

CHAPTER 4

Boards, Commissions and Committees

SEC. 2-4-1 BOARD OF REVIEW.

- (a) **COMPOSITION.** The Board of Review shall consist of five (5) residents of the City, none of whom may occupy any public office or be publicly employed. Such citizen members shall be appointed by the Mayor subject to confirmation by the Common Council for terms of five (5) years, one member to be appointed annually. The Board of Review members shall receive such compensation as shall be fixed by resolution or ordinance by the Common Council. The City Clerk shall serve as secretary of the Board of Review.
- (b) **DUTIES.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (c) **BOARD'S DUTY.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.

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

SEC. 2-4-2 LIBRARY BOARD.

- (a) **ORGANIZATION; TERMS.** Pursuant to Wis. Stats. §43.54, a Library Board is created for the Elisha D. Smith Public Library and shall consist of seven (7) members.
 - (1) Members shall be appointed by the Mayor with the approval of the Common Council commencing July first in the year of appointment for three (3) year terms, except as otherwise provided below. Not more than one (1) member of the Common Council shall at any time be a member of the Library Board. If appointed, a member of the Common Council shall serve a one (1) year term commencing May first in the year of appointment.
 - (2) The Mayor shall appoint the Menasha Joint School District Superintendent of Schools or representative to the Library Board.
 - (3) Members shall be residents of the City, except that the Menasha School District Superintendent or representative may be a resident of another municipality.
 - (4) A county may appoint from among residents of the library's county service area additional members as prescribed by Wis. Stats. §43.60(3).
- (b) **DUTIES AND POWERS.** The Library Board shall have the duties and powers prescribed by Wis. Stats. §43.58.

SEC. 2-4-3 WATER AND LIGHT COMMISSION.

- (a) **HOW CONSTITUTED.**
 - (1) There is hereby created a Water and Light Commission for the City of Menasha which shall consist of five (5) citizen members of the city who shall serve without salary. The Common Council shall elect five (5) citizens as members of the Commission. One of said members shall be elected for a term of one (1) year; one

of said members shall be elected for a term of two (2) years; one of said members shall be elected for a term of three (3) years; one of said members shall be elected for a term of four (4) years; and one of said members shall be elected for a term of five (5) years. The Common Council at its first meeting in the month of September in each year shall select a member of the Water and Light Commission who shall hold said office for a term of five (5) years and until his successor is elected and qualified, commencing on the first day of October following his election. Such Commissioners, so elected, shall take and file the official oath with the City Clerk within five (5) days after notice of their election. In case of a vacancy in said Commission by death, resignation, removal from the City or neglect or refusal of any person elected to take and file his official oath, the same shall be filled for the unexpired term by an election by the Common Council. The Commission shall elect its own officers.

- (2) In the event the Council shall appoint the then incumbent Mayor and in turn each succeeding Mayor upon assuming the office to be a member of the Commission with full voting powers and all other powers, duties and responsibilities of a Commissioner. It is the intent of this Section to keep the voting members of the Commission always at five (5), of which no more than two (2) may be elected officials of the City government (Charter Ordinance).
- (b) **SPECIFIC POWERS AND DUTIES.** The Commission shall have authority to appoint a manager, superintendents and such other employees as in their judgment is deemed necessary and they shall have the power to fix the compensation of said superintendent and employees. They shall make the rules for their own proceedings and for the government of their Commission and shall at all times keep full and accurate minutes of their proceedings and transactions and shall make annual reports to the Common Council and such other reports, at such other times, as the Common Council may direct or require. The Commission shall keep books of accounts in the manner and form prescribed by the Public Service Commission; said books of account shall be open to the public.
- (c) **OTHER POWERS AND DUTIES.** The Commission shall have such general powers in the construction, extension, improvement, and operation of the Water and Light Department as shall be designated by ordinance or resolution of the Common Council, or by the laws of the State of Wisconsin.
- (d) **AUDITING.** The Department expenditures shall be audited by the Commission and if approved, be paid by the City Treasurer upon warrants signed by the President and Secretary of the Commission. The receipts in the Department shall be paid to the Secretary, or his assistant and said receipts are to be turned over to the City Treasurer at least once in every week.

NOTE: Charter Ordinance.

SEC. 2-4-4 BOARD OF APPEALS.

- (a) **ESTABLISHMENT.** A Zoning Board of Appeals shall be appointed as specified in Section 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The members shall be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairman.

- (b) **POWERS.** The Zoning Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning ordinances.
 - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such a period.
- (c) **MEETINGS AND RULES.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.
- (d) **OFFICES.** The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.
- (e) **APPROPRIATIONS.** The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

State Law Reference: Section 62.23(7), Wis. Stats.

SEC. 2-4-5

CITY PLAN COMMISSION.

- (a) **COMPOSITION.** The Plan Commission shall consist of seven (7) voting members as follows: The Mayor, one (1) Alderman, Director of Public Works, Chairperson of the Parks and Recreation Board and three (3) citizens.
- (b) **APPOINTMENT.**
 - (1) Election/Appointment of Alderman Members. At its annual meeting in April of each year the Common Council shall, by two-thirds vote of its members, elect one (1) of its number as member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
 - (2) Appointment and Terms of Citizen Members. The Chairperson of the Parks and Recreation Board shall have a one (1) year term. The three (3) citizen members shall be appointed by the Mayor and confirmed by the Common Council to hold office for a period ending respectively one (1), two (2) and three (3) years thereafter from the succeeding first of May. Annually during April, members shall be appointed for a term of three (3) years.
- (c) **ORGANIZATION OF COMMISSION.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman and such other officers as may in their judgment be necessary. The Plan Commission shall receive such compensation as determined by the Common Council.
- (d) **VACANCIES.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (e) **COMPENSATION.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- (f) **RECORD.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of the members present of the Commission.
- (g) **DUTIES.** The Plan Commission shall have the following duties and powers:
 - (1) Mandatory Referrals to Commission. The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
 - (2) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations

and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

(3) The Comprehensive Plan.

