CHAPTER I
CITY GOVERNMENT

1.01 COMMON COUNCIL

A. Composition. The Common Council of the City of Kenosha shall be composed of the Mayor and seventeen (17) Alderpersons. One (1) Alderperson shall be elected from each of the seventeen (17) Districts of the City for the term of two (2) years on the first Tuesday of April in even numbered years commencing with April 1, 1958, or on such other date determined by State law, rule or regulation.

B. Duties of Alderpersons.

1. Mandatory Responsibility. In addition to the responsibilities imposed by the Wisconsin Statutes or by the Common Law, each Alderperson shall:

a. Unless excused for particular meetings of the Common Council, attend each duly scheduled regular or special meeting of the Common Council.

b. Unless excused for particular meetings of the Committee to which the Alderperson is appointed, attend each duly scheduled regular or special meeting of the Committee.

c. Unless excused for particular meetings of the Commission or Board to which the Alderperson is appointed, attend each duly scheduled regular or special meeting of the Commission or Board.

2. Constituent Contact. It is encouraged that each Alderperson every calendar month provide an eight (8) hour period of service availability to constituents, which eight (8) hour period will be exclusive of any other responsibilities; said service availability may be provided through public concourse, including, but not limited to, listening sessions, in-home constituent visits, or attendance at an aldermanic office.

3. Absences.

a. Excused. Any Alderperson who will be absent from a meeting to which the Alderperson is responsible to attend, shall have the obligation of contacting the presiding officer of that body. If the presiding officer excuses the Alderperson, at the initiation of the meeting, after the roll call, the presiding officer shall cause the Clerk to note for the minutes that the Alderperson is excused. Any member of the body may object to the excused nature of the absence; in the event of an objection, the excused nature of the absence shall be put to a vote of the body. A majority of those of the body in attendance is required to sustain the objection.

b. Unexcused. In the event that an absence is deemed unexcused, whether by inability of the Alderperson to contact the presiding officer in advance of the meeting, the refusal of the presiding officer to excuse the absence, or sustained objection by the body, the Alderperson may appeal the unexcused nature of the absence to the body at the next meeting attended by the Alderperson. Notice of such appeal shall be made in a sufficient time to enable it to be placed on an agenda in due course. Such appeal need not be in writing. Such appeal will not be in the nature of reconsideration. Such appeal will be granted and the absence(s) excused by a majority vote of those of the body in attendance.

C. Compensation.

1. Monthly Salary. Each Alderperson shall be paid a salary of Four Thousand One Hundred ($4,100) Dollars per Annum commencing on the third Tuesday of April, 1992. Commencing on the third Tuesday of April, 1996, each Alderperson shall be paid a salary of Five Thousand One Hundred ($5,100) Dollars per annum. Commencing on the third Tuesday of April, 1998, each Alderperson shall be paid a salary of Five Thousand Five Hundred ($5,500) Dollars per annum.

2. Per Diem Allowance. In addition to the salary in Paragraph C.1., each Alderperson shall receive the following compensation:

a. A Per Diem of Fifty ($50) Dollars for each day he/she is absent from the City at the direction of the Common Council or of the Mayor, together with all travel, meals and out-of-pocket expenses incurred therewith.

Effective January 1, 1983, said per diem shall be One Hundred ($100) Dollars per full day (six hours or more in attendance) and Fifty ($50) Dollars for less than a full day (two hours or more in attendance).

b. A Per Diem of Fifty ($50) Dollars for each day for attendance at any meeting of the Common Council, or a Committee thereof, or for attendance at any other meeting or conference approved in advance by the Mayor held on Monday through Friday between the hours of 8:00 A.M. and 4:00 P.M.

Effective January 1, 1983, said per diem shall be One Hundred ($100) Dollars per full day (six hours or more in attendance) and Fifty ($50) Dollars for less than a full day (two hours or more in attendance).

c. A Per Diem of One Hundred ($100) Dollars for each day for any Alderperson who performs the duties of "Acting Mayor".

d. The Mayor is authorized to reject Per Diem claims when in his/her opinion he/she believes that only a nominal amount of time was worked on a given day, causing no financial loss to an Alderperson or when he/she believes that the time worked by an Alderperson forming the basis for a Per Diem claim was unauthorized or unnecessary. The decision of the Mayor may be appealed by an

Alderperson to the Common Council.

e. Alderpersons who are not covered by or eligible for an employer provided Plan or policy of insurance providing for hospital, surgical and major medical benefits are eligible for coverage under the City's hospital, surgical and major medical plan or policy of insurance, the full premium thereof to be paid by said Alderperson, provided that the Alderperson requesting said City plan or policy make proper application therefor, be eligible under the terms of the plan or policy, take any physical examinations which may be required and abide by any waiting period which may be applicable.

f. A One Hundred ($100.00) Dollar per month expense allowance to cover in-City mileage, meals and miscellaneous expenses, effective January 1, 2001.

