CHAPTER 1

GENERAL GOVERNMENT

		PAGE NO.
SUBCHAPTER I: CITY OFFICIALS		1- 1
1.01	Form of Government	1- 1
1.02	Elected Officials	1- 1
1.03	Appointed Officials	1- 1
1.04	City Administrator	1- 1
1.05	City Clerk	1- 2
1.06	City Treasurer	1- 2
1.07	City Comptroller	1- 2
1.08	Purchasing Agent	1- 3
1.09	City Attorney	1- 3
1.10	City Assessor	1- 3
1.11	Director of Public Works	1- 4
1.12	City Engineer	1- 4
1.13	Chief of Police	1- 4
1.14	Fire Chief	1- 4
1.15	Building Inspector	1- 5
1.16	(Rep. Ord. #1800 – 3/24/86)	1- 5
1.17	(Rep. Ord. #1800 – 3/24/86)	1- 5
1.18	(Rep. Ord. #1800 – 3/24/86)	1- 5
1.19	(Rep. Ord. #2436 – 6/3/02)	1- 5
1.20	City Parks and Recreation Director	1- 5
1.21	(Rep. Ord. #2625 – 6/2/08 – Effective 7/26/08)	1- 6
1.22	City Forester	1- 6
1.23	Emergency Government Director	1- 6
1.24	Weed Commissioner	1- 6
1.25	Library Director	1- 6
1.26	Director of Economic and Community Development	1- 6
1.261	Director of Maintenance Services	1- 7
SUBCHAPTER II: EMPLOYMENT		1- 8
1.27	Human Resources Division (Cr. Ord. #2625 – 6/2/08 – Effective 7/26/ 2008)	1- 8
1.275	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.28	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.29	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.30	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.31	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.32	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.33	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.34	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.35	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.36	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8

PAGE NO.

SUBCHAPTER II: EMPLOYMENT (continued)

1.37	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.38	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.39	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.40	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 8
1.41	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 9
1.42	(Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11)	1- 9

SUBCHAPTER III: BOARDS AND COMMISSIONS 1-10

1.43	General Provisions	1-10
1.44	Plan Commission	1-10
1.45	Board of Review	1-10
1.46	Police and Fire Commission	1-10
1.47	Board of Public Works	1-11
1.48	Airport Commission	1-11
1.49	Library Board	1-11
1.50	Parks and Recreation Commission	1-12
1.51	Business Improvement District Board (Cr. Ord. #2730 – 2/23/13)	1-12
1.52	Safety Commission	1-13
1.53	Redevelopment Authority Board	1-13
1.54	Housing Authority	1-13
1.55	West Bend Cable TV Committee	1-13
1.56	Administrative Review Appeals Board	1-13
1.57	Licensing Board	1-13
1.58	Emergency Government	1-14
1.59	Board of Canvassers	1-16
1.60	Board of Zoning Appeals	1-16
1.61	Fire Prevention Board	1-16
1.62	Board of Electrical Examiners	1-16
1.63	Ethics Committee	1-16
1.64	Municipal Parking Authority	1-16
1.641	(Rep. Ord. #1746 – 5/20/85)	1-18
1.642	(Rep. Ord. #2015 – 12/17/90)	1-18
1.643	Memorial Day Corporation	1-18
1.644	Solid Waste and Recycling Committee	1-18
1.645	UW Washington County Center Board of Commissioners	1-18

SUBCHAPTER IV: CODE OF ETHICS 1-19

1.65	Declaration of Policy	1-19
1.66	Responsibility of Public Office	1-19
1.67	Dedicated Service	1-19
1.68	Fair and Equal Treatment	1-19
1.685	Conflict of Interest	1-19
1.69	Hearings; Determination	1-21

PAGE NO.

SUBCHAPTER IV: CODE OF ETHICS (continued)

1.70 Ethics Committee 1-21
1.71 Penalty and Sanctions 1-22

SUBCHAPTER V: ELECTIONS AND POLITICAL BOUNDARIES 1-23

1.72 City Clerk's Election Duties 1-23
1.73 Election Officials 1-23
1.74 Nomination of Elected City Officers 1-23
1.75 Polling Hours 1-23
1.76 Polling Places 1-23
1.77 City Boundaries 1-24
1.78 Ward Boundaries 1-24
1.79 Aldermanic Districts 1-28

SUBCHAPTER VI: PUBLIC RECORDS 1-30

1.80 Public Records, Access to 1-30
1.81 Public Records, Destruction of 1-31
1.82
to
1.89 (Reserved) 1-33

SUBCHAPTER VII: MUNICIPAL COURT 1-34

1.90 Municipal Court 1-34

SUBCHAPTER I: CITY OFFICIALS

1.01 FORM OF GOVERNMENT. The City of West Bend operates under the mayor-council form of government pursuant to Ch. 62, Wis. Stats.

1.02 ELECTED OFFICIALS. The elected officials of the City shall be the Mayor and 8 Alderpersons. (1) MAYOR. The Mayor shall be elected at the annual spring election every 3 years.

(2) ALDERPERSONS. The Council shall consist of 8 Alderpersons, one from each Aldermanic District, as set forth in sec. 1.79 of this chapter. One Alderperson from each odd-numbered Aldermanic District shall be elected at the annual spring election in even-numbered years and one Alderperson from each even-numbered Aldermanic District at the annual spring election in odd-numbered years.

1.03 APPOINTED OFFICIALS. The officials described in the following sections shall be appointed in accordance with the Wisconsin Statutes and this subchapter. Each appointed official shall serve a probationary period to be established at the time of the appointment.

1.04 CITY ADMINISTRATOR. (1) APPOINTMENT. The City Administrator shall be appointed for an indefinite term by an affirmative vote of 3/4 of the members-elect of the Council. The terms and conditions of employment for the Administrator shall be a matter of contract between the City and the person appointed to said position.

(2) POWERS AND DUTIES. The City Administrator shall: (a) Be responsible for directing, coordinating and expediting the activities of all City departments, except for such authority vested by the Wisconsin Statutes in certain boards and commissions. He shall make or direct such studies as are necessary to determine the most economical and efficient operation of such departments, sources and programs from the various departments when deemed necessary.

(b) Be at all times responsible to the Mayor and the Council and shall be responsible for effectuating all actions of the same which require administrative implementation or where the Mayor and the Council have directed him to act.

(c) Direct and coordinate, with the cooperation of department heads, the preparation of the annual City budget for submission to the Finance Committee. In the event that the Administrator does not agree with the budget, as submitted by a department head, he shall notify the department head accordingly and the matter shall be placed on the Finance Committee agenda so that both the Administrator and the department head can be given an opportunity to state their positions and the Finance Committee shall resolve such disputes.

(d) Make such reports as the Mayor and the Council may require as to the current fiscal status of budget items and to review and report to the Mayor and the Council any variations in the operations of the City budget.

(e) Submit, as deemed necessary, recommendations or suggestions for improving the health, safety or welfare of the City and shall institute and operate a system whereby City departments, as well as persons having business with the Mayor and/or the Council or any City department, may properly and efficiently conduct such business.

(f) Be responsible for the efficient operation, utilization and physical security of all City-owned buildings and grounds.

(g) Perform such other duties and responsibilities, not inconsistent with the law, as may be prescribed by the Mayor and the Council.

(3) RESIDENCY REQUIRED. The Administrator shall be a resident of the City. In the event that at the time of his appointment he is not a resident of the City, he shall establish residency within the City within one year from the date of his appointment.

1.05 CITY CLERK. (1) APPOINTMENT. The City Clerk shall be appointed by a majority of the members-elect of the Council for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. The powers and duties of the City Clerk are as prescribed by law, and as specified in the job description for the position which is on file in the office of the Human Resources Director.

1.06 CITY TREASURER. (1) APPOINTMENT. The City Treasurer shall be appointed by a majority of the members-elect of the Council for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. The powers and duties of the Treasurer are as prescribed by law, and as specified in the job description for the position which is on file in the office of the Human Resources Director.