- a. Purpose. The purpose of this section is to provide procedures and criteria for creating, adopting, amending, and updating the City of Menasha Comprehensive Plan. The Plan Commission may create, adopt, and, as necessary, amend, extend or add to the Comprehensive Plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City.
- b. Applicability. This section shall apply to the creation, adoption, amendment, and updating to any elements of the City of Menasha Comprehensive Plan.
- c. Comprehensive Plan Elements. The Comprehensive Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and shall include, among other things without limitation because of enumeration, the following elements as required by State of Wisconsin planning law (§66.1001):
 1. Issues and opportunities element
 2. Housing element.
 3. Utilities and community facilities element
Agricultural, natural and cultural resources element.
 5. Economic development element.
 6. Intergovernmental cooperation element.
 7. Land-use element.
 8. Implementation element.
- d. Comprehensive Plan Adoption.
 1. The Commission shall create and adopt the Comprehensive Plan in accordance with Wisconsin State planning laws (§66.1001).
 2. The Comprehensive Plan adopted under this subsection shall be updated no less than once every 10 years in accordance with Wisconsin State planning laws (§66.1001).
- e. Comprehensive Plan Amendments.
 1. Applicability. The criteria and requirements of this section shall apply to all applications or proposals for changes to the comprehensive plan text, goals, objectives, policies, map designations, or other map changes unless specifically exempted. The following types of comprehensive plan amendments may be considered through the comprehensive plan amendment process:
 - (i) Future Land Use map changes including land use and growth boundaries;
 - (ii) Minor technical Future Land Use map corrections;

- (iii) Future Land Use or other text changes;
- (iv) Changes or corrections to other maps within the plan;
- (v) The amendment or adoption of the Utilities and Community Facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget; and,
- (vi) Amendments necessary to address an emergency situation.

2. Procedure.

- (i) In November of each year, the Community Development Department shall publish notice in the official city newspaper to announce the City of Menasha Comprehensive Plan amendment process is open to accepting applications. At that time, the Community Development Department will invite public comments and suggestions regarding changes to the comprehensive plan.
- (ii) Applications for all comprehensive plan amendments shall be considered legislative actions and be subject to the procedures in this section.
- (iii) Applicants proposing Future Land Use Map changes must schedule a pre-application meeting with staff.
- (iv) Applications shall be submitted to the Community Development Department in writing by the last working day of December in order to be considered during the annual review process.
- (v) A fee established by the Common Council must accompany the following changes:
 - a. Future Land Use map changes including land use and growth boundaries;
 - b. Future Land Use or other text changes;
- (vi) Two public hearings shall be scheduled and held: an informal public hearing before the Plan Commission and a formal public hearing before the Common Council. They shall be noticed as follows:
 - Informal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least seven (7) days prior to the informal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100') of the subject property or properties shall be notified by first class mail at least seven (7) days prior to the hearing.
 - Formal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least thirty (30) days prior to the formal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100') of the subject property or properties shall be notified

by first class mail at least thirty (30) days prior to the hearing. Said notice may be sent together with the notice for the informal public hearing.

- (vii) The Plan Commission shall, by resolution (§66.1001(4)(b)), make a recommendation to the Common Council within thirty (30) days of the date of the review meeting or the Common Council may take action without it.
 - (viii) The Common Council shall have the authority to approve or deny the proposed amendment(s). Amendments may not take effect until the Common Council enacts an ordinance that adopts the amendment(s) (§66.1001(4)(c)).
 - (ix) Copies of the adopted amendment(s) shall be sent to the reviewing authorities as required by State of Wisconsin planning law (§66.1001) within 30 days of adoption.
3. Submittal Requirements. All requests for comprehensive plan amendments shall be made in writing, using forms supplied by the Community Development Department, and shall include the information listed below. The Department of Community Development, Plan Commission and/or the Common Council may require additional information be submitted before taking action.
- (i) Future Land Use map amendments:
 - Completed application form, signed by the applicant or owner.
 - Property map showing adjacent properties and clearly outlining the subject parcel(s).
 - Where the property is not owned by the applicant, a letter from the owner giving consent to apply for the comprehensive plan amendment.
 - (ii) A description of the purpose of the comprehensive plan amendment.
 - (iii) Justification and support for the proposed map amendment.
 - (iv) All other amendments:
 - (v) Completed application form.
4. Approval Criteria.
- (i) Approval for Future Land Map Changes. To change a designation, the proposed Future Land Use map amendment must meet at least one of the following criteria listed below. Additional documentation may be needed to address the public facilities, needs, and services that may be necessary to support the proposed designation. Such services may include water, sanitary sewer, storm drainage, transportation (all modes), police and fire protection, and schools.
 - Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies;
 - Better implement applicable comprehensive plan policies than the current map designation;
 - Correct an obvious mapping error;

- Address an identified deficiency in the Comprehensive Plan.
- (ii) Approval Criteria for Amendments to Text and Other Maps. To change text, including goals, objectives and policies, or any map other than the Future Land Use Map, the amendment must meet at least one of the criteria below:
 - Better implement applicable comprehensive plan policies;
 - Correct errors;
 - Replace outdated data;
 - Address an opportunity for physical, economic, social or cultural improvement of the city.
- (iii) The comprehensive plan amendment(s) shall take into consideration the comprehensive plans adopted by neighboring communities, the East Central Wisconsin Regional Planning Commission, Calumet and Winnebago Counties, and relevant regional issues.
- (iv) Comprehensive plan text amendments and amendments to other maps within the plan shall be consistent with the State of Wisconsin comprehensive planning law (§66.1001).

SEC. 2-4-6 PARKS AND RECREATION BOARD.

