

## TABLE OF CONTENTS

### Chapter 4

	<u>Page</u>
Section 4.01 - Mayor-Alderpersion Form of Government.....	4-1
Section 4.02 - Elective Officials.....	4-1
Section 4.03 - Appointive Officials.....	4-1
Section 4.035 Appointment of alternate members for Boards and Commissions.	4.1
Section 4.04 - Terms of Office.....	4-2
Section 4.05 - Time of Taking Office.....	4-2
Section 4.06 - Qualifying Duties.....	4-2
Section 4.07 - Vacancies.....	4-2
Section 4.08 - Elections and Election Officials.....	4-2
Section 4.09 - Registration of Electors.....	4-3
Section 4.10 - Mayor.....	4-3
Section 4.11 - Administrator.....	4-3
Section 4.12 - Treasurer-Comptroller.....	4-3
Section 4.13 - Clerk.....	4-3
Section 4.14 - City Attorney.....	4-3
Section 4.15 - City Assessor.....	4-4
Section 4.16 - City Engineer.....	4-5
Section 4.17 - Director of Planning & Zoning.....	4-6
Section 4.18 - Director of Public Works.....	4-6
Section 4.19 - Building Inspector.....	4-7
Section 4.20 - Plumbing Inspector.....	4-7
Section 4.21 - Electrical Inspector.....	4-7
Section 4.22 - Police and Fire Commission.....	4-7
Section 4.23 - Board of Public Works.....	4-8
Section 4.24 - Board of Review.....	4-8
Section 4.25 - Public Utility Committee.....	4-8
Section 4.26 - Tourism Commission.....	4-8
Section 4.27 - Weed Commissioner.....	4-9
Section 4.28 - Administrative Appeals.....	4-9
Section 4.29 - Library Board.....	4-10
Section 4.30 - Recreation Commission.....	4-10
Section 4.31 - Fiscal Regulations.....	4-11
Section 4.32 - Emergency Government.....	4-13
Section 4.33 - Public Records.....	4-15
Section 4.34 - Municipal Electric Utility.....	4-18
Section 4.35 - Franchise Ordinances and Franchise Applications.....	4-19
Section 4.36 - Disposition of Surplus Property.....	4-19
Section 4.37 - Collection of Delinquent Charges.....	4-19
Section 4.38 - Municipal Court.....	4-20

**CHAPTER 4  
CITY ADMINISTRATION**

**4.01 MAYOR-ALDERPERSON FORM OF GOVERNMENT.** The City of Hartford shall be organized and governed under the provisions of Chapter 62, Wisconsin Statutes known as Mayor-Aldersperson plan.

**4.02 ELECTIVE OFFICIALS.** 1) Which Officials Elected. The elective officers of the City of Hartford shall be a Mayor and three Alderspersons from each aldersperson district.

2) Eligibility. No person shall be elected by the people to a City office who is not at the time of his election a citizen of the United States and of the State of Wisconsin and an elector of the City, and in case of an aldersperson district office, of the aldersperson district and actually residing therein.

3) Primary. Whenever three or more candidates file nomination papers for a City office, a primary election shall be held to nominate candidates for the office.

**4.03 APPOINTIVE OFFICIALS.** 1) Officials Appointed. The Administrator and full-time Department Heads necessary for the proper management of the City affairs, unless otherwise provided, shall be appointed by the Mayor in writing subject to confirmation by the Common Council at a subsequent meeting of the Council following the appointment. Vote on confirmation of all other officials, employees and appointees may be taken at the same meeting when made.

An appointee by the Mayor requiring confirmation by the Council who shall be rejected by the Council shall be ineligible for appointment to the same office for one year thereafter.

2) Appointment and Confirmation. a) Unless otherwise provided a majority of all the members elected of the Common Council shall be necessary to an appointment made by the Common Council or to a confirmation of an appointment made by the Mayor.

b) The committee, board, commission appointments of the Mayor shall be made at the first meeting of the new Council to be held on or after the third Tuesday of April following a regular City election. Other appointments shall be made promptly, as vacancies occur.

3) Eligibility. Every appointed official, unless otherwise provided, shall be a qualified elector of the City of Hartford. This section shall not apply to Department Heads unless specified in the job description or contract for a specific Department Head.

**4.035 APPOINTMENT OF ALTERNATE MEMBERS FOR BOARDS AND COMMISSIONS.** The Mayor, subject to Council approval, may appoint up to two (2) alternates to any board or commission except the Police and Fire Commission, the Library Board or as otherwise may be prohibited by law. The Mayor shall appoint alternates in a manner to ensure compliance with the limits established in the statutes or municipal code relating to the number of elected officials allowed on the board or commission. Without regard to the length of term for other members of the board or commission, the term for each alternate member shall be two years. Alternates shall be authorized to act in the place of and shall have all authority and

responsibility to act as a member of the board or commission in the absence or upon the recusal of any regular member of the board or commission, except that no elected official shall act as an alternate for a citizen member if it would violate the statutes or municipal code.

**4.04 TERMS OF OFFICE.** 1) Elected Officials. The term of office of the Mayor and Alderpersons shall be for three (3) years. The Mayor shall be elected in the spring election and every third year thereafter. Three of the Alderpersons, representing one Alderperson from each Alderperson District, shall be elected each year in the spring election.

**4.05 TIME OF TAKING OFFICE.** The regular terms of the Mayor and Alderpersons shall commence on the third Tuesday in April following their election.