1.07 CITY COMPTROLLER. (1) APPOINTMENT. The City Comptroller shall be appointed by a majority of the members-elect of the Council for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. The Comptroller shall perform all duties as prescribed by law, and as specified in the job description for the position which is on file in the office of the Human Resources Director.

1.08 PURCHASING AGENT. (1) APPOINTMENT. The Purchasing Agent shall be appointed by a majority of the Council for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. The powers and duties of the Purchasing Agent are as prescribed by law, and as specified in the job description for the position which is on file in the office of the Human Resources Director.

1.09 CITY ATTORNEY. (1) APPOINTMENT. The City Attorney shall be appointed by a majority of the Council. The terms and conditions of the office shall be a matter of contract between the City and the City Attorney.

(2) POWERS AND DUTIES (Am. Ord. #1861 – 12/21/87). The City Attorney shall be the chief legal advisor to the Mayor, the Council and the City Administrator and shall be responsible for preparing and drafting legal opinions, ordinances, and rules and regulations as may be required for expediting City matters. The City Attorney shall also serve as prosecuting attorney for the City and shall represent the City in courts and commission hearings as directed.

(3) ASSISTANTS (Cr. Ord. #1861 – 12/21/87). The City Attorney may appoint assistants to perform designated duties, subject to the approval of the City Administrator. The assistants shall receive compensation from the City consistent with the budget.

1.10 CITY ASSESSOR. (1) APPOINTMENT. The City Assessor shall be appointed by a majority of the members-elect of the Council for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. The powers and duties of the Assessor are as prescribed by law, and as specified in the job description for the position which is on file in the office of the Human Resources Director.

(3) CONFIDENTIAL BUSINESS RECORDS. (Cr. Ord. #2367 - 6/5/00). (a) Whenever the Assessor, in the performance of his/her duties, requests or obtains income and expense information pursuant to section 70.47 (7)(af), Stats., or any successor thereto, then such income and expense information provided to the Assessor shall be held on a confidential basis, except that the information may be revealed to and used by persons:

1. In the discharging of duties imposed by law;

2. In the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of the Assessor's duties and use by the Board of Review in performance of its duties); or

3. Pursuant to order of a court.

(b) Unless a court determines that it is inaccurate, income and expense information provided under this subsection is not subject to inspection and copying as a public record.

1.11 DIRECTOR OF PUBLIC WORKS. (1) APPOINTMENT. The Director of Public Works shall be appointed by the Council for an indefinite term, subject to removal by a 3/4 vote of the Council.

(2) POWERS AND DUTIES. The powers and duties of the Director are as prescribed by law, and as specified in the job description for the position which is on file in the office of the Human Resources Director.

1.12 CITY ENGINEER. (1) APPOINTMENT. The City Engineer shall be appointed by the Council for an indefinite term, subject to removal by a 3/4 vote of the Council.

(2) POWERS AND DUTIES. The powers and duties of the City Engineer are as prescribed by law, and as specified in the job description for the position which is on file in the office of the Human Resources Director.

(3) (Cr. Ord. #2312 – 4/6/98). The City Engineer may in accordance with standard personnel policy procedures, appoint an Assistant City Engineer who shall act under the Engineer's direction, and in the Engineer's absence or disability or in case of a vacancy shall perform the Engineer's duties. The Assistant shall receive such compensation as the Council shall provide.

1.13 CHIEF OF POLICE. (1) APPOINTMENT. As provided in §.62.13(3), Wis. Stats., the Chief of Police shall be appointed by the Police and Fire Commission and shall hold office during a period of good behavior.

(2) POWERS AND DUTIES. The Chief of Police shall serve as the department head of the Police Department and shall direct, plan and coordinate the activities of officers and employees in accordance with authority established by the Wisconsin Statutes and this Code. The Chief shall administer the day-today activities and services of the Police Department in accordance with the general policy guidance of the Council and rules and regulations of the Police and Fire Commission as to personnel matters.

(3) RESIDENCY. (Cr. Ord. #2445 – 8/12/02). The Chief of Police shall be a resident of the City. In the event that at the time of his/her appointment he/she is not a resident of the City, he/she shall establish residency within the City within one year from the date of his/her appointment.

1.14 FIRE CHIEF. (1) APPOINTMENT. As provided in §62.13 (3), Wis. Stats., the Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during a period of good behavior.

(2) POWERS AND DUTIES. The Fire Chief shall serve as the department head of the Fire Department and shall direct, plan and coordinate the activities of fire personnel and employees in accordance with authority established by the Wisconsin Statutes and this Code. The Chief shall administer the day-today activities and services of the Fire Department in accordance with the general policy and guidance of the Council and rules and regulations of the Police and Fire Commission as to personnel matters.

(3) RESIDENCY. (Cr. Ord. #2445 – 8/12/02). The Fire Chief shall be a resident of the City. In the event that at the time of his/her appointment he/she is not a resident of the City, he/she shall establish residency within the City within one year from the date of his/her appointment.

1.15 BUILDING INSPECTOR. (1) The Building Inspector shall be appointed by a majority of the members-elect of the Council for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES (Rep. & Recr. Ord. #1800 – 3/24/86). The Building Inspector, under the direction of the Director of Economic and Community Development, shall enforce the City Building and Zoning Codes as well as perform other duties as provided in this Code. The Building Inspector shall also act as the Director of the Office of Building Inspection unless the Council appoints another person to the position; in the capacity of Director of the Office of Building Inspection, he shall direct and supervise the activities of the Plumbing, Electrical and Heating Inspectors.

1.16 (Rep. Ord. #1800 – 3/24/86).

1.17 (Rep. Ord. #1800 – 3/24/86).

1.18 (Rep. Ord. #1800 – 3/24/86).

1.19 (Rep. Ord. #2436 – 6/03/02).

1.20 CITY PARKS AND RECREATION DIRECTOR. (1) APPOINTMENT. The City Parks and Recreation Director shall be appointed by the Council upon the recommendation of the Parks and Recreation Commission for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. The Director shall have charge of and supervision over all department employees in regard to the repair, maintenance, upkeep and development of City park property and shall perform such duties as the Parks and Recreation Commission shall determine. He shall also be, and is hereby designated, the representative of the City for the purpose of filing applications for all grants for park and recreation purposes, and he is further authorized and empowered to do all necessary things and take all necessary steps in connection with said applications.

1.21 (Repealed Ord. #2625 – 6/2/08 – Effective 7/26/08).

1.22 CITY FORESTER. (1) APPOINTMENT. The City Forester shall be appointed by the Council upon the recommendation of the Parks and Recreation Commission for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. See sec. 20.03(3) of this Code.

1.23 EMERGENCY GOVERNMENT DIRECTOR. (1) APPOINTMENT. The Emergency Government Director shall be appointed by the Mayor, subject to confirmation by the Council, for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. See sec. 1.58 of this chapter.

1.24 WEED COMMISSIONER. (1) APPOINTMENT. The Mayor shall appoint one or more Weed Commissioners on or before May 15 of each year for a term of one year. If more than one Commissioner is appointed, the City shall be divided into districts in the manner provided by §66.0517 Wis. Stats.

(2) POWERS AND DUTIES. The Weed Commissioner(s) shall have the powers and duties conferred upon weed commissioners by §66.0517, Wis. Stats., as well as such other duties as the Council may direct.

1.25 LIBRARY DIRECTOR. (1) APPOINTMENT. Pursuant to §43.58, Wis. Stats., the Library Director shall be appointed by the Library Board.

(2) POWERS AND DUTIES. The Library Director shall be responsible for the operation of the library under the direction of the Library Board.

1.26 DIRECTOR OF ECONOMIC AND COMMUNITY DEVELOPMENT. (Rep. & Recr. Ord. #1800 – 3/24/86; Am. Ord. #2708 – 3/27/12). (1) APPOINTMENT. The Director of Economic and Community Development shall be appointed by a majority of the members-elect of the Council for an indefinite term, subject to removal for cause.