- (a) **APPOINTMENTS.** The Parks and Recreation Board shall consist of seven (7) persons appointed by the Mayor and confirmed by the Common Council. Each Board member shall hold such office for a term of three (3) years, said terms to end September 30 in the year of expiration. Six (6) of the members shall be citizen members and one (1) member shall be an Alderman annually selected at the Council's organizational meeting. All members, including the Chairperson, shall have voting privileges.
- (b) **COMPENSATION; OATHS.** Board members shall receive such compensation as shall be determined by the Council from time to time. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- (c) **OFFICERS.** The Board shall annually elect one (1) member as chairperson.
- (d) **PROCEDURE.** Four (4) members shall constitute a quorum. The Chairperson, or acting Chairperson, shall be considered in determining a quorum. Action shall be by a majority of those present and voting. The Board shall adopt rules of procedure for governing the conduct of its meetings.
- (e) **POWERS AND DUTIES.** The Board shall have all the powers conferred by law upon parks and recreation commissions and shall be chargeable with all the duties so required such as recommend, oversee work, and oversee funds of all parks, playgrounds, and recreational activities as part of properties within the City. The Parks and Recreation Board is specifically empowered and directed:
 - (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
 - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal

property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.

- (3) To recommend to the Council and the Planning Commission the buying, leasing, selling or transferring of lands in the name of the City for park purposes within or without the City, as well as the leasing of buildings and boat slips within the Menasha Marina.
 - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the City for park purpose.
 - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system and recreation programs, and the Menasha Marina subject to budgetary approval by the Common Council.
 - (6) To have jurisdiction of parks, swimming pool and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
 - (7) To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks, playgrounds, and the Menasha Marina as the Board shall deem necessary.
 - (8) To establish rules and regulations, including user fees as deemed necessary as approved by the Council and desirable for the proper use, care and operation of parks, park facilities, recreation programs, Menasha Marina and other activities under their control, provided however that such rules and regulations do not conflict with the laws of the State of Wisconsin or this Code of Ordinances.
 - (9) To have jurisdiction of the Menasha Marina and assume full responsibility for the equipping, developing and maintaining the physical facilities of the Marina.
 - (10) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
 - (11) Nothing in Sec. 2-4-6 affects the statutory or ordinance authority of the Planning Commission.
- (f) **PUBLIC RECREATION PROGRAM.** The City Parks and Recreation Board shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City and shall be empowered to:
- (1) Establish park rules and program policies.
 - (2) Cooperate and coordinate with public school activities.
 - (3) Cooperate with any private recreational activities.
 - (4) Approve any schedules of all recreational activities in public parks and school buildings.
- (g) **RECORD.** The Parks and Recreation Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
- (h) **FINANCE.**
- (1) Budget. The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs, Menasha Marina and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures

for operating the parks and recreation system and the Menasha Marina.

- (2) Deposits. All revenues and income from the operation of park and recreation programs shall be deposited with the City Treasurer as general revenue of the City or to be applied to Tax Incremental Financing debt if otherwise required by law.
- (3) Monetary Contributions. All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

SEC. 2-4-7 POLICE COMMISSION; NEENAH-MENASHA JOINT FIRE COMMISSION

- (a) **POLICE COMMISSION.** The Board of Police Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing, to be filed with the secretary of the Commission, one member for a term of five (5) years, subject to confirmation by the Common Council. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party. The Commission shall keep a record of its proceedings. The Board of Police Commissioners shall have the power and authority prescribed by s.62.13, Wis. Stats., and this Code of Ordinances.

(b0) NEENAH-MENASHA JOINT FIRE COMMISSION.

- (1) **ORGANIZATION AND APPOINTMENT.** The Board of the Neenah Menasha Joint Fire Commission shall consist of 6 citizens, 4 of whom shall constitute a quorum. Three members shall be appointed by the Mayor of Neenah and three shall be appointed by the Mayor of Menasha. Each Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the Secretary of the Board, one member for a term of 3 years, subject to confirmation by the Common Council. Appointments to the initial joint fire commission shall provide for two members (one from each city) appointed for one year; two members (one from each city) appointed for two years; and two members (one from each city) appointed for three years. No appointment shall be made which shall result in more than 3 members of the Board belonging to the same political party. Such initial appointments shall also be subject to confirmation by the Common Council. The chair of the Commission shall be elected by the board annually at its organizational meeting in May for a one-year term. The chair of the commission shall rotate annually between the Cities of Neenah and Menasha. The vice-chair of the commission shall be from the opposite city than the chair.
- (2) **POWERS AND DUTIES.** See §62.13, Wisconsin Statutes.

State Law Reference: Section 62.13, Wis. Stats.

SEC. 2-4-8 LANDMARKS COMMISSION.

- (a) The Landmarks Commission shall be organized by and function under the general direction of the Common Council.

- (b) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character, special historic interest or value is a public benefit in that such protection, enhancement, perpetuation and continued use is believed to:
- (1) Serve as a support and stimulus to business and industry, thereby strengthening the economy of the city.
 - (2) Safeguard elements of the City's historic and cultural heritage, as embodied and reflected in historic structures, sites, and districts.
 - (3) Stabilize and improve property values.
 - (4) Foster civic pride in the accomplishments of the past.
 - (5) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City.
 - (6) Integrate the modern environment with historic buildings and sites.
- (c) **DEFINITIONS.** The following words and terms wherever they appear in this chapter, shall be construed as herein defined. Words not defined shall be interpreted in accordance with definitions found in any standard dictionary.
- (1) Alteration. A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.
 - (2) Commission. The Landmarks Commission created under this section.
 - (3) Certificate of Appropriateness. Document issued by the Landmarks Commission, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.
 - (4) Historic Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
 - (5) Historic Site. Any parcel of land whose historic significance is due to substantial value in tracing the history of aboriginal people, or upon which a historic event has occurred, and which has been designated a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
 - (6) Historic District. An area designated by the Common Council on recommendation of the Commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation, and which has been designated as a historic district pursuant to the provisions of this chapter.
 - (7) Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such improvement.
 - (8) Improved Parcel. Unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided,

however, that the term "improved parcel" shall also include any unimproved area of lands which is treated as a single entity for such tax purposes.