**4.06 QUALIFYING DUTIES.** 1) Oath. Every person elected or appointed to an office shall take and file his oath of office with the City Clerk within ten days after notice of his election or appointment.

2) Official Bonds. The Treasurer-Comptroller, Chief of Police and such others as the statutes or the Council may direct shall execute and file an official bond in such sum as the Council may determine, with two or more sureties, or such bond may be furnished by a surety company as provided by Section 632.17(2), Wisconsin Statutes. The Council may at any time require new and additional bonds of any officer. All official bonds must be approved by the Mayor, and when so approved shall be filed within 10 days after the officer executing the same shall have been notified of his election or appointment. Official bonds filed with the Clerk shall be recorded by him in a book kept for that purpose.

3) Certificate of Appointment. When an appointive officer has filed the oath, and bond if required, the Clerk shall issue to him a certificate of appointment. If the appointment is to a board or commission, the appointee shall file the certificate with the secretary thereof.

**4.07 VACANCIES.** 1) Elective Offices. Vacancies in elective offices shall be filled as follows, except as provided in Section 9.10 of the Wisconsin Statutes:

- a) Mayor. In the office of Mayor by appointment by the Common Council.
- b) Alderpersons. The office of Alderperson by the Common Council.
- c) Tenure of Office. A person so appointed shall hold office until his successor is elected and qualified pursuant to Section 17.23 of the Wisconsin Statutes.

2) Appointive Offices. Vacancies in appointive offices shall be filled by the appointing power in the manner prescribed by law.

**4.08 ELECTIONS AND ELECTION OFFICIALS.** 1) Number and Qualifications. There shall be five (5) election inspectors at each polling place at each election; however, additional inspectors may be appointed to serve at any polling place where Election Day registration makes it necessary. Pursuant to Section 7.30(1), Wis. Stats., the city shall allow the selection of two (2) or more sets of officials to work at different times on election day and the Clerk may establish different working hours for different officials assigned to the same polling place.

2) Appointment. Officials shall be appointed pursuant to Section 7.30 of the Wisconsin Statutes.

3) Chief Inspector. Prior to the first election following the appointment of the inspectors, the Clerk shall appoint one of the inspectors at each polling place to serve as Chief Inspector of that polling place pursuant to Section 7.30(6)(b), Wis. Stats., and the Chief Inspector shall have the duties described in Section 7.36, Wis. Stats.

4) Hours for Voting. The polls on each Election Day shall remain open for voting from 7:00 a.m. until 8:00 p.m.

5) Municipal Board of Canvassers. The Municipal Board of Canvassers shall publicly canvass the returns of every local election in accordance with § 7.53 (2)(d).

**4.09 REGISTRATION OF ELECTORS.** 1) Registration. The registration of electors in the City of Hartford is hereby authorized and registration is required for all elections in the City. The Clerk is authorized to do those acts necessary and as required by Wisconsin Statutes to register the electors of the City of Hartford as provided above.

**4.10 MAYOR.** The Mayor shall be the chief executive officer of the City. He shall take care that City ordinances and state laws are observed and enforced and that all City officers and employees discharge their duties. The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes, particularly Section 62.09(8) thereof.

**4.11 ADMINISTRATOR.** The Administrator, an officer of the City, shall have such powers and duties as are prescribed by law and the Common Council.

**4.12 TREASURER-COMPTROLLER.** 1) The Treasurer-Comptroller shall have such powers and duties as are prescribed by law and the Common Council.

2) Collection and Payment of County and State Taxes. In the event the City Treasurer shall fail to do so, the City of Hartford shall be obligated to pay all state and county taxes which said City Treasurer is required to pay to the County Treasurers. {Wisconsin State Statute 70.67 (2)}.

The Common Council of the City of Hartford may require the City Treasurer to give a bond for such payment if demand therefore shall be made by the Common Council of the said City of Hartford, but the City of Hartford, if it shall demand such a bond, shall pay the premium for such fidelity or surety bond.

**4.13 CLERK.** The Clerk shall have such powers and duties as are prescribed by law and the Common Council.

**4.14 CITY ATTORNEY.** The City Attorney shall be qualified to practice law in the State of Wisconsin and in good standing, and shall have the duties and responsibilities as are prescribed in the Wisconsin Statutes, particularly Section 62.09 (12) thereof, and such other duties as the Mayor and Common Council shall prescribe.

**4.15 CITY ASSESSOR.** 1) The City Assessor shall be appointed by the Mayor subject to the confirmation of the Common Council by an affirmative vote of two-thirds of the members of the Common Council of the City of Hartford. The City Assessor shall meet the qualifications required by Chapter 70 of Wisconsin Statutes.

2) The City Assessor shall perform the duties prescribed by the Wisconsin Statutes, particularly Chapter 70 thereof, and such other duties as are required or requested to be executed by him by the Common Council from time to time.

3) Property Record Maintenance Fees. The City of Hartford Assessor's Office creates and maintains property records for all real estate parcels within the City of Hartford in which it has jurisdiction. Pursuant to Wisconsin Statute 70.32(1), all properties that are issued building permits are field reviewed, described, and valued by "actual view". This means that each building permit requires 1) assessment personnel to initially process existing records or create new records, 2) physically review, onsite, the purpose of each building permit to document all property description additions and/or alterations, and 3) process the information gathered in the field to determine an assessment value.