1.012 CODE OF GENERAL [GENERAL AND ZONING] ORDINANCES

A. Definitions.

1. General Ordinances shall mean and include the General and the Zoning Ordinances of the City of Kenosha, Wisconsin.

2. Codify/Codification shall mean and include:

a. Compiling existing laws, their systematic arrangement into chapters or articles and sections, with subheads, table of contents, and index for ready reference.

b. Revising existing laws as to harmonize conflicts, supply omissions, and generally clarify and make complete the relevant body of laws.

c. Renumbering, correcting of typographical errors, correcting gender of and plurality of words, and correcting of erroneous references or cross-references.

d. Eliminating inconsistencies and surplusage.

B. Authority. This Ordinance is adopted under authority of Section 66.035, Wisconsin Statutes.

C. Drafting. The City Attorney's Office shall draft or approve the form of the General Ordinances of the City of Kenosha, Wisconsin.

D. Codification. The City Attorney's Office, at least once each calendar year, shall codify the General Ordinances of the City of Kenosha into two (2) separate publications. One publication shall be known as the General Ordinances of the City of Kenosha, Wisconsin. The other publication shall be known as the Zoning Ordinance of the City of Kenosha, Wisconsin.

Upon codification of the General Ordinances, said publication shall be submitted to the City Clerk's Office for printing and sale to the general public for a charge sufficient to cover the cost of printing and distribution. Copies shall be provided to City officers and departments without charge. Complimentary copies may be provided to the various branches of the Circuit Court and other units of government.

Upon codification of the Zoning Ordinance, said publication shall be submitted to the City Department of Neighborhood Services and Inspections for printing and sale to the general public for a charge sufficient to cover the cost of printing and distribution. Copies shall be provided to City officers and departments without charge. Complimentary copies may be provided to the various branches of the Circuit Court and other units of government.

The codification of General Ordinances is not required to be enacted by the Common Council as new legislation or published by the City Clerk's Office as an Ordinance.

The codification of General Ordinances [General and Zoning Ordinances], which were on file in the office of the City Clerk for not less than two (2) weeks prior to the adoption of this Ordinance is adopted by reference. Any Ordinances, whether General or Zoning, which are adopted in the future, may be codified as provided herein without further action by the Common Council.

E. Inspection. A copy of the Code of General Ordinances and Zoning Ordinance shall be permanently on file and open to public inspection in the office of the City Clerk. The general public may obtain a copy of any portion thereof upon payment of a per page charge sufficient to cover the cost of printing and distribution.

1.015 ALDERMANIC VACANCIES-HOW FILLED

Whenever a vacancy, as defined in §17.03, Wisconsin Statutes, occurs in an aldermanic position, one of the following procedures shall be followed:

A. Notice of Vacancy. Notice of the vacancy of an aldermanic position shall be declared at the first Council meeting following a vacancy.

B. Appointment.

1. Within thirty (30) days after the first Council meeting following a vacancy, notice of said vacancy shall be given by the City Clerk to the residents of said aldermanic ward by such means as will fairly and adequately notify interested persons of the vacancy and of the procedures to be followed in applying for said vacant position.

2. The notice shall advise potential applicants that the application must state:

a. That the applicant is an elector of the ward. This fact will be verified by the City Clerk and the application will be rejected if the applicant is not an elector of the ward in which the vacancy occurred.

b. The applicant's name, address, phone number, occupation, place of employment, general background information, and reasons for applying for position.

c. That the application must be submitted to the City Clerk by a date certain, which date shall be within fifteen (15) days of the date of said notice.

d. That on the Council meeting following the expiration of the fifteen (15) days above specified, the Common Council will fill the vacancy. The applicant, where possible, should appear in person before the Council and be prepared to answer any questions which may be asked relative to the applicant's qualifications for said office.

3. The Common Council will fill the vacancy by a majority vote of those members in attendance. All applicants who are electors of the ward in which the vacancy occurred, shall be deemed nominees for said position. The Council shall openly vote, as many times as necessary, eliminating all but two, or more in the event of a tie, applicants. In the event of a tie vote, which results in three (3) or more finalists the Common Council shall take a separate vote to break the tie in which only the tied applicants shall be voted upon. If the tie is still unbroken after such separate vote, the Mayor shall vote to break the tie. The applicant of the top two (2) who receives a majority vote shall be appointed to fill the vacancy. If, at any time in the election process, one (1) applicant shall receive a majority vote, the election shall be deemed completed and the applicant receiving the majority vote shall be appointed to the vacancy.