(2) (Renum. Ord. #2360 - 2/28/00). POWERS AND DUTIES. (a) The powers and duties of the Director of Economic and Community Development shall include supervision of the Office of Building Inspection, the Office of City Planning and the Office of Economic and Community Development, and other duties as specified in the job description for the position which is on file in the Office of the Human Resources Director.

(b) (Cr. Ord. #2360 - 2/28/00). The Director of Economic and Community Development shall act as the Zoning Administrator or shall appoint a subordinate to act as Zoning Administrator subject to his supervision. The Zoning Administrator shall be responsible for enforcing the Zoning Code as provided therein.

1.261 DIRECTOR OF MAINTENANCE SERVICES (Cr. Ord. #1801 – 3/24/86). (1) APPOINTMENT. The Director of Maintenance shall be appointed by the Council for an indefinite term, subject to removal for cause.

(2) POWERS AND DUTIES. The powers and duties of the Director are as specified in the job description for the position which is on file in the office of the Human Resources Director.

SUBCHAPTER II: EMPLOYMENT

1.27 HUMAN RESOURCES DIVISION. (Cr. Ord. #2625 – 6/2/08 – Effective 7/26/08). (1) There is hereby created, under the direction of the City Attorney's Office, a Human Resources Division.

(2) The Human Resources Director shall be an assistant city attorney who shall act as the head of the Human Resources Division.

(3) Under the direction of the City Attorney, the Human Resources Director shall develop and administer a comprehensive personnel program for the City; assist all department heads and appropriate boards and commissions in recruitment, selection and placement of personnel, wage and salary schedules, and employee work rules; administer all employee benefit programs, prepare and conduct employee training, education and safety programs; be a member of the City's negotiation team in all collective bargaining sessions; assist supervisory personnel regarding labor contract administration grievances and disciplinary action; and provide other legal services for the City.

1.275 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.28 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.29 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.30 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.31 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.32 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.33 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.34 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.35 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.36 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.37 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.38 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.39 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.40 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.41 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

1.42 (Rep. Ord. #2704 – 12/27/11 – Effective 12/31/11).

SUBCHAPTER III: BOARDS AND COMMISSIONS

1.43 GENERAL PROVISIONS. Unless specifically provided otherwise by the Council, the following provisions shall apply to all City boards and commissions. (1) TIME OF APPOINTMENT; TERM. Unless otherwise stated, appointments shall be made at the April organizational meeting of the Council and terms for such appointment shall commence on May 1.

(2) CHAIRPERSONS; RULES OF PROCEDURE. The board or commission shall elect a Chairperson and other officers and, subject to applicable provisions of this Code and State statutes, shall adopt rules of procedure.

(3) VACANCIES. Vacancies shall be filled as provided by law.

(4) COMPENSATION. Board and commission members shall serve without compensation unless otherwise specifically provided.

1.44 PLAN COMMISSION. (1) MEMBERSHIP. (Am. Ord. #2689 – 5/16/11). The City Plan Commission shall consist of 9 members, i.e., the Mayor who shall be the presiding officer, two Alderpersons, the City Engineer, the Chairperson of the Parks and Recreation Commission and 4 citizens. The Alderperson members shall be elected by a 2/3 vote of the Council for a term of one year. The 4 citizen members shall be appointed by the Mayor for staggered 3 year terms.

(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.

1.45 BOARD OF REVIEW. (1) MEMBERSHIP. The Board of Review shall consist of 5 residents of the City, none of whom shall occupy any public office or be publicly employed. The members shall be appointed by the Mayor, subject to confirmation by the Council, for staggered 5 year terms. The City Clerk shall act as the Clerk of the Board and shall keep an accurate record of all of its proceedings.

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

(3) COMPENSATION. (Am. Ord. #2467 – 1/6/03). Board members shall be paid $40 per diem for each day the Board is in session.

1.46 POLICE AND FIRE COMMISSION. (1) MEMBERSHIP. The Police and Fire Commission shall consist of 5 citizens appointed by the Mayor. The Mayor shall appoint one member annually for a term of 5 years. No appointments shall be made which will result in more than 3 members of the Board belonging to the same political party.

(2) POWERS AND DUTIES. The Commission shall have the powers and duties prescribed in §62.13, Wis. Stats.

1.47 BOARD OF PUBLIC WORKS (Rep. & Recr. Ord. #1737 – 4/15/85; Rep. & Recr. Ord. #1863 - 1/18/88). (1) MEMBERSHIP. The Board of Public Works shall be composed of 8 Alderpersons. The Mayor shall designate one member as Chairperson, subject to approval by the Council. The City Clerk shall service as secretary.

(2) POWERS AND DUTIES (Am. Ord. #1791 – 12/16/85). It shall be the duty of the Board, under the direction of the Council, to superintend all public works and keep the streets, alleys, sewers, and public works and places in repair, and to exercise such powers and duties as provided by law or ordinance. The Board may reject any and all bids for public construction or award any public construction contract provided that the amount bid does not exceed amounts budgeted for the project, the procedures of §62.15, Wis. Stats., have been followed, and the contract has been awarded to the lowest bidder. Contracts shall be signed by the Mayor and the City Clerk. In all other cases, the Council shall award the contract.

(3) TRANSIT SYSTEM (Cr. Ord. #2062 – 3/2/92). The Board of Public Works, subject to the direction of the Council, shall manage any transportation system established by the City. Management of the transportation system shall include the setting of fares and the establishment of policies and rules for the system.

1.48 AIRPORT COMMISSION. (1) MEMBERSHIP. The Airport Commission shall consist of 5 members, including one Alderperson and 4 citizens, all of whom shall be persons especially interested in aeronautics. The Mayor shall appoint the Alderperson member for a one year term and the citizen members for staggered 6 year terms. The first appointments of Commission members shall be made in April, 1985, and the initial terms of citizen members shall be for 3, 4, 5, and 6 years, respectively.

(2) POWERS AND DUTIES. See sec. 19.02(2) of this Code.

1.49 LIBRARY BOARD. (1) MEMBERSHIP. The Library Board shall consist of 9 members, including one Alderperson and 8 citizens The Alderperson member shall be appointed for a one year term and the citizen members for staggered 3 year terms. All appointments shall be made annually by the Mayor. In addition, one ex officio member shall be appointed by each town or village board for each town or village that participates in a library service contract with the City.

(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 City Human Resources Director for the purpose of coordinating library personnel policies with general City personnel policies.

1.50 PARKS AND RECREATION COMMISSION. (1) MEMBERSHIP. The Parks and Recreation Commission shall consist of 7 members, including one Alderperson and 6 citizen members. The Alderperson member shall be appointed by the Mayor for a one year term and the citizen members for staggered 3 year terms, subject to confirmation by the Council.

(2) POWERS AND DUTIES. The Parks and Recreation Commission shall have the following powers and duties. (a) Parks. With respect to parks and open space, the Commission shall have the powers and duties provided by §§27.08(1) and (2) and 27.10(1), Wis. Stats. The acceptance of gifts of money or property or the acquisition of property or privileges for park purposes, as defined in §27.08, Wis. Stats., can be accomplished only upon the recommendation of the Commission and approval by the Council, but the dedication of land, or money in lieu thereof, to the City for park, recreation or other public purposes in connection with the subdividing of land shall be deemed to have been approved by the Council in and by its acts of accepting the final plat in connection with which such dedication is made.