4) Definitions.

a) Residential – Used by occupants as a home, abode, domicile, or dwelling that has housekeeping and cooking facilities for the occupants only. A residential property may have multiple dwelling units.

b) Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

c) Residential Condominium – A multiple dwelling or development containing individually owned dwelling units and jointly owned and shares areas and facilities.

d) Multi-Family Residential Building – A single building or structure containing more than one dwelling unit under single ownership and in which the owner rents or leases the right to occupy any of the dwelling units to a tenant(s).

e) Commercial Building – A building or structure that houses a business use, enterprise, or activity at a greater scale than home industry involving the distribution of, or retail or wholesale marketing of goods or services.

f) Agricultural Building – A structure principally utilized for the storage of farm equipment and machinery, crop production, or shelter and feeding of livestock.

5) Fees to be Charged for Property Record Maintenance. Every person receiving an approved building permit from the City in which said building permit requires an employee of the Assessor's office to physically view onsite any descriptive property change in an effort to maintain the property record shall pay a property maintenance fee commensurate with the type of building permit issued by the City. The fee schedule shall be incorporated in Chapter 42 of the Municipal Code and may be changed from time to time by resolution of the Council.

6) Schedule of Fees for Property Maintenance Records.

<i>Permit Type</i>	<i>Residential/ Agricultural Up to 3 Dwelling Units; Each Unit</i>	<i>Residential Condominiums 4+ Units; Each Building</i>		<i>Multi-Family Residential 4+ Units; Each Building</i>		<i>Commercial Buildings</i>
		<u>Base</u>	<u>Each Unit</u>	<u>Base</u>	<u>Each Unit</u>	
New Residential Dwellings	\$200	\$350	\$50	\$400	\$40	
New Commercial Buildings						\$400
Structural Addition	80		80		80	165
Structural Alteration	80		80		80	110
Accessory Structures	15		30		30	50
Porch, Deck, Patio, Canopy, Gazebo	15		30		30	30
Fireplace	15		15		15	20
Swimming Pool (not above ground)	15		15		15	20
Building Demolition	15		15		15	15

**4.16 CITY ENGINEER.** 1) Duties. The City Engineer shall be a practical surveyor and engineer competent to perform the usual duties of such office, among which duties shall be the following:

- a) To perform all duties required of him herein and by resolution or ordinance of the City Council.
- b) To perform all duties necessary for public construction projects of the City.
- c) To make when required, surveys, profiles, plans, specifications and estimates for the grading of any street, alley or public ground, for the building and construction of reservoirs, sewers and public mains, for the establishment of dock and wharf lines and for any public works or improvements.
- d) To make such written recommendations to the Common Council and to any committee of the City as he may deem proper.
- e) To examine, when requested, any public works or improvement done under any contract within the City and to make reports of such examination to the Common Council.
- f) To attend, when requested, any meetings of the Common Council or any committee thereof.

- g) To make and keep systematic records in suitable books to be provided by the City therefor, also surveys, profiles, plans and estimates for the City, which shall be the property of the City, and shall be severally kept and preserved in his office.
- h) To deliver to his successor in office all books and papers appertaining to his office.

2) Term. The City Engineer shall hold office for an indefinite term, subject to removal for cause by a two-thirds vote of the members of the Common Council after reasonable notice and after a public hearing if the same is requested by the City Engineer.

**4.17 DIRECTOR OF PLANNING AND ZONING.** 1) Duties. The Director of Planning and Zoning is responsible for providing direction to citizens, contractors, realtors and developers relative to land use planning and zoning and shall competently perform the usual duties of such office, among which duties shall be the following:

- a) Perform City planning, providing input regarding:
  - i. Administration of zoning ordinances.
  - ii. Developing and administration of City comprehensive/master plans and related planning documents
  - iii. Coordination of activities for plan commission, zoning board of appeals, joint City-Town planning committee.
  - iv. Advises Plan Commission on public policy matters relating to planning and zoning
- b) Composing and editing graphic materials, written communications and agendas and minutes for committees, commissions and other meetings.
- c) Supervising and managing the property maintenance and housing code and building inspection issues, including preparation of communications and notifications regarding violations.
- d) Participating in community development functions.

2) Term. The Director of Planning and Zoning shall hold office for an indefinite term and according to the terms and conditions of the Director of Planning and Zoning's contract, if any.

**4.18 DIRECTOR OF PUBLIC WORKS.** 1) Duties. The Director of Public Works is responsible for providing effective and efficient public works and airport services for the City and shall competently perform the usual duties of such office, among which duties shall be the following:

- a) Planning, assigning and supervising street, storm water, right-of-way, vehicle and building maintenance, and garbage and recycling collection.
- b) Directing work crews in the construction, maintenance, and repair of City streets.
- c) Assisting with budget preparation and special reports.
- d) Supervising repairs and improvements made by small contractors or City crews and making recommendations on the acceptance of work.
- e) Assisting with equipment specifications and conducting contractor reference checks.
- f) Responding to emergency situations.
- g) Directing employees in the maintenance and repair of equipment and vehicles. Manages parts and supplies inventory.
- h) Supervising the daily safety methods used by City crews to maintain compliance with safety regulations.

2) Term. The Director of Public Works shall hold office for an indefinite term, subject to removal by the Common Council after reasonable notice.

**4.19 BUILDING INSPECTOR.** The office of Building Inspector is hereby created. The office of Building Inspector may be combined with that of another official or department head.

**4.20 PLUMBING INSPECTOR.** The office of Plumbing Inspector is hereby created. The office of Plumbing Inspector may be combined with that of another official or department head.

