2) Records of current deliberations after a quasi judicial hearing.

(3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any City officer or employee, 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 data.

(7) Communications between legal counsel for the City and any officer, agent or employee of the City, when advise 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 sec. 905.03, 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 non-exempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

## **1.08 MUNICIPAL COURT**

### **(1) Court Established**

Pursuant to the authority granted by Wis. Stat. Chap. 755, there is hereby created and established a Municipal Court to be designated "Municipal Court for the City of Wisconsin Dells" said court to become operative and function on January 1, 2001.

### **(2) Jurisdiction**

(a) The Municipal Court shall have jurisdiction over incidents occurring on or after December 1, 2000 as provided in Wis. Const. Art. VII, sec. 14, Wis Stat. secs. 755.045 and 755.05, and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in which the municipality seeks to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

(b) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under Wis. Stat. secs. 755.045(2), 66.122 and 66.123.

(c) Pursuant to Wis. Stat. sec. 938.17(2)(6m), the Municipal Court has jurisdiction over juvenile offenders and may impose the dispositions set forth at Wis. Stat. secs. 638.343 and 938.344 and the sanctions set forth at Wis. Stat. sec. 938.355(6)(d) and (6m).

### **(3) Municipal Judge**

(a) *Qualifications.* There is hereby created the office of Municipal Judge of the Municipal Court of the City of Wisconsin Dells. The Municipal Judge shall be a resident of the municipality.

(b) *Oath and Bond.* The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stat. sec. 757.02(1), and file such oath with the county Clerk of Circuit Court. At the same time, the Judge shall execute and file an indemnity bond with the clerk/treasurer in an amount to be fixed by the Common Council. The Judge shall not act until the oath and bond have been filed as required by Wis. Stat. sec. 19.01(4)(c) and the requirements of Wis. Stat. sec. 755.03 have been complied with.

(c) *Salary.* The Municipal Judge shall receive a salary as determined by the Common Council, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his/her term for which he/she has not executed and filed the official bond and oath. The salary may be increased by the Common Council before the start of the second or subsequent year of service of the term of the Judge, but shall not be decreased during a term.

(d) *Election, Term, Vacancy.* The Municipal Judge shall be elected at large for a term of four years at the spring election held in odd-numbered years and shall take office on May 1 following the election. Any vacancy occurring in the office of Municipal Judge shall be filled pursuant to state law.

(4) **Municipal Court**

(a) *Hours.* The Municipal Court for the City of Wisconsin Dells shall be open as determined by order of the Municipal Judge.

(b) *Employees.* The Judge shall in writing appoint such clerks and deputy clerks as are authorized by the Common Council. Their salaries shall be fixed by the Common Council.

(c) *Location.* The Municipal Judge shall keep his/her office and hold court in an adequate facility provided by the municipal governing body. However, the Municipal Judge may issue process and perform ministerial functions at any place in the county.

(5) **Collection of Forfeitures and Costs**

The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the Clerk/Treasurer within seven (7) days of collection. At such time, the Municipal Court shall report

to the treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

(6) **Contempt of Court**

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in Wis. Stat. sec. 800.12, and may impose a forfeiture therefor not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture, penalty assessment under Wis. Stat. sec. 165.87, and jail assessment under Wis. Stat. sec. 302.46, a jail sentence not to exceed seven (7) days.

(7) **Stipulations and Deposits**

(a) *Deposits for Ordinance Violations.* The Municipal Judge shall establish and submit to the Common Council for approval in accordance with Wis. Stat. sec. 800.037, a schedule of deposits for violations of City ordinances, resolutions and by-laws.

(b) *Deposits for Traffic and Boating Violations.* The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Wis. Stat. Chaps. 23 and 345, shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Wis. Stat. sec. 345.26 and boating regulations enacted in accordance with Wis. Stat. sec. 30.77.

(c) *Stipulations and Deposits in Lieu of Court Appearance.* Persons cited for violations of City ordinances, resolutions or by-laws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stat. chap. 800.

(d) *Surcharges and Court Costs.* The court shall impose those surcharges and court costs established and authorized by state law.