(b) Recreation. The Commission shall have the general supervision of municipal recreation in the City and shall operate and maintain all community recreation centers, playgrounds and other areas assigned to it by the Council. The Commission shall recommend a person to be appointed the Director and to hire such other employees as the Commission may deem necessary to carry out the purposes of this subsection, provided that appropriations for such positions are made in the annual budget. The authority for such hiring may be delegated by the Commission to the Parks and Recreation Director who shall work in conjunction with the Human Resources Director in seeking applicants, testing, interviewing and hiring of said employees. It is hereby declared to be the intention of the Council that the Commission promote recreation in its broadest aspects and toward this end shall cooperate with existing recreational programs under the auspices of schools or semipublic groups within the City.

(c) Finances. The Commission shall pay all income from recreation activities to the City Treasurer.

(d) Rules and Regulations. Subject to the approval or disapproval of the Council, the Parks and Recreation Commission is hereby authorized to establish fees and adopt rules and regulations for the proper use, care, and operation of the property under its control.

1.51 BUSINESS IMPROVEMENT DISTRICT BOARD (Cr. Ord. #2730 – 2/23/13). (1) MEMBERSHIP. The business Improvement District Board shall consist of nine (9) members appointed by the Mayor and confirmed by the Common Council for staggered three (3) year terms expiring December 31st of each year. A majority of the Board members shall own or occupy real property within the BID.

(2) POWERS AND DUTIES. The BID Board shall have the powers and duties prescribed in Section 66.1109, Wisconsin Statutes, and such other powers and duties as may be vested in it from time to time by the Council.

1.52 SAFETY COMMISSION. (1) MEMBERSHIP. The safety Commission shall consist of 6 members, including the Chief of Police and 5 citizen members. The citizen members shall be appointed by the Mayor in each even-numbered year for a term of 2 years.

(2) POWERS AND DUTIES. The Commission shall investigate, advise and report to the Mayor, the Council and any other City official concerning the best methods of providing for the safety and convenience of the public on matters of safety, and it shall conduct educational campaigns on safety measures and practices.

1.53 REDEVELOPMENT AUTHORITY BOARD. (Cr. Ord. #2730 – 2/23/2013). (1) MEMBERSHIP. The Redevelopment Authority Board shall consist of seven (7) members appointed by the Mayor and confirmed by the Common Council for staggered three (3) year terms.

(2) POWERS AND DUTIES. The Board shall have the powers and duties prescribed in Section 66.1333 of the Wisconsin Statutes, and such other powers and duties as may be vested in it from time to time by the Council.

1.54 HOUSING AUTHORITY. (1) MEMBERSHIP. The Housing Authority shall consist of 5 members appointed by the Mayor for staggered 5 year terms. No member of the Authority shall be connected in any official capacity with any political party nor shall more than 2 members be officers of the City.

(2) POWERS AND DUTIES. The Authority shall have the powers and duties prescribed in §66.1201, Wis. Stats., and such other powers and duties as may be vested in it from time to time by the Council.

1.55 WEST BEND CABLE TV COMMITTEE. (Am. Ord. #2437 – 6/3/02; Am. Ord. #2660 – 8/3/09). See sec. 21.013 of this Code.

1.56 ADMINISTRATIVE REVIEW APPEALS BOARD. (1) MEMBERSHIP. The Administrative Review Appeals Board shall consist of the Mayor, the City Administrator one citizen member who shall be appointed by the Mayor, subject to confirmation by the Council, for a 2 year term.

(2) POWERS AND DUTIES. See sec. 6.05(2) of this Code.

1.57 LICENSING BOARD. (1) MEMBERSHIP. The Licensing Board shall consist of the Mayor, the President of the Council and the City Clerk. The Mayor shall serve as Chairperson of the Board and the City Clerk shall serve as Secretary of the Board.

(2) POWERS AND DUTIES. Whenever an application for a liquor or fermented malt beverage license, an operator's license, a taxicab license, an amusement arcade license or a massage establishment license, or for the renewal of such license is made, the Board shall review the application and all pertinent data regarding the person making the application and shall recommend to the Council as to whether or not the license shall be granted. The Secretary of the Board shall notify the applicant in writing of the time and place at which his application shall be reviewed and that he will be given an opportunity to be heard by the Board if he so desires.

1.58 EMERGENCY GOVERNMENT. (1) POLICY AND PURPOSE. (a) Emergency Government shall mean the preparation for and the carrying out of all emergency functions to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or by fire, flood or other natural causes.

(b) By reason of the increasing possibility of disasters or unprecedented destructiveness and to insure that preparation will be adequate to cope with such disasters and to provide for the common defense, to protect the public peace, and to preserve the lives and property of the people, it is hereby declared necessary:

1. To establish a local emergency government department.

2. To provide for the exercise of necessary powers during emergencies.

3. To provide for the rendering of cooperation and mutual aid between the City and other political subdivisions.

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

(2) EMERGENCY GOVERNMENT COMMITTEE. (a) Membership. The Emergency Government Committee shall consist of the Mayor, the Emergency Government Director, one member of the Police Department to be named by the Mayor, and one member of the Fire Department to be named by the Mayor. The Mayor shall serve as Chairperson of the Committee and the Emergency Government Director shall serve as Secretary. Appointments for one year terms shall be made by the Mayor at the annual organizational meeting, subject to confirmation by the Council.

(b) Powers and Duties. The Emergency Government Committee shall be an advisory and planning group and shall advise the Mayor, the Director and the Council in all matters pertaining to emergency government.

(3) EMERGENCY GOVERNMENT DIRECTOR. (a) Appointment. The Emergency Government Director shall be appointed by the Mayor, subject to confirmation by the Council. Deputy and Assistant Directors may be appointed by the Director, subject to the approval of the Emergency Government Committee as may be deemed necessary.

(b) Powers and Duties. 1. The Director shall be the executive head of the Emergency Government Department and shall be directly responsible for the organization, administration and operation of the Emergency Government Department subject to the direction and control of the Mayor. He shall coordinate all activities for emergency government within the City and shall maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and the State and Federal governments, and shall participate in County and State emergency government activities upon request, and shall have such additional authority, duties and responsibilities as are authorized by this section and which may from time to time be required by the Mayor.

2. In accordance with the State plan format and the County ordinance of compliance, the Director shall prepare a comprehensive general plan for the emergency government of the City and shall present such plan to the council for its approval. When the Council has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency government forces of the City to perform the duties and functions assigned by said plan as approved. The plan may be modified in like manner.

(4) UTILIZATION OF EXISTING SERVICES AND FACILITIES. In preparing and executing the Emergency Government Plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City 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 to the Director.

(5) EMERGENCY REGULATIONS. Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Council, the Mayor, or in his absence the Emergency Government Director, may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property and to insure the cooperation necessary in emergency government activities. Such proclamations shall be posted in 3 public places and may be rescinded by the Mayor at any time.

(6) MUTUAL AID AGREEMENTS. The Director may, subject to the approval of the Council, enter into mutual aid agreements with other political subdivisions. A copy of such agreements shall be filed with the State Director of Emergency Government.

(7) DECLARATION OF EMERGENCIES. Upon the declaration by the Governor, by the Mayor or the Emergency Government Director in the absence of the Mayor, or by the Council of a state of emergency, the Director shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as

shall be required in the Emergency Government Plan. The Emergency Government Department shall take action in accordance with the Emergency Government Plan upon 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.

(8) PENALTY. It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Government Department in the enforcement of any order, rule, regulation or plan issued pursuant to this section, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this section, and upon conviction thereof shall be subject to a forfeiture not to exceed $200.

1.59 BOARD OF CANVASSERS. (1) MEMBERSHIP. The Board of Canvassers shall consist of the City Clerk and 2 other reputable citizens appointed by the Clerk prior to the date of the election being canvassed.

(2) POWERS AND DUTIES. The Board shall have the powers and duties prescribed in §§7.53(2) and 9.01, Wis. Stats.