**4.21 ELECTRICAL INSPECTOR.** The office of Electrical Inspector is hereby created. The office of Electrical Inspector may be combined with that of another official or department head.

**4.22 POLICE AND FIRE COMMISSION.** 1) How Constituted. The Board of Police and Fire Commissioners shall consist of five citizens, three of whom shall constitute a quorum. The Mayor shall annually, at the first Common Council meeting on or after the third Tuesday of April, report to the Common Council the name of one member to serve a five (5) year term, to commence on the first Monday of May. Between the last Monday of April and the first Monday of May, the appointment in writing, is to be filed with the secretary of the board. All members shall be subject to confirmation of the Common Council. No appointment shall be made which will result in more than three members of the board belonging to the same political party. The board shall keep a record of its proceedings.

2) Duties and Functions. The board shall perform the duties and carry out the functions as are prescribed by Section 62.13 of the Wisconsin Statutes.



3) Compensation. Each member of the board shall receive as compensation for his services the sum of \$10 per month, contingent upon the member attending at least one meeting of the board each month.

**4.23 BOARD OF PUBLIC WORKS.** 1) How Constituted. The Public Works Committee shall constitute the Board of Public Works. The Public Works Committee shall be constituted as described in Section 3.6 of the Municipal Code.

2) Duties and Functions. The Public Works Committee shall perform all duties that are prescribed by the State Statutes to the Board of Public Works, particularly the provisions of Section 62.14, Wis. Stats., and such other duties that the Common Council shall impose from time to time.

**4.24 BOARD OF REVIEW.** 1) Organization. The Board of Review shall consist of five residents of the City and may include public officers and public employees. They shall be appointed by the Mayor for staggered five-year terms. The City Clerk shall act as Clerk to the Board and shall keep an accurate record of all proceedings. The Mayor may also appoint two alternates to the Board of Review for five-year terms.

2) Duties. The Board shall be vested with the power and authority and charged with all the duties prescribed in Wisconsin Statutes Sections 70.46 and 70.47.

3) Sessions. The first meeting of the Board of Review shall be held at a time and place as noticed by the City Clerk.

4) Confidentiality of Information. Any information provided by a taxpayer about income and expenses to the Assessor under Wisconsin Statutes Section 70.47(7)(af) shall be confidential information and is not subject to inspection and copying under Section 19.35(1) unless ordered by a court of competent jurisdiction. Said information may be revealed to and used by persons in the discharge of duties imposed by law, in discharge of duties imposed by office, including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties.

**4.25 PUBLIC UTILITY COMMITTEE.** 1) How Constituted. The composition of the Public Utility Committee shall be as described in Section 3.6 of the Municipal Code.

2) Duties. Pursuant to Section 66.0805(6), Wis. Stats., the City establishes the Public Utility Committee to manage and supervise the operation of the water, sewer and electric utilities.

**4.26 TOURISM COMMISSION.** 1) Creation. The Tourism Commission is established pursuant to the requirements of Section 66.0615, Wis. Stats.

2) How Constituted. The members of the Tourism Tax Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, on the first Council meeting on or after the third Tuesday of April after each municipal election or as soon thereafter as may be. All Commissioners shall serve for a term of one (1) year, at the pleasure of the Mayor, and may be reappointed. The Commission shall have the following members, appointed by the Mayor:

a) two (2) residents of the City who hold elected office, at the local, county, state or federal level, representing at least one ward of the City; (AMENDED 7/28/2016—ORDINANCE 1358; 8/23/2016—ORDINANCE 1360)

b) a representative of City staff;

c) a representative of the Wisconsin Hotel and Motel Industry; and

d) a representative of the Hartford business community, for example, the Director of the Chamber of Commerce, a member of the BID, or a member of the Hartford Area Development Corporation.

3) Duties. a) The Commission shall meet regularly, and, from among its members, it shall elect a Chairperson, Vice Chairperson and Secretary.

b) The Commission shall report any delinquencies or inaccurate reporting regarding room tax to the City.

c) The Commission shall distribute all room tax proceeds received from the City in accordance with Section 66.0615, Wis. Stats.

**4.27 WEED COMMISSIONER.** 1) Appointment. Unless the Mayor shall annually appoint a different person, the Building Inspector is appointed as Weed Commissioner, pursuant to Section 66.0517, Wis. Stats. The Clerk shall report the name of such appointee to the State Department of Agriculture on or before May 15 in each year.

2) Enforcement and Administration. The Weed Commissioner shall investigate the existence of noxious weeds as defined in 66.0407, Wis. Stats., thistles, musk thistles, leafy spurge, field bindweed, creeping jenny, rank growth, and/or quack grass in the City. Upon the determination of their existence, the Weed Commissioner shall serve notice by certified mail to the property owner and occupants of the property as to the existence of such noxious growth and that removal/elimination must be completed within 5 days of issuance of the notice. It shall be a rebuttable presumption that all growth in excess of 8 inches contains noxious weeds, thistles, musk thistles, leafy spurge, field bindweed, creeping jenny, rank growth, and/or quack grass. Failure to destroy/eliminate all such growth will result in the Weed Commissioner causing their abatement, with all expenses incurred being charged to the property owner. If such charges are not paid by October 20 of the year in which they are billed, such charges shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to 66.0517, Wis. Stats.