4. The applicant appointed to fill the vacancy shall be sworn in on the date of appointment, but shall not vote on any issue before the Council on the date of appointment.

C. Special Election. The Council, where authorized by the Wisconsin Statutes, by a majority of those present, may, on the first Council meeting following a vacancy, elect to follow the alternative procedure of holding a special election, which election would be ordered as soon as possible, pursuant to the procedures and time frames therefor in the Wisconsin Statutes, as they are interpreted by the Office of the State Elections Commission.

1.016 MAYORAL VACANCY-HOW FILLED

Whenever a vacancy, as defined in §17.03 Wisconsin Statutes, occurs in the position of Mayor, one of the following procedures shall be followed:

A. Notice of Vacancy. Notice of the vacancy in the position of Mayor shall be declared at the first Council meeting following a vacancy.

B. Appointment.

1. Within thirty (30) days after the first Council meeting following a vacancy, notice of said vacancy shall be given by the City Clerk to the residents of the City by such means as will fairly and adequately notify interested persons of the vacancy and of the procedures to be followed in applying for said vacant position.

2. The notice shall advise potential applicants that the application must state:

a. That the applicant is an elector of the City. This fact will be verified by the City Clerk and the application will be rejected if the applicant is not an elector of the City.

b. The applicant's name, address, phone number, occupation, place of employment, general background information, and reasons for applying for position.

c. That the application must be submitted to the City Clerk by a date certain, which date shall be within fifteen (15) days of the date of said notice.

d. That on the Council meeting following the expiration of the fifteen (15) days above specified, the Common Council will fill the vacancy. The applicant, where possible, should appear in person before the Council and be prepared to answer any questions which may be asked relative to the applicant's qualifications for said office.

3. The Common Council will fill the vacancy by a majority vote of those members in attendance. All applicants who are electors of the City shall be deemed nominees for said position. The Council shall openly vote, as many times as necessary, eliminating all but two, or more in the event of a tie, applicants. In the event of a tie vote, which results in three (3) or more finalists, the Common Council shall take a separate vote to break the tie in which only the tied applicants shall be voted upon. If the tie is still unbroken after such separate vote, the Common Council shall vote to break the tie. The applicant of the top two (2) who receives a majority vote shall be appointed to fill the vacancy. If, at any time in the election process, one (l) applicant shall receive a majority vote, the election shall be deemed completed and the applicant receiving the majority vote shall be appointed to the vacancy.

4. The applicant appointed to fill the vacancy shall be sworn in on the date of appointment, but shall not preside over the Council on the date of

appointment.

C. Special Election. The Council, where authorized by the Wisconsin Statutes, by a majority of those present, may, on the first Council meeting following a vacancy, elect to follow the alternative procedure of holding a special election, which election would be ordered as soon as possible, pursuant to the procedures and time frames therefor in the Wisconsin Statutes, as they are interpreted by the Office of the State Elections Commission.

1.02 MEETINGS OF THE COMMON COUNCIL

A. Organization Meeting. Following a regular City election for the purpose of organization, the Common Council shall meet on the third Tuesday in April in the Council Chambers in the Kenosha Municipal Building at 7:30 P.M.

B. Regular Meetings. Regular meetings of the Common Council shall be held on the first and third Monday evenings of each calendar month at the hour of 7:00 P.M. in the Kenosha Municipal Building, 625 - 52nd Street in such room as the Common Council shall designate. Any regular meeting falling upon a legal holiday shall be held on the next following Wednesday at the same hour and usual place. Public notice of all regular meetings shall be given as provided in Subchapter IV of Chapter 19, Wisconsin Statutes.

C. Special Meetings. Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Council delivered to him personally or left at his usual place of abode at least six (6) hours before the meeting. The Clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meeting. Public notice of all special meetings shall be given as provided in Subchapter IV of Chapter 19 Wisconsin Statutes.

No business shall be transacted or action taken at any special meeting other than that germane to the purpose stated in the notice given by the Mayor or consented to in writing by all members of the Common Council.

A special meeting also may be called upon written request to the City Clerk stating the purpose and time of said proposed meeting and signed by at least seven (7) aldermen. Upon receipt of such written request the City Clerk shall give written notice of the time, place, and purpose of such meeting to each member of the Council and to the Mayor by delivering such notice at each of their usual places of abode at least six (6) hours before the meeting. The Clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time for such special meeting.