1.60 BOARD OF ZONING APPEALS. (1) MEMBERSHIP (Am. Ord. #2476 – 4/28/03; Am. Ord. #2593 - 5/22/06). The Board of Zoning Appeals shall consist of 5 citizen members and 2 alternate members appointed by the Mayor for staggered 3 year terms, subject to confirmation by the Council. The Mayor shall designate one of the alternates as the 1st alternate and the other as the 2nd alternate. The 1st alternate member shall act, with full power, only when a member of the Board is absent or refuses to vote because of an interest in the matter to be heard. The 2nd alternate member shall so act only when the 1st alternate is absent or refuses to vote because of an interest in the matter to be heard or when more than one member of the Board so refuses or is absent. The Mayor shall appoint one member as Chairperson.

(2) POWERS AND DUTIES. The Board of Zoning Appeals shall have the powers and duties prescribed in §62.23(7)(e), Wis. Stats. See also ch. 17 of this Code.

1.61 FIRE PREVENTION BOARD (Am. Ord. #2660 – 8/3/09). See Sec. 5.121 of this Code.

1.62 BOARD OF ELECTRICAL EXAMINERS. See Sec. 16.14 of this Code.

1.63 ETHICS COMMITTEE. See sec. 1.70 of this chapter.

1.64 MUNICIPAL PARKING AUTHORITY. (Am. Ord. #2510 – 1/12/04). (1) CREATION. A Municipal Parking Authority is hereby created pursuant to §66.0829 Wis. Stats.

(2) MANAGEMENT (Rep. & Recr. Ord. #1888 - 4/18/88). The Municipal Parking Authority shall be managed by the Board of Public Works. (a) The Board shall administer the maintenance, operation and control of all parking meters on the streets in the City.

(b) The Board shall have the management, maintenance, operation and control of all parking lots and facilities owned or leased by the City or by the utility, or within the Central Business District parking area. The Board shall establish such fees and charges for parking privileges in such parking lots as it shall determine reasonable. The Board shall recommend to the Council the adoption of such ordinances as will promote and assure the proper use of such lots and parking facilities.

(c) The Board shall recommend to the Council the number, size and location of parking lots throughout the City and whether such lots should be acquired by lease or purchase. In such recommendations, the Board shall recommend whether payments thereof shall be from funds on hand or accruing from parking revenues or from contributions from general City funds or from proceeds from parking revenue bonds.

(d) The Board shall have the power to conduct surveys, purchase options upon real estate and to do all things necessary in the construction, extension, improvements and operation of the municipal parking system. All acquisitions of real property shall be made in the name of the City and shall not be made without the approval of the Council.

(3) FINANCES. (a) (Rep. & Recr. Ord. #1737 – 4/15/85). All revenues from parking meters on streets, parking lots, parking citations and special assessments shall be kept by the City Treasurer and in a separate and segregated fund, and all expenditures there from shall be made as provided in sec. 3.08(2) of this Code. Such revenues shall only be used for the maintenance, operation, improvement and acquisition of parking meters on streets and of parking lots and facilities within the district, and for the service and retirement of indebtedness.

(b) (Am. Ord. #1888 – 4/18/88). All proceeds from bonds issued for parking lot purposes or appropriations made to the Board by the Council shall be used only for the purpose for which the appropriation was made or the bonds issued, and shall be kept by the City Treasurer in a separate fund to be disbursed only on approval of the Board of Public Works.

(c) The Board, under the supervision of the City Treasurer, shall keep books of accounts in the manner and form prescribed by the Public Service Commission, and shall be open to the public.

(4) (Rep. Ord. #2510 – 1/12/04).

(5) PARKING ADVISORY COMMITTEE (Cr. Ord. #2510 – 1/12/04). A Parking Advisory Committee is created for the purpose of advising the Board of Public Works on matters related to the Municipal Parking Authority. The Parking Advisory Committee shall consist of 6 members, including one Alderperson and 5 citizen members. The Alderperson

member shall be appointed by the Mayor for a one year term and the citizen members for staggered 5 year terms, subject to confirmation by the Council.

1.641 (Rep. Ord. #1746 – 5/20/85)

1.642 (Rep. Ord. #2015 – 12/17/90)

1.643 MEMORIAL DAY CORPORATION. (1) MEMBERSHIP. The Memorial Day Corporation shall consist of 8 directors, appointed by the Mayor for 3 year terms, from the following organizations or affiliations:

Veterans of Foreign Wars	1 representative
American Legion	1 representative
Service clubs located in the City	2 representatives
Industry located in the City	2 representatives
City residents	2 representatives

(2) POWERS AND DUTIES. The Memorial Day Corporation shall be responsible for programs encouraging the observance of Memorial Day and the remembrance of members of the armed forces.

1.644 SOLID WASTE AND RECYCLING COMMITTEE. (1) MEMBERSHIP (Rep. & Recr. Ord. #1802 – 4/7/86; Am. Ord. #1891- 4/18/88; Am. Ord. #2696 – 10/1/11). The Solid Waste and Recycling Committee shall consist of 5 members, including 2 Alderpersons and 3 citizens. Members shall be appointed by the Mayor, subject to confirmation by the Council. The citizen members shall serve for staggered 3 year terms; the Alderperson shall be appointed annually.

(2) POWERS AND DUTIES. The Solid Waste and Recycling Committee shall study methods of promoting, collecting and marketing recyclable waste products and make recommendations to the Council for implementing the same.

1.645 UW WASHINGTON COUNTY CENTER BOARD OF COMMISSIONERS. Section 2.30(2) of the Washington County Code of Ordinances relating to the appointment of City members to the Board of Commissioners is hereby adopted by reference and made a part hereof.

SUBCHAPTER IV: CODE OF ETHICS

1.65 DECLARATION OF POLICY. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all City officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City. The purpose of this code is to establish guidelines for ethical standards of conduct for all such employees and officials by setting forth those acts or actions that are incompatible with the best interests of the City and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City.

1.66 RESPONSIBILITY OF PUBLIC OFFICE. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, State and the City and to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

1.67 DEDICATED SERVICE. All officials and employees of the City should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by the officially recognized confidentiality of their work.

1.68 FAIR AND EQUAL TREATMENT. (1) USE OF PUBLIC PROPERTY. No official or employee shall request or permit the unauthorized use of City owned vehicles, equipment, materials or property for personal convenience or profit.

(2) OBLIGATIONS TO CITIZENS. No City official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

1.685 CONFLICT OF INTEREST. (1) FINANCIAL AND PERSONAL INTEREST PROHIBITED. No City official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official

duties in the public interest contrary to the provisions of this subchapter or would tend to impair his independence of judgment or action in the performance of his official duties.

(2) DEFINITIONS (Am. Ord. #1918 – 9/19/88). As used in this subchapter, the following words shall be defined as indicated: (a) Financial Interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

(b) Personal Interest. Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

(c) Person (Cr. Ord. #1918 – 9/19/88). Natural person, corporation, partnership, joint venture, association, company, firm, enterprise, trust or other legal entity.

(3) SPECIFIC CONFLICTS ENUMERATED. (a) Incompatible Employment. No City official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties unless otherwise permitted by law and unless disclosure is made as hereafter provided.

(b) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall he use such information to advance the financial or other private interest of himself or others.

(c) Gifts and Favors (Rep. & Recr. Ord. #1918 – 9/19/88). 1. No official or employee shall accept any gift with a value of more than $10, whether in the form of service, loan, thing or promise, from any person if such person:

a. Has or is seeking to obtain a 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. No official or employee shall accept such gifts having an aggregate value of more than $50 in any calendar year from any person if such person:

a. Has or is seeking to obtain a 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.

3. No official or employee shall accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value.

(d) Representing Private Interests Before City Agencies or Courts. No official or employee shall appear on behalf of any private person, other than himself, his spouse or minor children, before any City agency or municipal court. However, a member of the Council may appear before City agencies on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

(4) CONTRACTS WITH THE CITY. No City official or employee who, in his capacity as such official or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the City unless, within the confines of §946.13, Wis. Stats., the contract is awarded through a process of public notice and competitive bidding.