## 1.09 COMMUNITY DEVELOPMENT AUTHORITY

1. Findings and Declarations of Necessity. The Common Council hereby finds and declares as a matter of legislative determination that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects, including projects for the provision of affordable housing for persons of low income and elderly persons, exist in the City, and that a housing and community development authority functioning within the City would constitute an effective and efficient means for carrying out such programs and projects.
  
2. Creation of Authority; Powers of Authority.
  - (a) On the basis of the findings and determinations herein recited, this Common Council does hereby create a housing and community development authority in the City, to be known as the “Community Development Authority of the City of Wisconsin Dells, Wisconsin” (the “Authority”), authorized to transact business and exercise any and all powers granted to a housing and community development authority under the Community Development Authority Law as amended from time to time, which shall include the powers of a housing authority under Sections 66.1201 and 66.1213 and redevelopment authority under Section 66.1333 of the Wisconsin Statutes.
  
  - (b) The Common Council creates a Revolving Loan Fund (RLF) program to provide assistance to commercial and mixed use projects. The RLF program shall be administered by the Community Development Authority.
  
2. Appointment of Commissioners. The Clerk shall promptly notify the Mayor of the adoption of this Ordinance by delivering a certified copy hereof to him, and the Mayor shall, with the confirmation of the Common Council, appoint seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing to serve as Commissioners of the Authority. Two (2) Commissioners shall be members of the Common Council and shall serve during their term of office as Council members; the remaining five (5) shall not be members of the Common Council. The first appointments of the five (5) Commissioners who are not members of the Common Council shall be made for the following terms, as designated by the Mayor: two (2) for terms of one (1) year, and one (1) each for terms of two (2), three (3), and four (4) years. Thereafter the terms of the Commissioners who are not Council members

shall be four (4) years. A Commissioner who is not a member of the Common Council shall hold office until his or her successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of his or her change of residence, removal, resignation or death.

4. Officers, Agents and Employees.

- (a) The Authority shall annually elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
- (b) The Authority may appoint an Executive Director whose qualifications shall be determined by the Authority. The Executive Director shall hold office for an indefinite term, at the pleasure of the Authority, and receive such compensation, if any, as shall be determined by the Authority and approved by the Common Council. The Executive Director shall be the chief administrative officer of the Authority and shall direct, manage and supervise the Authority's administrative operations and technical activities in accordance with the directives of the Authority. The Executive Director shall also act as Secretary of the Authority and shall perform such other duties and have such other powers and responsibilities as may from time to time be delegated to him or her by the Authority.
- (c) The Authority may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.
- (d) The Authority may contract with the City or any other agency or entity, public or private, for the provision by the City, or such agency or entity, of any necessary staff services associated with or required by the Authority in the performance of its duties and functions which could be performed by the staff of the Authority, within the limits of the funds available for such purpose. Any staff services provided to the Authority by the City pursuant to such contract shall be coordinated through the Executive Director of the Authority or his or her designee.

(e) The Authority is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of the Authority's duties and functions, and all City departments, boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to the Authority in the performance of the Authority's duties and functions.

3. By-Laws. The Authority may adopt and from time to time amend or repeal such by-laws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
6. Effective Date. This Ordinance shall be effective immediately upon its passage, approval and publication, if any, required by law.

**1.10                    RESERVED FOR FUTURE USE**

**1.11                    BUSINESS IMPROVEMENT DISTRICT**

- (1) The duly established, constituted and operational business improvement district shall have the powers and duties enumerated in Wis. Stat. sec. 66.1109, as provided in the operating plan and as generally provided in this code of ordinances.
- (2) The business improvement district shall be managed by a board of directors which is responsible for development, modification and implementation of the operating plan and budget.
- (3) The board shall consist of nine (9) members appointed by the Mayor and confirmed by the Common Council. Eight (8) of the members shall serve staggered terms of three years; and, a member of the Common Council shall be appointed annually. A majority of the board shall own or occupy real property in the district.
- (4) The mayor shall designate the chair and vice chair of the board.
- (5) In conjunction with the City's annual budget cycle, the board shall report on the district's activities, accomplishments and goals.
- (6) The board may adopt bylaws and operating procedures in furtherance of its powers and duties.