(d) **COMPOSITION AND TERMS.**

- (1) A Landmarks Commission is created whose members shall be appointed by the Mayor, subject to the confirmation by the Common Council, as follows:
 - a. Community Development Director as an ex officio, non-voting member;
 - b. Six members at large;
 - c. An Alderman appointed for one (1) year at annual reorganization meeting.
- (2) The Mayor shall consider prospective member's interest, knowledge, or expertise in historical, architectural, geological, archeological, or cultural preservation. Consideration shall also be given as to whether any member owns property in the designated historic district or a building otherwise designated as historic by the commission.
- (3) All at large members shall be appointed for three-year terms with the first appointments staggered such that three of the original appointees serve three-year terms, two serve two-year terms and the remaining member serves a one-year term. The alderman member shall be appointed by the Mayor and confirmed by the Common Council at its annual organization meeting. The Community Development Director shall serve in an advisory capacity to the Landmark's Commission for an unlimited term.
- (4) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (5) The Landmarks Commission shall select a chair, vice-chair and secretary and shall then adopt rules and regulations for its operation consistent with the provisions of this section.

(e) **POWERS AND DUTIES.** The Landmarks Commission shall have the following powers and duties:

- (1) To develop appropriate criteria and standards for identifying and evaluating neighborhoods, places, structures and improvements which might be classified as landmarks, landmark sites, historic districts or specially designated landmarks.
- (2) To identify landmarks, landmark sites, and historic districts within the City subject to official designation by the Common Council; and which upon such official designation shall be subject to the provisions herein.

(3) Other Duties. In addition to those duties already specified in this Section, the Commission shall:

- a. Cooperate with the historic preservation officer for the State of Wisconsin, and the State Historic Preservation Review Board, in attempting to include such properties hereunder designated as historic structures, sites, or districts in the National Register of Historic Places.
- b. Where necessary and appropriate recommend to the Planning Commission that the City acquire an interest in historic properties by purchase, donation or bequest, including the use of "preservation easements", where appropriate.
- c. Establish appropriate markers for officially designated landmarks and historic districts.

- d. Promote public education, interest and support for the preservation and enhancement of historic landmarks, landmark sites, and historic districts.
 - e. To advise owners of landmarks, landmark sites or structures of the benefits, problems and techniques of preservation and encourage their participation in preservation activities.
- (f) **BUDGET AND FINANCE.** For the purposes enumerated in Section 1(b) of this Chapter, the Landmarks Commission may:
- (1) Any funds deemed necessary shall be included in the Community Development Department budget. The Community Development Director shall monitor all expenditures consistent with City policy.
 - (2) Upon authorization by the Common Council, apply for state and/or federal funding.
 - (3) Upon authorization by the Common Council, raise funds and accept grants or gifts from public and private sources. Such funds shall be placed in a separate account as may be established by the City Comptroller and may be used upon authorization by the Common Council.
 - (4) Recommend contracting for services using such funds as may be authorized in the Community Development Department's budget or from other sources as may be approved by the Common Council. All such contracts require Common Council approval and shall be administered by the Community Development Director.
- (g) **DESIGNATION OF HISTORIC STRUCTURES.** For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the City, such as historic structures, sites or districts which:
- (1) Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community; or
 - (2) Are identified with historic personages or with important events in national, state, or local history; or
 - (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - (4) Are representative of the notable work of a master builder, designer, or architect who influenced his age; or
 - (5) Have yielded, or may be likely to yield, information important to prehistory or history.
 - a. Designation of historic structures and historic sites.
 - 1. The commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendation after application of the criteria in section (4), above. At least 10 days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners or property in whole or in part situated within 100 feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by the commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice under the Wisconsin Statutes. The commission shall also notify the following: department of public works, redevelopment authority,

parks department, fire and police departments, health department, building inspection department, plan commission, and the city assessor. Each such department may respond to the commission with its comments on the proposed designation or rescission.

2. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspection department, plan commission, and the city assessor. The property owner may appeal such decision to the common council within 30 days. The commission shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office.

(h) **DESIGNATION OF HISTORIC SIGNS.**

- (1) A sign may be designated to be eligible for listing on the Historic Sign Inventory when it has been in existence, but not necessarily continually visible or displayed, for a period of forty (40) years or more, and meets at least one (1) or more of the following criteria:
 - a. Is identified with the history of a product, business or service advertised.
 - b. Reflects the history of the building or a Historic District on/in which the sign is located.
 - c. Is integrated into the architecture of the building on which they sign is located and may be exemplary of a historically significant architectural style of the building.
 - d. The sign, if removed from a Historic Structure, will harm the integrity of the building or cause significant damage to its materials.
 - e. Is recognized as a popular focal point in the area by reason of its prominent location, long existence, large size or unusual design.
 - f. Exemplifies or reflects the City's cultural, social, economic, political, engineering and/or architectural history.
- (2) The Commission may, after notice and public hearing, evaluate and designate a sign as historically significant or recommend rescinding a previous designation of historical significance upon application of criteria provided in this section above. A review of eligibility for listing on the Historic Sign Inventory may be initiated by the Landmarks Commission or the owner of an improvement parcel which contains a potential Historic Sign. Where a property owner petitions the Commission to review eligibility for listing on the Historic Sign Inventory, the owner shall provide sufficient supporting documentation for Commission evaluation.
- (3) At least ten (10) days prior to such hearing, the Commission shall, by regular mail or person service, notify persons listed as owners of relevant improvement parcels containing a potential Historic Sign and owners of improvement parcels situated

within one hundred (100) feet of the boundary of the improvement parcel containing the potential Historic Sign of the date, time and place of hearing. Notice of such hearing shall also be published as a Class 2 Notice, under the Wisconsin Statutes. Publication shall cure any defect in the service of notice. The Commission shall also notify the Director of the Department of Community Development. The Department of Community Development may respond to the Commission within fifteen (15) days of notification with its comments, if any, on the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing. The Commission shall then receive such reports and conduct a public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The Commission may view the sign in issue and direct the conduct of an independent investigation into the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing.