(5) DISCLOSURE OF INTEREST IN LEGISLATION. 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. Any other 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 of such interest.

1.69 HEARINGS; DETERMINATION. (Am. Ord. #2153 – 4/4/94). Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this section, the Ethics Committee shall conduct a public hearing in accordance with all common law requirements of due process and, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject official or employee.

1.70 ETHICS COMMITTEE. (1) MEMBERSHIP. The Ethics Committee shall consist of 5 citizen members, none of whom shall be an officer or employee of the City. The members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council, for staggered 2 year terms.

(2) POWERS AND DUTIES. (Rep. & Recr. Ord. #2153 – 4/4/94). (a) All hearings held by the Committee shall be either recorded mechanically or by a court reporter

and the original transcript or recording of said hearings shall be filed with the City Clerk. At all proceedings under this paragraph, except as provided in (b), the City Attorney shall serve as legal counsel to the Committee.

(b) Upon a complaint by the Common Council, the City Attorney may represent either the Council or the Committee and special counsel may be retained to represent the other as appropriate. Compensation for such special counsel shall be established by the Council and paid by the City.

(c) The Ethics Committee may make recommendations with respect to amendments to the Code of Ethics.

(d) The Ethics Committee shall serve as the ethics board pursuant to sec. 19.59, Wis. Stats.

1.71 PENALTY AND SANCTIONS. Violation of any provision of this subchapter may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

SUBCHAPTER V: ELECTIONS AND POLITICAL BOUNDARIES

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

1.73 ELECTION OFFICIALS. (Am. Ord. #2440 – 7/8/02). Election officials for each polling place shall be appointed pursuant to §§7.30, 7.31 and 7.32, Wis. Stats. Pursuant to §7.30(1), Wis. Stats., alternate election officials or two sets of election officials may be selected to work at different times on election day.

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

1.75 POLLING HOURS. The polls of the City shall open at 7:00 A.M. and close at 8:00 P.M. for all elections.

1.76 POLLING PLACES (Rep. & Recr. Ord. #1862 - 1/11/88; Rep. & Recr. Ord. #2044 - 9/9/91; Rep. & Recr. Ord. #2229 - 12/18/95; Rep. & Recr. Ord. #2416 - 10/15/01). (1) Except as provided in sub. (2) below, the polling places for the 8 Aldermanic Districts, as set forth in sec. 1.79 of this subchapter, are as follows:

(a) First Aldermanic District. Meadowbrook Manor, south entrance, 475 Meadowbrook Drive.

(b) Second Aldermanic District. Public Library, 630 Poplar Street.

(c) Third Aldermanic District. (Am. Ord. #2634 – 8/18/08). First Baptist Church, 2300 S. Main Street.

(d) Fourth Aldermanic District. City Hall, 1115 S. Main Street.

(e) Fifth Aldermanic District. Washington County PAC, 333 E. Washington Street, except that for elections held during 2006 the polling place will be Samaritan Health Center, 531 East Washington Street.

(f) Sixth Aldermanic District. (Am. Ord. #2583 - 1/23/06). Washington County Courthouse, lower level, 432 East Washington Street except that for elections held during 2006 the polling place will be Samaritan Health Center, 531 East Washington Street.

(g) Seventh Aldermanic District (Am. Ord. #2583 - 1/23/06). Moraine Park Technical College, 2151 North Main Street.

(h) Eighth Aldermanic District. Cedar Ridge Retirement, 113 Cedar Ridge Drive.

(2) From time to time the Council may, by resolution, provide for a common polling place for 2 or more Aldermanic Districts for a primary election.

1.77 CITY BOUNDARIES. The boundaries of the City are set forth on the Official Map of the City and the legal description of said boundaries are on file in the office of the City Clerk. The number of any ordinance annexing territory to or detaching from the City after the effective date of this Code shall be added to this section.

1.78 WARD BOUNDARIES. (Rep. & Recr. Ord. #2044 - 9/9/91; Rep. & Recr. Ord. #2416 - 10/15/01; Am. Ord. #2564 – 5/23/05; Rep. and Recr. Ord. #2699 – 10/22/11). Pursuant to §5.15, Wis. Stats., the City shall be divided into 24 wards, the boundaries of which shall follow Year 2010 U.S. Census blocks, block groups and tracts:

(1) WARD 1
Block 1045 in Tract 4201.05, Block Group 1
Blocks 3004-3013 in Tract 4201.05, Block Group 3
Blocks 1000-1003 in Tract 4201.06, Block Group 1
Blocks 1014-1023 in Tract 4201.06, Block Group 1

(2) WARD 2
Block 2005 in Tract 4204.01, Block Group 2
Blocks 2007-2011 in Tract 4204.01, Block Group 2
Blocks 2000-2014 in Tract 4204.02, Block Group 2

WARD 2
(3) Blocks 1000-1005 in Tract 4204.02, Block Group 1
Blocks 1010-1011 in Tract 4204.02, Block Group 1

(3) WARD 4
Blocks 1000-1003 in Tract 4202.00, Block Group 1
Blocks 1007-1010 in Tract 4202.00, Block Group 1
Blocks 2000-2013 in Tract 4202.00, Block Group 2
Blocks 3004-3005 in Tract 4202.00, Block Group 3
Blocks 3015-3016 in Tract 4202.00, Block Group 3
Blocks 5000-5004 in Tract 4202.00, Block Group 5
Block 5008 in Tract 4202.00, Block Group 5
Blocks 1001-1004 in Tract 4204.01, Block Group 1
Blocks 1008-1011 in Tract 4204.01, Block Group 1
Blocks 1014-1016 in Tract 4204.01, Block Group 1

(4) WARD 5
Blocks 3000-3003 in Tract 4202.00, Block Group 3
Blocks 3006-3007 in Tract 4202.00, Block Group 3
Blocks 3010-3011 in Tract 4202.00, Block Group 3
Blocks 2005-2009 in Tract 4203.00, Block Group 2

Block 1000 in Tract 4204.01, Block Group 1
Blocks 1005-1007 in Tract 4204.01, Block Group 1
Blocks 1012-1013 in Tract 4204.01, Block Group 1
Blocks 2012-2016 in Tract 4204.01, Block Group 2
Blocks 2025-2043 in Tract 4204.01, Block Group 2
Blocks 2045-2053 in Tract 4204.01, Block Group 2

(5) WARD 6
Blocks 3008-3009 in Tract 4202.00, Block Group 3
Blocks 3012-3014 in Tract 4202.00, Block Group 3
Blocks 3017-3020 in Tract 4202.00, Block Group 3
Blocks 5011-5012 in Tract 4202.00, Block Group 5

(6) WARD 7
Block 3021 in Tract 4202.00, Block Group 3
Blocks 4000-4004 in Tract 4202.00, Block Group 4
Blocks 4015-4021 in Tract 4202.00, Block Group 4
Blocks 4025-4027 in Tract 4202.00, Block Group 4
Blocks 4032-4034 in Tract 4202.00, Block Group 4
Blocks 3002-3006 in Tract 4203.00, Block Group 3
Blocks 3019-3024 in Tract 4203.00, Block Group 3

(7) WARD 8
Blocks 4007-4011 in Tract 4201.03, Block Group 4
Blocks 4013-4014 in Tract 4201.03, Block Group 4
Blocks 4016-4018 in Tract 4201.03, Block Group 4
Block 4020 in Tract 4201.03, Block Group 4
Blocks 4030-4033 in Tract 4201.03, Block Group 4
Blocks 4035-4038 in Tract 4201.03, Block Group 4
Block 4056 in Tract 4201.03, Block Group 4
Block 3020 in Tract 4201.04, Block Group 3
Blocks 3026-3027 in Tract 4201.04, Block Group 3
Blocks 3029-3030 in Tract 4201.04, Block Group 3
Blocks 3034-3037 in Tract 4201.04, Block Group 3
Blocks 3041-3044 in Tract 4201.04, Block Group 3
Block 3046 in Tract 4201.04, Block Group 3
Blocks 4005-4014 in Tract 4202.00, Block Group 4
Blocks 4022-4024 in Tract 4202.00, Block Group 4
Blocks 4028-4031 in Tract 4202.00, Block Group 4
Blocks 4035-4041 in Tract 4202.00, Block Group 4
Block 4043 in Tract 4202.00, Block Group 4
Blocks 5005-5007 in Tract 4202.00, Block Group 5
Blocks 5009-5010 in Tract 4202.00, Block Group 5