3) Definitions. Noxious weeds shall be considered to include all weeds identified by Wis. Stats. 66.0407 including: Canadian thistle, leafy spurge, and field bindweed (creeping Jenny). Noxious weeds shall also include quack grass, grasses longer than eight inches in length, and any other such weeds as determined by ordinance or resolution of the Common Council.

**4.28 ADMINISTRATIVE APPEALS.** 1) Administrative determinations shall proceed and be reviewed pursuant to Wisconsin Statutes Chapter 68 except as to those aspects of the procedure and review of a determination provided by other laws.

2) An Administrative Review Appeals Board is created and may be an impartial decision maker to make decisions on administrative appeal.

3) The members of the Zoning Board of Appeals shall serve as the members of the Administrative Review Appeals Board.

4) The Administrative Review Appeals Board shall adopt reasonable rules to govern its affairs.

5) \$10 shall be paid to a Board member for each appeal he or she attends.

6) To help defray the City's cost of processing appeals, the appellant shall pay a fee as determined in Chapter 42 of the Municipal Code to the City Treasurer at the time the appeal is filed.

**4.29 LIBRARY BOARD.** 1) Organization. a) The Library Board shall consist of seven members appointed by the Mayor subject to the approval of the Common Council. In addition to the seven members, the Mayor may appoint, subject to the approval of the Common Council, a member of the Common Council as a nonvoting, liaison representative of the Common Council to the Library Board.

b) All terms of service are for three year staggered terms, with the liaison representative being an annual appointment. Each staggered term shall commence July 1st in the year of the appointment. Members of the Library Board shall be residents of the City, except that not more than two members may be residents of towns adjacent to the City.

c) The Mayor shall appoint as one of the members a school district administrator, or its representative, to represent the public school district or districts in which the public library is located. Not more than one member of the Common Council shall at any one time be a voting member of the Library Board.

d) No compensation shall be paid to any Board member for their service as such, but they may be reimbursed for actual or necessary expenses incurred in performing their duties outside of the City if so authorized by the Board.

e) A majority of the Board shall constitute a quorum but the Board may provide by resolution that three or more members shall constitute a quorum.

f) The Library Board shall have the powers and duties as set forth in Chapter 43 of the Wisconsin Statutes.

**4.30 RECREATION COMMISSION.** 1) Creation. The Park & Recreation Commission shall consist of seven members, all of whom are residents of the City of Hartford, and one of whom shall be a member of the Common Council. The members of the Park & Recreation Commission shall be appointed by the Mayor subject to the confirmation of the Council. The term of the member of the Council shall be one year commencing at the first Common Council meeting on or after the third Tuesday of April. Terms of all other appointees shall be for three years with two being appointed each year with terms commencing at the Common Council meeting on or after the third Tuesday of April. Members appointed as vacancies appear shall serve only the unexpired term of the vacated member. Members of the Commission shall receive no compensation for their services. Within 30 days after the first Common Council

meeting on or after the third Tuesday of April, the members of the Park & Recreation Commission shall organize by an election from among their members of a president and such other officers as they may deem necessary and select a day and place for meeting.

2) Duties. The Park & Recreation Commission shall provide advisory direction to staff regarding municipal park and recreation programming and recreation center operation. The Commission shall have the power to make rules and regulations for the governance and control of all places of parks and recreation subject to approval by the Common Council.

3) Parks & Recreation Director. The City Administrator shall nominate the Parks & Recreation Director for the City of Hartford, subject to approval by the Common Council. The Parks & Recreation Director shall have the authority to employ from time to time other employees as he/she may deem necessary at rates of compensation as fixed by the Council.

The Parks & Recreation Director shall have the full responsibility for the operation of the Recreation Department and shall be a department head of the City of Hartford. He/she shall direct and manage all municipal recreation programs in the parks and on the playgrounds and shall have general supervision over the operation of the municipal swimming pools and recreation facilities. The Director shall plan, organize, coordinate and direct a comprehensive program of recreational activities. The Director shall make regular monthly reports of the recreational activities to the Council and shall regularly attend meetings of the Park & Recreation Commission.

4) Budget. The Commission shall be subject to the budget resolution of the City of Hartford and shall have no authority to expend funds. All funds received by the Commission shall be paid into the general fund of the City.

5) Fees. The Park & Recreation Commission shall have authority to review and propose to the Common council changes to the rates charged for programs and services.

**4.31 FISCAL REGULATIONS.** 1) Fiscal Year. The calendar year shall be the fiscal year.

2) Officials to Pay Receipts Monthly. Each City officer shall keep an itemized and accurate account of all monies received by him in his official capacity for fees, commissions and otherwise, and shall at the end of each month, during his term of office, pay into the City Treasury all such money in his hands and file a duly verified copy of his account with the City Comptroller, together with a receipt of the Treasurer showing that such money has been paid into the City Treasury. Until such account and receipt are so filed, it shall not be lawful for the Common Council or City officer, to order, draw, countersign or deliver any warrant for the payment of the salary or allowance of any such delinquent officer.

3) Budget. a) Annually the City Administrator shall prepare, and the Common Council shall endorse, a schedule for the preparation and approval of the City of Hartford's annual budget.

b) The City Administrator shall cause to be created a proposed annual budget for the City in a format approved by the Common Council and in accordance with Wisconsin Statute.