- (4) The Commission shall approve or deny the designation of the sign as a Historic Sign. If approved for designation as a Historic Sign, the Commission shall direct that it be included on a Historic Sign Inventory and, if located on a building or structure designated as a Historic Structure or site, identified as such. Historic signs shall be exempt from the provision of Article F of the Menasha Code of Ordinances. The Historic Sign Inventory shall be on file and available for public inspection in the Community Development Department.

(i) **PRESERVATION AND ADOPTION OF HISTORICAL PROPERTIES.** Guideline criteria in the development of historic district plans are as follows:

- (1) Regulation of construction, reconstruction, and exterior alteration shall conform to the criteria and standards in subsection (G)(1).
- (2) All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
- (3) The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
- (4) In the street elevation of a building, the proportion between the width and height in the façade should be visually compatible with the building and environment with which it is visually related.
- (5) The proportions and relationships between doors and windows in the street façade should be visually compatible with the buildings and environment with which it is visually related.
- (6) The rhythm of solids to voids, created by openings in the façade, should be visually compatible with the buildings and environment with which they are visually related.
- (7) The existing rhythm created by existing building masses and spaces between them should be preserved.
- (8) The materials used in the final façade should be visually compatible with the buildings and environment with which they are visually related.
- (9) The texture inherent in the façade should be visually compatible with the buildings and environment with which it is visually related.
- (10) Colors and patterns used on the façade (especially trim) should be visually compatible with the buildings and environment with which they are visually related.

- (11) The design of the roof should be visually compatible with the buildings and environment with which they are visually related.
- (12) The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
- (13) The street façade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
- (14) Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.
 - a. Review and adoption procedure.
 - 1. Landmarks Commission

The Landmarks commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official city paper. Notice of the time, place, and purpose of the public hearing shall also be sent by the city clerk to the council member of the aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the Office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 100 feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the Landmarks commission shall vote to recommend, reject, or withhold action on the plan. This recommendation shall be forwarded to the city plan commission and the common council.
 - 2. The City Plan Commission

The plan commission shall review the historic district plan and make a recommendation to the common council. The plan commission shall make its recommendation on the historic district plan within 45 days.
 - 3. The Common Council

The common council, upon receipt of the recommendation from the Landmarks commission and plan commission, shall hold a public hearing, with notice to be given as noted in subsection 1., above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan. Property owners may appeal such decision to the common council within 30 days.

(j) **REGULATION OF CONSTRUCTION, RECONSTRUCTION, AND EXTERIOR ALTERATION.**

- (1) Certificate of Appropriateness. A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property. Any building permit not issued in conformity with this ordinance shall be considered void.

Acceptable exterior alterations include, but are not limited to, the construction of additions, the installation of siding, windows, doors, awnings, and signage, or the application of paint or other exterior coatings.

- a. Such application shall contain a description and sketch of the proposed changes.
 - b. A copy of the procedures for Landmarks Commission review shall be provided in writing to each applicant.
 - c. Within ten (10) days of the referral from the Director of Community Development, the Landmarks Commission shall schedule a meeting to review said application. The Landmarks Commission shall utilize the following criteria to evaluate the appropriateness of the proposed change.
 1. In the case of a designated historic district, structure or site, the proposed work should not detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and,
 2. In the case of the construction of a new structure upon a historic site, the exterior of such improvement should not adversely affect the external appearance of other neighboring improvements. Such improvement shall also harmonize with the external appearance of other neighboring improvements on such site; and,
 3. In the case of any property located in a designated historic district the proposed construction, reconstruction, or exterior alteration shall conform to the objectives and design criteria of the Historic Preservation Plan.
- (2) If the Landmarks Commission determines the landmark, landmark site, or property within a historic district would be adversely affected by the proposed change or if for any other reason the Commission rejects the request, the Commission shall state in writing the reasons.
 - (3) Should the Landmarks Commission fail to act within the specified time period or refuse to issue a certificate of appropriateness due to the failure of the proposal to meet the guidelines, the applicant may appeal to the Common Council.
 - (4) If a Certificate of Appropriateness is granted, building permit applications shall be made to the Director of Community Development. The application for a Certificate of Appropriateness must be signed by the owner or his authorized representative, and the form must be signed by the chairman of the Landmarks Commission stating its approval, denial, or approval with conditions and the reasons for the decision.
 - (5) When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Commission shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the Commission may adopt more specific guidelines for local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application.
 - a. The Secretary's Standards for Rehabilitation are:
 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(k) **REGULATION OF DEMOLITION AND NEW CONSTRUCTION.** No portion of a designated historic structure or site shall be demolished, nor shall a new building be constructed or new use established in a historic district unless such demolition, construction or use complies with this Section.

- (1) A permit is required as described in Section (g). Application shall be made to the Director of Community Development utilizing the procedures enumerated in Section (g)(1-2).
- (2) In determining whether to issue a certificate of appropriateness for demolition, new construction or alternate use, the Landmarks Commission shall consider:
 - a. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it.