D. Quorum and Adjournment.

1. Twelve (12) Aldermen of the Common Council shall constitute a quorum. No action shall be taken by the Common Council unless a quorum is present.

2. The Council may, by a majority vote of those present, but not less than nine (9) affirmative votes, adjourn from time to time to a specific date and hour.

3. No regular meeting shall extend beyond 11:30 P.M., except that the matter then on the floor shall be continued to conclusion, at which time the meeting shall be adjourned to the following day to complete the agenda. Notwithstanding the above, regular meetings of the Common Council may be extended beyond 11:30 P.M. by consent of twelve (12) members. However, a motion to adjourn is in order at any time after 11:30 P.M. which may be passed by majority vote of members present.

E. Closed Sessions. No closed session shall be held by the Common Council, Committee, Commission or Board of the City of Kenosha without first complying with all the provisions of the Open Meeting Law.

F. Veto. The Mayor shall have the veto power as to all acts of the Council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the Mayor by the Clerk and shall be in force upon approval evidenced by the Mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the Mayor disapproves the Mayor's objections shall be filed with the Clerk, who shall present them to the Council at its next meeting. A vote of twelve (12) members of the Council shall then make the act effective notwithstanding the objections of the Mayor.

1.025 DRESS CODE FOR MEMBERS OF THE COMMON COUNCIL

A. Purpose. The purpose of this Ordinance is to create a dignified and professional environment for the Council meetings which will be reflected in news media coverage thereof.

B. Definitions.

1. "Proper Attire" shall mean, with respect to male members, a suit or sportcoat and dress pants worn with a shirt and tie, or banded collar shirt, except for the time period of Memorial Day to Labor

Day, during which a suit coat may be optional.

2. "Proper Attire" shall mean, with respect to female members, a dress, pantsuit, skirt with a sweater or blouse, or blazer with dress slacks.

The term **"proper attire"** shall also mean that clothing shall be clean, neat and pressed.

C. Requirement. All members of the Common Council shall wear proper attire to all regular meetings of the Common Council and Committee of the Whole meetings.

D. Exception. The Common Council, by motion and for good cause, may suspend this rule for a particular meeting for the entire Common Council or for any member or members thereof.

1.03 RULES OF COUNCIL

A. Order of Business. The business of the Council shall be conducted in the following order:

1. Call to order by presiding Officer.

2. Roll Call. If a quorum is not present, the meeting shall thereupon be adjourned to a specific date and hour.

3. Invocation.

4. Pledge of Allegiance.

5. Approval of the minutes, subject to corrections, of the previous meeting and of any other regular or special meeting where the minutes have not been approved.

6. Non-Agenda matters referred to Committees, Boards, Commissions and authorities by the Mayor.

7. Presentations, Commendations and Awards by Mayor.

8. Awards and commendations from Boards, Commissions, Authorities and Committees.

9. Citizen's Comments.

a. Maximum Total Time Limit: Forty-five (45) minutes for all speakers.

b. Maximum Individual Time Limit: Five (5) minutes for each individual speaker, with no extension or use of another person's time.

c. Speaker Sign-Up: Speakers must personally sign in with the City Clerk/Treasurer between 6:30 P.M. and the 7:00 P.M., prior to commencement of the Common Council meeting and provide their home address, including city, village or town. Only speakers who are timely signed in will be permitted to speak. The City Clerk/Treasurer, during Citizen's Comments, will call speakers forward, two (2) at a time.

d. Rules: Citizens are bound by the same rules as the Common Council, with particular reference to "Decorum in Debate", per Robert's Rules of Order, revised.

e. Public Hearings: **§1.03 E.3.c.** of the Code of General Ordinances shall remain applicable to Citizen's Comments on agenda items.

10. Economic Development Reports and other presentations authorized by the Mayor.

11. Agenda matters referred to Committees, Boards, Commissions and Authorities.

12. Communications, Petitions, and Reports of Departments.

13. Reports and recommendations from the Committee on Licenses/Permits.

14. General Ordinances, first reading.

15. Zoning Ordinances, first reading.

16. General Ordinances, second reading.

17. Zoning Ordinances, second reading.

18. Resolutions.

19. Appointments/Reappointments by the Mayor.

20. Public construction and improvement contracts.

21. Other contracts and agreements.

22. Reports and recommendations from Committee on Finance.

23. Reports and recommendations from the Committee on Public Works.

24. Reports and recommendations from the Committee on Public Safety and Welfare.

25. Reports and recommendations of Boards and Commissions

26. Such other matters as are authorized by law or regular business.

27. Legislative report.

28. Mayor's comments.

29. Alderpersons' comments

Except with permission of the Mayor, no item shall be placed on the Common Council Agenda which has not been filed with the City Clerk by 9:30 A.M. on the Thursday immediately preceding a Common Council meeting.