- c) The City Administrator shall present the proposed annual budget to the Common Council in a public meeting as scheduled in (a) above, and shall advise the Common Council during their deliberations on the annual budget.
- d) Annually on or before the first regular Council meeting in November, the Common Council shall hold a hearing on the proposed annual budget.
- e) In the event the Common Council does not adopt an annual budget during the first regular Council meeting in November or adopt an annual budget during the first Council meeting after a mayoral veto of an annual budget, the Common Council shall adjourn said meeting for no more than forty-eight (48) hours until an annual budget is adopted.

4) Municipal Disbursements. a) State Regulations. All municipal disbursements, including disbursements for City schools, shall be made in accordance with the provisions of Section 66.0607 of the Wisconsin Statutes, except as hereafter provided.

- b) Facsimile Signatures. All order checks shall be signed by the City Treasurer and the City Clerk. In lieu of the personal signatures of the City Treasurer and City Clerk, there may be affixed on all order checks drawn against a City depository for all purposes the facsimile signatures of such persons as adopted by them.

The use of such facsimile signature shall not relieve any municipal official from any liability to which he is otherwise subject including the unauthorized use thereof. Any depository shall be fully warranted and protected in making payment on any check bearing such facsimile notwithstanding that the same may have been placed thereon without the authority of the designated persons.

- c) Claims. Claims against the City Treasury may be charged against the Treasury provided that the City Comptroller audits and approves each claim as a proper charge against the Treasury and endorses his or her approval on the claim after having determined that the following conditions have been complied with:
  - i. That funds are available therefor pursuant to the budget approved by the governing body.
  - ii. That the item or service covered by such claim has been duly authorized by the proper official, department head or board of commission.
  - iii. That the item or service has been actually supplied or rendered in conformity with such authorization.
  - iv. That the claim is just and valid pursuant to law.

The comptroller shall file with the governing body not less than monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

The Common Council shall authorize an annual detailed audit of its financial transactions and accounts by a certified public accountant licensed under Wisconsin Statutes Chapter 442.

5) Wisconsin Retirement Fund. Pursuant to Section 40.05 of the Wisconsin Statutes, the City of Hartford elects to include eligible City personnel under the provisions of the Wisconsin Municipal Retirement Fund in accordance with the terms thereof.

**4.32 EMERGENCY GOVERNMENT.** 1) Emergency Government Commission.

a) How Constituted. An Emergency Government Commission is hereby created which shall be composed of the Mayor, Emergency Government Director, Police Chief, and Fire Chief. The Mayor shall be chairman of commission and the Emergency Government Director shall serve as secretary.

b) Duties. The commission shall be an advisory and planning group on all matters pertaining to emergency government and shall submit recommendations for adoption by the Council of an Emergency Government Plan and all matters relating to contracts, appropriations, mutual aid plans and agreements made in carrying out the functions of emergency government. The commission shall meet upon the call of the chairman.

c) Policy and Purpose. All emergency government functions shall be coordinated to the maximum extent practicable with existing services and facilities of the City and with comparable functions of the federal, state and county governments, other political subdivisions and of private agencies to make the most effective preparation and use of manpower, resources and facilities for dealing with any disaster that may occur.

2) Emergency Government Director.

a) Appointment. The Director of Emergency Government shall be appointed by the Mayor subject to confirmation by the Common Council and shall receive such salary as shall be established by the Council. He shall take and file an official oath.

b) Deputy and Assistant Directors. Deputy and Assistant Directors may be appointed by the Director subject to the approval of the Emergency Government Commission.

c) Duties and Authority of Director. The Director shall be the executive head of the emergency government organization which shall be known as the "Hartford Emergency Government Organization" and he shall have the direct responsibility for the organization, administration and operation of it. He shall coordinate all activities for the emergency government within the City and shall maintain and cooperate with emergency government agencies and organizations of other political subdivisions and of the state and federal government, and shall participate in county and state emergency government activities upon request

and shall have such additional authority, duties and responsibilities as may be required by the Common Council.

The Director shall prepare a comprehensive general plan for the emergency government of the City and shall present such plan to the Common Council for approval, and all emergency government forces of the City shall perform the duties and functions assigned to them in the plan as approved. The plan may be modified from time to time in like manner. This plan shall provide for the use of public and private property as shelters or other public use when emergencies are proclaimed, and in carrying out this requirement, the Director shall have the authority to enter into and upon private property during reasonable times, for inspection purposes.

The Director shall, in accordance with the plan and program for emergency government, procure supplies and equipment, institute training programs, provide public information programs and take other preparatory steps for partial or full mobilization in advance of actual war or disaster to insure adequately trained and equipped forces of emergency government.

- d) 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, employees 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.

3) Emergency Regulations. Whenever it shall become necessary to meet an emergency for which adequate regulations have not been adopted by the Common Council, the Mayor or in his absence, the Director of Emergency Government, may by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of public or private 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 proclamation shall be posted in at least three public places and effective forthwith on such posting. Such orders, rules and regulations may be rescinded by the Common Council at any time.

4) Mutual Aid Agreements. The Director of Emergency Government may, subject to the approval of the Emergency Government Commission and the Common Council, enter into mutual aid agreements with other political subdivisions, copies of such agreements shall be filed with the Clerk and the State Director of Emergency Government.

5) Declaration of Emergencies. Upon the declaration by the Governor of the state, the Mayor, or the Emergency Government Director in the absence of the Mayor, or by the Common Council, of a state of emergency, the Director of Emergency Government 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 Organization shall take action in accordance with the emergency government plan only after the declaration of an emergency and the issuance of

official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority; provided that any such declaration not issued by the Governor may be terminated at the discretion of the Common Council.