- b. Whether any prospective new structure, or change in use would be compatible with the buildings and environment or the district in which the subject property is located.
 - c. Whether the building or structure is of such architectural or historic significance that this demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the state.
 - d. Whether demolition of the property would be contrary to the purpose and intent of this chapter and to the objectives of the Historic Preservation Plan.
 - e. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.
 - f. Whether retention of the building or structure would encourage study of American history, architecture and design or develop and understanding of American culture and heritage.
- (3) These provisions shall not apply to any building or structure which has been determined by the Building Inspector in consultation with the Community Development Director to fulfill the requirements of Sec. 66.05 Wis. Stats., and Sec. 11-7-5 and Sec. 15-5-13 City of Menasha Code, or if the City or any other governmental entity is proceeding under Ch. 32 Wis. Stats.
- (l) **PENALTIES.**
- (1) Any person who alters, or constructs a building or structure in violation of this chapter shall be required to restore the building or structure and its site to its appearance prior to the violation. Such restoration shall be completed within such time frame as set by the Landmarks Commission using materials, building design and construction methods approved by said Commission. Failure to complete the restoration in conformance with the requirements of the Landmarks Commission shall constitute a violation of this ordinance. Violations shall be subject to the penalties listed in Section 13-1-135 of the Menasha Code of Ordinances. Each day the violation continues shall constitute a separate offense.
 - (2) Any person who demolishes a building or structure in violation of Section (h) shall forfeit a sum equal to fifty percent (50%) of the value of the building or structure, should the Landmarks Commission and Common Council make a finding after a hearing that the demolished structure had major historical significance. The value shall be determined by using the assessed value from the previous year's property tax assessment as equalized by the Wisconsin Department of Revenue.
 - (3) The Community Development or his/her designee, with the advice and consent of the City Attorney, is authorized to issue a citation or to institute any formal proceeding to enjoin, correct, or abate any violation of this chapter.
- (m) **MAINTENANCE OF HISTORIC STRUCTURES, HISTORIC SITES, AND HISTORIC DISTRICTS.** Every person in charge of an improvement or structure in a historic district shall keep in good repair all of the exterior portions and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portions of such improvement or structure to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
- (n) **CONDITIONS DANGEROUS TO LIFE, HEALTH, OR PROPERTY.** Nothing contained in this Section shall prohibit the making of necessary construction, reconstruction alteration or demolition of any historic structure, any improvement on a historic site or in a

historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions as determined by the Community Development Director to be dangerous to life, health, or property. In such cases, no approval from the Landmarks Commission shall be necessary.

(o) **VACANT BUILDING REGISTRATION.**

(1) **INTENT.** It is the intent of this ordinance to require owners of vacant buildings in the Central Business District (C-2) to register with the City of Menasha and to maintain these buildings to prevent creation of public nuisance; preserve property values, and promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the City of Menasha.

(2) **VACANT DEFINED:** For the purpose of this Section, a vacant building is defined as any building, zoned Central Business District (C-2), that has commercial units that are abandoned, unoccupied, empty, or has a retail business that is not open to the public more than 13 days a month. A day is a period of time, not less than 4 consecutive hours in a 24 hour period, which a business is open to the public and an employee of that business is present at the property.

(3) **REGISTRATION:**

a. The property owner of any building, within the Central Business District (C-2), that is or has become vacant, shall file a registration statement with the Community Development Department, on forms provided by the department, within 30 days, after the effective date of this ordinance, after the building becomes vacant or within 30 days after assuming ownership, whichever is later.

1. It is the responsibility of the property owner to register their building with the city if any of the commercial units within the building are vacant.

2. If the building is not vacant the burden of proof shall lie with the property owner.

3. There is no fee for the initial registration of a vacant building.

b. The property owner shall renew the registration for successive 6-month periods as long as the building remains vacant and shall pay a registration renewal fee of \$250 for each registered building.

1. The property owner of any vacant building for which registration is required by this section shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with building and health code requirements, following reasonable notice.

If any property owner of a vacant building does not provide access to the property at the scheduled time, the Community Development Director or designee may apply for and obtain a special inspection warrant pursuant to §66.0119, Wis. Stats.

2. Every vacant building shall be subject to city inspection at least once every six months.

3. In the event the inspector finds a code violation anywhere on the property, a re-inspection fee of \$500 per vacant building inspection will be imposed until the violation has been corrected. Once the violation is corrected the fee shall return to \$250 per vacant building inspection.

4. A fee of \$85 shall be imposed for each time the inspector is unable to gain access to the structure for the inspection at the time scheduled.

- (4) In the event the building no longer meets the definition of vacant, it is the responsibility of the property owner to contact the city and provide proof the building is occupied. At this time the building will be removed from the vacant building registration list.
- (5) **FAILURE TO REGISTER.** Any property owner that fails to register or re-register a vacant building as required under this section shall, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the costs of the action.
- (6) A building vacant for more than a year or a building that has failed multiple inspections may be recommended by the Landmarks Commission to the Plan Commission to be blighted pursuant to Wisconsin State Statute 66.1333(2m)(bm).
- (7) **FEES COLLECTED:** All funds collected through the Vacant Building Ordinance shall be put into the CBD Façade Renovation Grant/Loan Program.

SEC. 2-4-9 HOUSING AUTHORITY.

- (a) **APPOINTMENT, QUALIFICATIONS AND TENURE OF COMMISSIONERS.**
 - (1) The Mayor shall, with the confirmation of the Council, appoint five (5) persons who are citizens of the City as Commissioners of the Housing Authority. No Commissioner may be connected in any official capacity with any political party nor shall more than two (2) be officers of the City.
 - (2) The Commissioners who are first appointed shall be designated by the Mayor to serve for terms of one (1), two (2), three (3), four (4), and five (5) years respectively from the date of their appointment. Thereafter, the term of office shall be five (5) years. A Commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three (3) Commissioners shall constitute a quorum. The Mayor shall file with the City Clerk a certificate of the appointment or reappointment of any Commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his office. A Commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.
- (b) **SELECTION OF OFFICERS.** When the office of the first chairman of the Housing Authority becomes vacant, the Authority shall select a chairman from among its members. The Authority shall select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The Authority may call upon the City Attorney or chief law officer of the City for such legal services as it may require. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.
- (c) The Housing Authority shall have all the powers and perform all of the duties conferred upon it by Section 66.40, Wis. Stats.