(8) WARD 9
Blocks 3016-3019 in Tract 4001.04, Block Group 3
Blocks 3031-3034 in Tract 4001.04, Block Group 3

Block 4000 in Tract 4201.03, Block Group 4
Blocks 4002-4006 in Tract 4201.03, Block Group 4
Blocks 4039-4045 in Tract 4201.03, Block Group 4
Block 4047 in Tract 4201.03, Block Group 4
Blocks 4051-4052 in Tract 4201.03, Block Group 4
Blocks 4058-4059 in Tract 4201.03, Block Group 4
Blocks 4061-4065 in Tract 4201.03, Block Group 4
Blocks 4067-4068 in Tract 4201.03, Block Group 4
Block 4070 in Tract 4201.03, Block Group 4
Block 4072 in Tract 4201.03, Block Group 4
Blocks 4073-4074 in Tract 4201.03, Block Group 4
Blocks 4010-4014 in Tract 4203.00, Block Group 4

(9) WARD 10
Block 3020 in Tract 4001.04, Block Group 3
Blocks 3022-3023 in Tract 4001.04, Block Group 3
Blocks 3025-3026 in Tract 4001.04, Block Group 3
Block 3010 in Tract 4203.00, Block Group 3
Blocks 3013-3018 in Tract 4203.00, Block Group 3
Blocks 4000-4009 in Tract 4203.00, Block Group 4
Block 4015 in Tract 4203.00, Block Group 4

(10) WARD 11
Block 3000 in Tract 4203.00, Block Group 3
Block 3001 in Tract 4203.00, Block Group 3
Blocks 3007-3009 in Tract 4203.00, Block Group 3
Blocks 3011-3012 in Tract 4203.00, Block Group 3
Block 3025 in Tract 4203.00, Block Group 3

(11) WARD 12
Blocks 1013-1016 in Tract 4203.00, Block Group 1
Blocks 2000-2004 in Tract 4203.00, Block Group 2
Blocks 2010-2022 in Tract 4203.00, Block Group 2
Block 2044 in Tract 4204.01, Block Group 2

(12) WARD 13
Block 1022 in Tract 4001.04, Block Group 1
Blocks 1000-1002 in Tract 4203.00, Block Group 1
Blocks 1004-1012 in Tract 4203.00, Block Group 1
Blocks 1017-1023 in Tract 4203.00, Block Group 1

(13) WARD 14
Blocks 1024-1033 in Tract 4001.04, Block Group 1
Blocks 1037-1040 in Tract 4001.04, Block Group 1
Block 3030 in Tract 4001.04, Block Group 3

(14) WARD 15
Block 2031 in Tract 4201.05, Block Group 2
Blocks 2000-2004 in Tract 4204.01, Block Group 2
Block 2006 in Tract 4204.01, Block Group 2
Blocks 2017-2024 in Tract 4204.01, Block Group 2

(15) WARD 16
Block 1039 in Tract 4001.02, Block Group 1
Block 1043 in Tract 4001.02, Block Group 1
Block 2001 in Tract 4001.02, Block Group 2
Blocks 2003-2004 in Tract 4001.02, Block Group 2
Blocks 2013-2018 in Tract 4001.02, Block Group 2
Block 2021 in Tract 4001.02, Block Group 2
Blocks 1011-1012 in Tract 4001.04, Block Group 1
Block 1014 in Tract 4001.04, Block Group 1
Blocks 1018-1019 in Tract 4001.04, Block Group 1
Block 1021 in Tract 4001.04, Block Group 1
Blocks 1035-1036 in Tract 4001.04, Block Group 1
Block 3004 in Tract 4001.04, Block Group 3

(16) WARD 17
Blocks 1007-1008 in Tract 4001.02, Block Group 1
Blocks 1027-1033 in Tract 4001.02, Block Group 1
Block 1042 in Tract 4001.02, Block Group 1
Blocks 1044-1045 in Tract 4001.02, Block Group 1
Blocks 2006-2012 in Tract 4001.02, Block Group 2
Block 1017 in Tract 4001.04, Block Group 1
Block 2030 in Tract 4201.05, Block Group 2
Block 2032 in Tract 4201.05, Block Group 2

(17) WARD 18
Block 1008 in Tract 4001.04, Block Group 1

(18) WARD 19
Blocks 1025-1026 in Tract 4001.02, Block Group 1
Blocks 2021-2024 in Tract 4201.05, Block Group 2
Blocks 2026-2027 in Tract 4201.05, Block Group 2

(19) WARD 20
Blocks 2011-2020 in Tract 4201.05, Block Group 2
Block 2025 in Tract 4201.05, Block Group 2
Blocks 2028-2029 in Tract 4201.05, Block Group 2
Blocks 3000-3003 in Tract 4201.05, Block Group 3

(20) WARD 21
Blocks 1004-1006 in Tract 4201.05, Block Group 1

Block 1012 in Tract 4201.05, Block Group 1
Blocks 1016-1021 in Tract 4201.05, Block Group 1
Blocks 1024-1032 in Tract 4201.05, Block Group 1
Blocks 1034-1044 in Tract 4201.05, Block Group 1
Blocks 1049-1050 in Tract 4201.05, Block Group 1

(21) WARD 22
Blocks 2012-2020 in Tract 4201.06, Block Group 2

(22) WARD 23
Block 3000 in Tract 4201.04, Block Group 3
Blocks 3023-3025 in Tract 4201.04, Block Group 3
Block 3033 in Tract 4201.04, Block Group 3
Block 1004 in Tract 4201.06, Block Group 1
Blocks 1008-1010 in Tract 4201.06, Block Group 1
Block 1013 in Tract 4201.06, Block Group 1
Block 2004 in Tract 4201.06, Block Group 2
Block 2008 in Tract 4201.06, Block Group 2
Blocks 1004-1006 in Tract 4202.00, Block Group 1
Block 1006-1009 in Tract 4204.02, Block Group 1
Block 1012 in Tract 4204.02, Block Group 1

(23) WARD 24
Block 3000 in Tract 4201.03, Block Group 3
Block 3002 in Tract 4201.03, Block Group 3
Block 3004 in Tract 4201.03, Block Group 3
Block 3012 in Tract 4201.03, Block Group 3
Blocks 2001-2003 in Tract 4201.04, Block Group 2
Blocks 2005-2007 in Tract 4201.04, Block Group 2
Blocks 2009-2011 in Tract 4201.04, Block Group 2
Block 2013 in Tract 4201.04, Block Group 2
Block 2015 in Tract 4201.04, Block Group 2
Blocks 3001-3007 in Tract 4201.04, Block Group 3
Blocks 3047-3051 in Tract 4201.04, Block Group 3

1.79 ALDERMANIC DISTRICTS (Rep. & Recr. Ord. #2416 - 10/15/01; Rep. & Recr. Ord. #2699 – 10/22/11). The City shall be divided into 8 Aldermanic Districts. Each Aldermanic District shall consist of wards described in §1.78 of this subchapter as follows:

(1) FIRST ALDERMANIC DISTRICT. First, Second and Third Wards.

(2) SECOND ALDERMANIC DISTRICT. Fourth, Fifth and Sixth Wards.

(3) THIRD ALDERMANIC DISTRICT. Seventh and Eighth Wards.

(4) FOURTH ALDERMANIC DISTRICT. Ninth and Tenth Wards.