The members of the Emergency Government Organization shall be deemed employees of the City of Hartford upon the declaration of and during an emergency and during training exercises for eligibility of workmen's compensation benefits. Members of the Emergency Government Organization shall receive no pay unless specifically provided for by the Common Council.

The members of the Emergency Government Organization shall be indemnified by the City of Hartford against any sort of liability to third persons incurred in the scope of emergency government activity when acting in good faith during emergency proclamations or training exercises. Emergency government activities shall be deemed and constitute a government function.

Members of the Emergency Government Organization as designated by the Emergency Government Director shall have the power and authority of police officers as defined by the Statutes of the State of Wisconsin after and during the declaration of an emergency and during training exercises, for the enforcement and carrying out of the orders, rules and regulations of emergency government and shall qualify as such.

6) Service, Grants and Gifts. Services, equipment, supplies, materials or funds offered by the federal government or the State of Wisconsin or any agency or officer thereof, or any person, firm or corporation by way of gift, grant, or loan for the purposes of emergency government or as disaster relief may be accepted, except that such acceptance shall not create any liability on the part of the City of the Emergency Government Organization unless approved by the Common Council.

7) Disloyalty. No person shall be employed or associated in any capacity in the Emergency Government Organization who advocates a change by force or violence in the constitutional form of government of the United States or of the State of Wisconsin or who has been convicted of or is under indictment or information charging any subversive act against the United States.

8) Penalties. It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Government Organization in the enforcement of any order, rule or regulation of plans issued pursuant to this section or to do any act forbidden by any order, rules or regulation or plan issued pursuant to the authority contained in this section.

**4.33 PUBLIC RECORDS.** 1) Legal Custodian(s). a) The City Clerk, or in his or her absence or disability or in case of vacancy, the deputy clerk, is hereby designated the legal custodian of all City records.

b) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subch. II 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.



2) Fees. a) The following fees may be imposed upon a requester of a copy of a record:

- i. Photocopying and digital media copy fees for copies produced in the City Administrative Offices shall be as determined in Chapter 42 of the Municipal Code.
- ii. The actual, necessary and direct cost of photographing, photographic processing, or photocopying for copies produced in places other than the City Administrative Offices, locating a record if the cost is \$50.00 or more, mailing or shipping.

b) 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.

3) Limitations on Right to Access. a) 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 matters for which disclosure may be refused include, but are not limited to, the following:

- i. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
- ii. Records of current deliberations after a quasi-judicial hearing.
- iii. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline or any City Officer or employee, or the investigation of charges against a City Officer or employee, unless such officer or employee consents to such disclosure.
- iv. Records concerning current strategy for crime detection or prevention.
- v. Records of current deliberations or negotiations on the purchase or sale of City property, investing of City funds, or other City business whenever competitive or bargaining reasons require nondisclosure.
- vi. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
- vii. Communications between legal counsel for the City and any officer, agent or employee of the City, when advice is being rendered concerning strategy with respect to current litigation in which the city or any of its

officers, agents or employees is or is likely to become involved, or communications which are privileged under Section 905.03, Statutes.

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

4) Records Retention and Destruction. a) Purpose. The purpose of this subsection is to establish a City records retention schedule and authorize destruction of City records pursuant to the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule only if such a record has been photographically reproduced as an original record, microfilmed, or converted to optical disk format pursuant to sec. 16.61 (7) Wis. Stats.

Any record not covered by this ordinance or any regulation or law shall be retained 7 years and unless a shorter time period is approved by the State Public Records and Forms Board.

- b) Definitions.
- i. "Legal Custodian" means the individual responsible for maintaining records pursuant to Section 19.33 Wis. Stats. In accordance with subsection (1) of sec. 19.33 Wis. Stats. and, pursuant to subsection 1) of this ordinance, the City Clerk or Deputy Clerk, in the City Clerk's absence, has been designated the legal custodian.
  - ii. "Record" has the meaning defined in Section 19.32 (2), Wis. Stats., and it shall have that meaning wherever it appears in Section 4.29 of this code.
  - iii. General Provisions. 1. Historical Records-Notification to State Historical Society of Wisconsin. Destruction of records shall be in accord with sec. 19.21 (4)(a), Wis. Stats. The State Historical Society of Wisconsin has previously waived the required statutory 60 day notice for any record designated as "waived" (i.e., notice waived) in a Retention Schedule which shall be maintained, and kept current, by the City Clerk. The State Historical Society of Wisconsin must be notified by the City Clerk or department head prior to destruction of any record designated in said Retention Schedule with "Notify" (i.e., notice not waived). Those records listed in the Retention Schedule as "N/A" (not applicable) are permanent records, never to be destroyed. This categorization applies to any record designated for permanent retention with the original custodian. Notice to the State Historical Society of Wisconsin is also required for any record not listed in said Retention Schedule.

2. Microfilming or Optical Imaging of Records. Public records may be preserved through the use of microfilm or optical imaging provided the applicable standards in sec. 16.61 (7), Wis. Stats., (microfilm) and sec. 16.612, Wis. Stats., (optical imaging) are met. Retention periods, estimated costs and benefits of converting records between different media, and approved budgets are to be considered in deciding which records to microfilm or store in optical disk format. After verification, records converted to microfilm or optical imaging may be destroyed. The retention periods identified in this ordinance apply to records in any media.
3. Destruction After Request for Inspection. In accord with sec. 19.35 (5), Wis. Stats., no records requested for inspection may be destroyed until after the request for inspection is granted or 60 days after the request is denied. If any action is commenced by the State Historical Society of Wisconsin under Sec. 19.37, Wis. Stats., the requested record may not be destroyed until after a court order is issued and all appeals have been completed.
4. Destruction Pending Litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved, and all applicable appeal time limits have expired.
5. Review and Approval by Public Records and Forms Board. This ordinance and the retention periods of less than 7 years have been reviewed and approved by the Public Records and Forms Board prior to enactment by the Common Council.