SEC. 2-4-10 COMMITTEE ON AGING.

- (a) **COMPOSITION; TERMS.** The Committee on Aging shall consist of eight (8) members

appointed to three (3) year terms by the Mayor, subject to confirmation by the Common Council. The Public Health Director and Active Older Adult Programming Coordinator of the Neenah/Menasha YMCA shall be a permanent members of the Committee on Aging. All other terms commence on May 1 in the year of appointment.

- (b) **DUTIES.** The Committee shall make recommendations to the Mayor and Common Council regarding the well-being of senior citizens.

SEC. 2-4-11 BOARD OF HEALTH.

- (a) **Composition; Terms.** The Board of Health shall consist of five (5) members and shall include the Public Health Director and City Physician. Their membership shall be without regard to their place of residence. The remaining members shall be appointed by the Mayor and confirmed by the Common Council. An effort shall be made to attempt to have one of the three citizen members a physician, a registered nurse, or some other person whose employment or training is in a health related field.
- (b) **Duties.** The board shall have all duties specified by Sec. 251.03 and 251.04, Wis. Stats., and shall make such recommendations to the Mayor and Common Council regarding the health of the citizens of Menasha.

SEC. 2-4-12 NEENAH-MENASHA SEWAGE COMMISSION.

- (b) **GENERAL POWERS.** The Commission shall have the power to plan, design, purchase, acquire, construct, extend, add to, improve, replace, control, operate, manage, maintain and hold title to such real and personal property, including, but not limited to, a treatment plan, interceptor mains, and the plans and specifications developed in connection therewith, in order to provide the Contracting Municipalities with adequate and sufficient sewage collection, treatment and disposal services and to produce a treatment plant effluent which meets effluent standards established by the current Wisconsin Pollutant Discharge Elimination System permit issued to the Commission. The Commission shall further modify, enlarge, abandon or replace such facilities, in whole or in part, from time to time, as deemed necessary by the Commission to efficiently transport, treat, or dispose of the Contracting Municipalities' waste water, and to continue to produce a treatment plant effluent which meets effluent standards established by the current Wisconsin Pollution Discharge Elimination System permit issued to the Commission and the Commission shall have the power to handle the disposal of solids (Sludge) generated by the above process, and the power of Sludge Disposal Operations as hereinbefore defined. The Commission shall apply and enforce the pretreatment program as required by the Clean Water Act of 1977 (Public Law 95-917) and the General Pretreatment Regulations for Existing and New Sources of Pollution (40 C.F.R. Part 403) promulgated by the EPA and any amendments thereto.
- (e) **ORDINANCES, RULES AND REGULATIONS.** The Commission shall itself adopted any ordinance and any rules and regulations necessary or expedient to enable it to carry out its powers and duties as set forth herein. Such ordinances, rules and regulations shall at a minimum allow the Commission to do the following:
 - (1) Deny or condition any increased or new discharges to the Local Sewer System or the Regional System;
 - (2) Require compliance by Industrial Users with Federal, State of Wisconsin,

- Commission and Contracting Municipality pretreatment standards;
- (3) Control industrial discharges to the Local Sewer Systems and the Regional System to insure compliance with (ii) above;
 - (4) Requirement the development by an Industrial User of a compliance schedule for the installation of facilities required by the rules and regulations of the Commission;
 - (5) Require submission by Industrial Users of self-monitoring reports necessary to assess and assure compliance with the ordinances, rules and regulations of the Commission, upon reasonable notice; and,
 - (6) No ordinances or rules and regulations shall be promulgated by the Commission until after a public hearing has been held where all interested parties have had an opportunity to be heard with respect thereto.
- (i) **PENALTIES.** Any person who shall violate any rule, regulation or order of the Commission shall be subject to a forfeiture of not less than One Hundred Dollars (\$100) nor more than Five Thousand Dollars (\$5,000), per day of violation, together with the costs of prosecution. Each and every day of a continuing violation shall be subject to a daily forfeiture, together with all costs of prosecution. In addition, any extraordinary expenses paid or incurred by the Commission as a result of any such violation shall be reimbursed by the violator.

SEC. 2-4-13 INFORMATION TECHNOLOGY STEERING COMMITTEE.

- (a) The Information Technology Steering Committee shall consist of the Comptroller, Information Technology Manager, one Council Member, and four Department Heads or Supervisory Employees. The Comptroller and Information Technology Manager shall be permanent members. The Information Technology Supervisor shall be an ad-hoc member and may vote on issues in the absence of the Information Technology Manager. Any Department Head or Supervisory Employee may participate in any Information Technology Committee meeting.
- (b) The Chair or Vice-Chair of the Administration Committee shall be the Council Member. The Mayor shall appoint the Department Head or supervisory employee members. Confirmation of members does not require Common Council confirmation. Consideration shall be given in appointing the Department Head members to those who are expected to have major automation projects scheduled. Department Head or supervisory employee appointments shall be made to be effective May 1st.
- (c) The Council member shall be the Steering Committee Chair. The Committee shall meet at the call of the Chair, but shall meet at least monthly.
- (d) The duties of the Steering Committee shall be to lend direction to the Information Technology by using short range and long range plans as a guideline. The Steering Committee shall also insure that the short range and long range plans are appropriately being implemented. The Steering Committee shall further have the power to recommend to the Common Council that either the short range or long range plans be updated. Each member of the committee shall be entitled to one vote on issues before the committee. Any member may designate a supervisory employee or a Department Head to vote in the absence of that member, provided, however, that no member shall be allowed to cast more than one vote. Non-member Department Heads or supervisory employees participating in any meetings shall not be entitled to vote on Committee issues.
- (e) The Steering Committee shall have the power to call in any external experts and consultants it deems necessary to achieve its duties consistent with budgetary guidelines.

SEC. 2-4-14

GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE.