**1.12 RIVER ARTS DISTRICT COMMITTEE – Repealed 06/28/18**

**1.20 ADMINISTRATIVE REVIEW PROCEDURES**

- (1) Purpose. The City of Wisconsin Dells intends to insure constitutionally sufficient, fair and orderly administrative procedure and review of grievances by any person regarding administrative determination of the governing bodies in the City. The Governing bodies include the common council, commissions, committees, agency, officers or employees of the City or agent acting on behalf of the City.
- (2) Chapter 68 of Wisconsin State Statutes Adopted. the Common Council declares that the provisions of Wis. Stat. Ch. 68 as amended from time to time, relating to Municipal Administrative Review Procedures, shall be in full force and effect in the City of Wisconsin Dells.

## CHAPTER 1 REVISIONS

09-20-76  
06-16-80 A-52  
04-21-81 A-70  
02-22-82 A-86  
02-22-82 A-88  
04-20-82 A-91  
10-21-82 A-96  
10-21-82 A-97  
10-21-82 A-98  
01-17-83 A-111  
09-19-83 A-119  
01-16-86 A-157  
02-17-86 A-158  
03-26-87 A-179  
06-18-90 A-256  
08-30-90 A-263  
05-11-96 A-390 Delete reference to per-diem pay/extra mtg pay  
02-17-97 A-398 Appointed Officials  
01-29-97 A-399 Boards and Commissions  
01-29-97 A-400 Intergovernmental Commissions  
11-17-97 A-417 Fee for copies referred to Schedule of Fees. 1.07(4)(f)(1)  
08-25-99 A-444 Spring Grove Cemetery Care Fund deleted.  
01-18-00 A-451 Revise membership of City Plan Commission.  
04-26-00 A-456 Adding alternate member to Board of Review 1.04(4)  
04-26-00 A-459 Establishing a Municipal Court System 1.08  
11-29-00 A-474 Establishes Municipal Court Judge as an elected official. 1.02(3) amended.  
Establishes Municipal Court Commission. 1.04(1)(j) and 1.04(11) created.  
Modifies election year to be odd-numbered year. amends 1.08(3)(d)  
11-29-00 A-475 Allow Court jurisdiction over incidents on/after 12/01/00. amends 1.08(2)(a)  
07-25-01 A-487 Allow Heath & Safety Dir. auth to write citation for chap. 16 violations.  
02-27-02 A-500 Creates Community Development Authority 1.09  
05-29-02 A-506 Creates Dells-Delton Ambulance Commission 1.05(1)(c) and 1.05(4)  
06-30-04 A-555 Restructures Committees and Boards. 1.04 and 2.03(1)  
07-28-04 A-562 Enforcing Official for Chpt 16 is DPW Director 1.06(b)(2)  
06-28-06 A-607 Creates joint library with Lake Delton. 1.05(1)(d) and 1.05(5)  
05-28-08 A-636 Establishes a business RLF program with the CDA. 1.09(2)(b)  
06-25-08 A-644 Repeals Joint Airport Commission reference. 1.05(1)(6) and 1.05(3)  
08-21-10 A-687 Est. Administrative Review Procedures. 1.20  
08-27-11A-708 Judge terms to 4 years instead of 2. 1.08(3)(d)  
07-24-13A-730 Council terms to 3 years instead of 2. 1.02  
12-21-13 A-736 Updates Municipal Court statute reference and fee increase. 1.08(7)  
03-22-14 A-740 Updates who can issue ord. citations. Recreates 1.06  
08-22-15 A-774 Formalizes BID's planning, budget & operational process. 1.11  
10-24-15 A-779 1.04(2) referred to 19.203. PC members back to seven.  
02-13-16 A-786 Repeals Cemetery Board 1.04(1)(d) & 1.04(5)

12-19-16 A-804 Amending Board of Review Structure 1.04(4)  
11-21-16 A-805 Creates River Arts District Committee 1.12  
12-19-16 A-807 Code Compliance Official 1.06  
06-28-18 A-830 Expands BID Board, Repeals River Arts District Committee 1.11(3) & 1.12  
03-28-19 A-841 Reduce number of BID Committee Members by 1 1.11(3) amended