5) Severability. The provisions of this ordinance are severable. If a section, subsection, paragraph, sentence, clause or phrase shall be adjudged by a court with competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

**4.34 MUNICIPAL ELECTRIC UTILITY.** 1) Management and Control. The general control and supervision of the Electrical Utility and of the Electric Utilities Department of the City shall be vested in the Common Council, acting as the Public Utility, who shall have the powers and perform the functions of public utility commissions as prescribed by state statutes.

2) Director. The Director of Utilities shall have charge and management of the Electric Utility and of the Electric Utilities Department of the City, subject to the supervision and direction of the Common Council.

3) Rates and Regulations. The Common Council shall from time to time by passage of appropriate resolutions classify the types of electric services available to customers, define the availability of electric services, establish schedules of rates, provide conditions of delivery of electric current and promulgate such other rules and regulations it deems necessary and proper for the operation of the Electric Utility and the Utilities Department of the City, subject to control by the Public Service Commission as provided by law.

**4.35 FRANCHISE ORDINANCES AND FRANCHISE APPLICATIONS.** 1) Franchise Ordinances Incorporated in Code. All franchise ordinances now in force in the City of Hartford are hereby incorporated by reference and shall have the same force and effect as if fully set forth in this code.

2) Application for Franchise. a) In all cases where application is made to the Common Council of the City of Hartford for the granting of a franchise, the person making the application shall deposit with the Clerk-Treasurer a sum as determined in Chapter 42 of the Municipal Code to cover the costs of printing and other expenses for which the City may become liable in considering the application.

b) The balance of the money mentioned in this section remaining after the payment of printing fees and other expenses shall be returned to the party or parties who made the deposit.

c) No application for the granting of any franchise shall be received or acted upon unless accompanied with the deposit mentioned in this section.

**4.36 DISPOSITION OF SURPLUS PROPERTY.** Used and surplus goods and materials having a residual value of less than \$1000 may be disposed of at the direction of the City Administrator, in other cases upon vote of the Common Council. In all cases, disposal may be by auction or sealed bid at the Administrator's discretion. In cases where the surplus goods and materials have value to a nonprofit or benevolent organization and their disposal will not adversely affect City operations, in the Common Council's opinion, in lieu of auction or sealed bids, the Council may vote to directly dispose of same.

**4.37 COLLECTION OF DELINQUENT CHARGES.** 1) Authority. The Council finds that the City of Hartford Water and Sewer Utilities are public utilities within the meaning of Section 196.01(5), Wis. Stats., and has the authority, pursuant to Section 66.0809(3), Wis. Stats., to levy as a special charge upon a property arrears and penalties for water and sewer services provided to a property. The Council further finds that, through the adoption of this ordinance, it meets the requirements of Section 66.0809(4), Wis. Stats., and may levy as a special charge upon a property arrears and penalties for electrical services provided to the property

2) Lien for Delinquent Charges. Any delinquency in the payment of charges for electric, water, and sewer service shall be a lien upon the property served, after notice to the owner and occupant of such delinquency, as set forth herein.

3) Procedure. a) The City Treasurer shall inform the Utility Committee before October 1 of each year of all lots or parcels for which electric, water, and sewer service was supplied in the year preceding October 1, and for which amounts of electric, water, and sewer charges are still owed.

b) On October 15, the Treasurer shall give written notice to the owner and occupant of each such parcel stating that an amount is owed for electric, water, or sewer service; stating the amount still owed, including any penalty assessed pursuant to the Committee's rules; stating that unless that amount is paid by November 1 a penalty of 10 percent of the amount of arrears will be added; and that unless the arrears, with any added penalty, are paid by November 15, the

arrears and penalty will be levied as a special charge, as defined under s. 74.01 (4), Wis. Stats., against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent. The notice may be served by delivery to either the owner or occupant personally, or by letter addressed to the owner or occupant at the post-office address of the lot or parcel of real estate.

- c) On November 16, the Treasurer shall certify to the City Clerk a list of all parcels or lots for which payments are in arrears and for which notice has been given, including the amount of any penalty. Each delinquent amount, including the penalty, becomes a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the clerk shall insert the delinquent amount and penalty as a special charge, as defined under s. 74.01 (4), against the lot or parcel of real estate.

4) Severability. This ordinance shall not affect the right of the City to collect delinquent charges by other means. If this ordinance is found to be illegal, other ordinances are not affected thereby. If any portion of this ordinance is found to be illegal, it shall not affect the remainder of this ordinance.

**4.38 MUNICIPAL COURT.** 1) Created. There is created and established a Municipal Court, to be designed as the "Mid-Moraine Municipal Court," under the provisions of Chapter 755, Wis. Stats., and pursuant to the Agreement for the Operation of the 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 two 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 two 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 a forfeiture for contempt of court and jail sentence for nonpayment of the forfeiture and any applicable assessments, under sec. 800.12 (2), 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.