- (a) **REGULAR MEETINGS; PUBLIC NOTICE.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
 - (1) All meeting notices shall be filed with the City Clerk who shall cause the notice to be published and/or posted in full compliance with the Open Meeting Law Requirements.
 - (2) Post, at the City Hall, an agenda of the matters to be taken up at such meeting.
- (b) **SPECIAL MEETINGS.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Section 19.81 to 19.89, Wis. Stats.
- (c) Unless otherwise provided by statute or ordinance, all citizen members appointed to any City committee, board, or commission, or authority by the Mayor and/or Common Council are subject to removal at the pleasure of the Common Council. When such removal requires a finding of cause, inefficiency, or neglect of duty, said finding may be based upon any of the following:
 - (1) The member's unexcused absence from more than three consecutive meetings of the committee, board, commission, or authority.
 - (2) The member's absence for any reason, excused or unexcused, from 50% or more of the respective body's meetings within any twelve-month period of time.
- (d) The presiding officer of each City committee, commission, board, and authority shall promptly notify the Mayor if a member of such body does not comply with the attendance standards described herein. In the event the absent member is the presiding officer, any member of the body may notify the Mayor of such absences. If it is desired to remove such member, the Common Council shall conduct a hearing related to the charges prior to determining whether to remove such member from office. Removal requires an affirmative vote of $\frac{3}{4}$ of all Council members. Upon removal, the Mayor shall declare the office vacant and shall appoint a new member pursuant to all applicable ordinances and statutes.
- (e) An absence shall be considered unexcused under this section when the appointed official does not notify the presiding officer or the City Clerk of the absence prior to the meeting. This section does not preclude removal for cause due to conduct other than absences.

2-4-15

MUNICIPAL COURT

- (a) **JOINT MUNICIPAL COURT CREATED.**

Pursuant to Sections 755 and 66.0301, Wis. Stats., there is hereby created and established a Joint Municipal Court to be designated Municipal Court for the Cities of Menasha and Neenah, said court shall become operative on May 1, 2002.
- (b) **MUNICIPAL JUDGE.**
 - (1) *Qualifications:* The Joint 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 one of the municipalities that is a party to the agreement forming this joint court.

- (2) *Oath and Bond:* The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Sec. 755.02 (1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$1,000.00. The Judge shall not act until the oath and bond have been filed as required by Sec. 19.01, Wis. Stats., and the requirements of Sec. 755.03 (2) have been complied with.
- (3) *Salary:* The initial salary of the Municipal Judge shall be \$24,660 effective August 1, 2006. Thereafter, the salary of the Municipal Judge shall be increased on each subsequent May 1st by the same percentage increase approved for the City of Neenah non-represented employees pay plan for that year, rounded to the nearest dollar.

(c) **ELECTIONS.**

The Municipal Judge shall be elected at large in the spring election for a term of four years commencing May 1, 2002. All candidates, for the position of Municipal Judge, shall be nominated by nomination papers as provided in Sec. 8.10, Wis. Stats., and selection at a primary election if such is held as provided in Sec. 8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates. Electors in all municipalities that are parties to the agreement shall vote for judge.

(d) **JURISDICTION.**

- (1) The Municipal Court shall have jurisdiction over incidents occurring on or after May 1, 2002 as provided in Article VII, Sec. 14 of the Wisconsin Constitution, Sec. 755.045 and Sec. 755.05, Wis. Stats., and as other provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement, seek to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- (2) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under Sec. 755.045 (2), Sec. 66.122 and Sec. 66.123, Wis. Stats.
- (3) The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of Sec. 938.17, Wis. Stats.

(e) **MUNICIPAL COURT OPERATIONS.**

- (1) *Hours:* The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.
- (2) *Employees:* The Judge shall, in writing, appoint such clerks and deputy clerks as are authorized and funded by the municipalities.

(f) **PROCEDURE IN MUNICIPAL COURT.**

The Joint Municipal Court for the Cities of Menasha and Neenah shall operate under municipal court procedure found in Sec. 800.001 *et. Seq.*, Wis. Stats., and Sec. 938, Wis. Stats., and actions thereunder shall be commenced by Uniform Municipal Citation. Forfeiture amounts, under the City ordinance, shall match the Uniform Bail and Bond Schedule for the State of Wisconsin then in effect and shall include the penalty assessment under Sec. 165.86 (2) (c), Wis. Stats., and the jail assessment under Sec. 302.46, Wis. Stats. Penalty assessments collected shall be forwarded to the state treasurer. Jail assessments collected shall be forwarded to the county treasurer. Pursuant to Sec. 814.65, Wis. Stats., the court costs for each citation issued is Thirty-eight Dollars

(\$38.00) of which Five Dollars (\$5.00) shall be forwarded to the state secretary of administration. The court shall collect forfeitures and report to the City Clerk the name, offense and judgment in each case. In the case of nonpayment of forfeitures, the court, after affording an opportunity to the accused to be heard, may punish an accused for contempt under Sec. 800.12, Wis. Stats., and may impose a monetary sanction not to exceed Fifty Dollars (\$50.00) and/or imprisonment not to exceed seven (7) days and may issue warrants for the enforcement of its power of contempt under Sec. 800.095 and Sec. 800.12, Wis. Stats. If allowed by state law, driving privileges may be revoked by the Municipal Judge in lieu of imprisonment. The Municipal Court may order restitution to victims of municipal ordinance violations up to Four Thousand Dollars (\$4,000.00) and order contempt as a sanction for the nonpayment thereof, as provided for under Sec. 800.093, Wis. Stats.

(g)

ABOLITION.

The parties to the Sec. 66.0301, Wis. Stats., Agreement, agree and understand that the Joint Municipal Court cannot be abolished during the elected term of the Judge. The parties agree to provide written notice of withdrawal from the Joint Municipal Court on or before October 1 of the year preceding the end of the Municipal Judge's term.