(5) FIFTH ALDERMANIC DISTRICT. Eleventh, Twelfth, Thirteenth and Fourteenth Wards.

(6) SIXTH ALDERMANIC DISTRICT. Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Wards.

(7) SEVENTH ALDERMANIC DISTRICT. Twentieth, Twenty-First and Twenty-Second Wards.

(8) EIGHTH ALDERMANIC DISTRICT. Twenty-Third and Twenty-Fourth Wards.

SUBCHAPTER VI: PUBLIC RECORDS

1.80 ACCESS TO PUBLIC RECORDS. (Rep. & Recr. Ord. #2150 – 3/28/94). (1) DEFINITIONS. (a) "Authority" means any of the following City entities having custody of a City record: an office, elected or appointed official, agency, board, commission, committee, council, department or other body corporate and politic created by constitution, law, ordinance, rule or order; any court of law; or a formally constituted subunit of the foregoing.

(b) "Legal Custodian" means an officer, department head, division head or other employee of the City, designated under sub. (3) below or otherwise responsible by law to keep and preserve any City records or to file, deposit or keep such records in his or her office, or who is lawfully in possession or entitled to possession of such records and who is required by this section to respond to requests for access to such records.

(c) "Record" has the meaning specified in sec. 19.32(2), Wis. Stats.

(d) (Am. Ord. #2635 – 10/6/08). "Requester" has the meaning specified in sec. 19.32(3), Wis. Stats.

(2) STATUTORY REFERENCE. This section is supplemental to the statutory provisions governing public records and property in Subchapter II of Ch. 19, Wis. Stats.

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

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

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

(d) Each legal custodian under this subsection shall designate a person to act as legal custodian in his or her absence. This paragraph does not apply to the Council.

(e) The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) LIMITATIONS ON ACCESS. If a legal custodian considers a record to be exempt from disclosure in whole or in part, he or she shall without delay refer the request and record to the City Attorney for his or her advice, citing any grounds for denying public access and specifying any need to restrict access at the time the request to inspect or copy is made. If a legal custodian considers a request for a record to be insufficient because it is

without a reasonable limitation as to subject matter or length of time represented by the record, he or she shall without delay refer it to the City Attorney for his or her advice.

(5) FEES FOR ACCESS TO RECORDS. A requester shall be charged the following fees to defray the cost of locating and copying records: (a) A fee not to exceed the actual, necessary and direct cost of reproduction and transcription of a record, unless a fee is otherwise specifically established by law. The City Clerk shall determine such cost per page for photocopying.

(b) A fee not to exceed the actual, necessary and direct cost of photographing and photographic processing if photographs are provided of a record, the form of which does not permit copying.

(c) A fee not exceeding the actual, necessary and direct cost of location of a record if such cost is $50 or more, except as otherwise provided or authorized to be prescribed by law.

(d) A fee for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record to a requester.

(e) An authority may require prepayment by a requester of any fees imposed under this subsection if the total amount exceeds $5.

(f) An authority may provide copies of a record without charge or at a reduced charge if it determines that waiver or reduction of the fee is in the public interest.

1.81 DESTRUCTION OF PUBLIC RECORDS. (Rep. & Recr. Ord. #2150 – 3/28/94). (1) POLICY. It is the policy of the City of West Bend that all public records of the City be permanently preserved except where destruction is permitted under this section. This section shall not be construed to require destruction of any record or to permit its destruction after a period of time less than that prescribed by law.

(2) DEFINITIONS. The terms "authority," "legal custodian" and "record" have those definitions contained in sec. 1.80(1) of this Code.

(3) STATUTORY REFERENCE. This section is supplemental to the statutory provisions governing public records and property in Subchapter II of Ch. 19, Wis. Stats.

(4) LEGAL CUSTODIANS. Legal custodians are responsible under this section to preserve public records in their custody and where permitted to destroy obsolete records. They shall be familiar with the requirements of state and federal laws and regulations pertaining to the preservation and destruction of records in their custody.

(5) DESTRUCTION PROHIBITED. Destruction of a record is prohibited if it is not obsolete or if litigation is pending concerning its subject. An unresolved claim is

considered pending litigation. No record shall be destroyed if its legal custodian or the City Attorney determines there is a reasonable possibility of litigation concerning its subject. No record shall be destroyed after receipt of a request for access to it until after the request is granted or until at least 60 days after the date the request is denied, except as otherwise provided in sec. 19.35(5), Wis. Stats.

(6) NOTICE. Prior to the destruction of any records under this section, at least 60 days' notice shall be given in writing to the State Historical Society of Wisconsin unless a previous waiver has been obtained for that particular category of records. Legal custodians shall file a copy of each waiver obtained with the City Clerk.

(7) STANDARD RETENTION PERIOD. A legal custodian may destroy an obsolete record no sooner than 7 years after its creation, except water stubs, receipts of current billings and customer ledgers of a public utility may be destroyed no sooner than 2 years after their creation, unless a different retention period has been fixed pursuant to sec. 16.61(3)(e), Wis. Stats., or any other provision of law. In addition, a legal custodian shall consider the recommendations of professional records management associations pertinent to records in his or her custody if they require a longer retention period than this section.

(8) TAPED OR DIGITAL RECORDINGS (Am. Ord. #2589 - 4/10/06). Sub. (6) does not apply to this paragraph. (a) Meetings. Any taped or digital recording of a meeting by any City governmental body may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.

(b) Protective Services. Any taped or digital recording of protective services incoming and outgoing telephone line and radio frequency communications may be destroyed no sooner than 120 days after its creation.

(c) Police Department Recordings. All police department video and audio recordings obtained by video recorders kept in police department vehicles and all video or audio recordings of interviews completed by the police department as part of a police investigation may be destroyed no sooner than 120 days after its creation except those recordings that cover incidents in which an arrest was made. Recordings covering incidents in which an arrest was made may be destroyed no sooner than 60 days after the final adjudication date related to that arrest.

(d) Security Recordings. All video and audio recordings obtained for security purposes by security cameras or other recording devices owned by the City and operated on City owned property may be destroyed no sooner than 120 days after its creation.

(9) MICROFILMING. An authority may keep and preserve public records through the use of microfilm or other reproductive device. Any photographic reproduction of a record authorized to be reproduced under this subsection is deemed an original record for all purposes if it meets the applicable standards established under sec. 16.61(7), Wis. Stats. The

microfilming of a record does not permit destruction of the original record except as provided by law.

1.82 to 1.89 (Reserved)

SUBCHAPTER VII: MUNICIPAL COURT

1.90 MUNICIPAL COURT (Cr. Ord. #2012 – 11/19/90; Rep. & Recr. Ord. #2216 – 7/24/95). (1) CREATED. There is created and established a Municipal Court, to be designated as the "Mid-Moraine Municipal Court," under the provisions of Ch. 755, Wis. Stats., and pursuant to the Agreement for the Operation of a Municipal Court for Washington County, as amended ("Agreement"), a copy of which is on file with the City Clerk.

(2) MUNICIPAL COURT JUDGE. The Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who resides in any of the Member Municipalities as defined in the Agreement. The Municipal Judge shall be elected at large in the Spring election for a term of 4 years commencing on May 1 of the year of his or her election. The governing bodies of the Member Municipalities shall provide for a primary election in the event that more than 2 candidates file nomination papers for the position of Municipal Judge.

(3) BOND. The amount of the bond required by sec. 755.03(1), Wis. Stats., shall be $2,500.

(4) HOURS. The Municipal Court shall be open at such times as the Municipal Judge determines, subject to the Agreement.

(5) CONTEMPT. The Municipal Judge may impose forfeiture for contempt and a jail sentence for nonpayment of the forfeiture and any applicable assessments, under sec. 800.12, Wis. Stats.

(6) JURISDICTION. This section shall be construed to limit neither the jurisdiction of the Municipal Court nor the authority of the Municipal Court to impose penalties under the Wisconsin Statutes.