The Mayor shall appoint one (1) or more members of the City Clerk's Office to read the Agenda, take minutes and conduct roll calls at meetings of the Common Council.

The order of business of the Common Council is not subject to change through a motion to suspend the rules.

B. Presiding Officer. The Mayor at the stated hour shall call the meeting to order. He/she shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. The appeal may be sustained by a majority of the members present, exclusive of the presiding officer.

If the Mayor is absent at the designated time of any meeting, the President of the Council shall preside, and during the absence or inability of the Mayor, shall have the powers and duties of the Mayor excepting that he/she shall not have the power to approve an act of the Council which the Mayor has disapproved by filing an objection with the Clerk. He/she shall, when so officiating, be styled "Acting Mayor". The President shall have a one (1) year term. The President shall be eligible to serve two (2) consecutive terms. The President shall be elected by the Common Council at the organizational meeting on the third Tuesday of April following a regular City Election; and, in off-election years, the President shall be appointed at the second regular meeting during the month of April.

In the event of a declared "State of Emergency", covered under **§1.14** of the Code of General Ordinances, in which the Mayor and President of the Common Council are unable to serve, the persons holding the following offices shall perform the duties of the Mayor during such declared emergency in the following order: Chairman of the Committee on Finance; Chairman of the Committee on Public Works; and Chairman of the Committee on Public Safety & Welfare.

Whenever the presiding officer shall desire to speak upon any question, or to make any motion, he/she shall vacate the chair and designate the president of the Council, if present, and if not, any alderman to preside temporarily.

The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, his/her vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure.

C. Committees of Council.

1. The Committees on Finance, Public Works (Board of Public Works), Public Safety and Welfare, and Licenses/Permits shall be appointed by the Mayor and confirmed by a majority vote of the members present at the organizational meeting of the newly elected Council on the third Tuesday of April, or as soon thereafter as may be possible.

a. Committee on Finance. The Common Council shall take no final action on the following matters unless the same have been referred to the Committee on Finance and that Committee has given its written advice thereon:

Approval of any or all vouchers.
Approval of purchase or sale of land or buildings.
Approval of funds transferred between accounts.
Approval of all bond issues.
Approval of all Resolutions which require the levying of special taxes or the deferment of assessments
Approval of proposed changes in the Compensation Plan.
Approval of changes in the Classification Plan.
Approval of employment of any person in a position which requires the approval of Council except where State Statutes indicate otherwise.
Approval of increases in contracts for public works, either before or after contract is let except where an emergency has been declared.
Monitor and coordinate economic development.
Requests of employees or officers, either collectively or individually, for increase in either salary, wages or other benefit.
All budgets requiring action by Council.
Other matters that are referred by Council.
Requests for new or additional permanent positions in any City Department over which the Common Council has jurisdiction in this regard.

b. Committee on Public Works which shall be the Board of Public Works and the Board of Water Commissioners. The Board of Public Works shall also serve as the Stormwater Utility Committee.

c. Committee on Safety and Welfare which shall be concerned with traffic, police, fire, parks,

health, building regulations, nuisances, and such other matters as the Council may refer to it.

d. Committee on Licenses/Permits which shall make recommendations to the Common Council with respect to the granting, denial, nonrenewal, suspension or revocation of any license or permit over which the Common Council has jurisdiction, and with respect to license or permit fees. It may also be the body before which license or permit nonrenewal, suspension or revocation hearings are held. Upon holding such hearing, it shall submit a report to the City Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the City Common Council should take with respect to the license or permit. The Committee on Licenses/Permits shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the City Common Council. The City Common Council shall determine whether the arguments shall be presented orally or in writing, or both. If the City Common Council, after considering the Committee on Licenses/ Permits' report and any arguments presented by the complainant or the licensee, finds the Complaint to be true, or if there is no objection to a report recommending nonrenewal suspension or revocation, the license or permit shall not be renewed, suspended or revoked as provided by law. If the City Common Council finds the Complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of nonrenewal, suspension or revocation to the party whose license or permit is affected. Any Ordinances to the contrary shall be null and void.

2. The Committees on Finance and Public Works shall consist of six (6) members of the Council and the Committees on Public Safety & Welfare and Licenses/Permits shall consist of five (5) members of the Council, all which members shall be appointed by the Mayor on or before the first Monday of May of each even numbered year.

The Chairman of each such Committee shall be elected annually on or before the third Monday in May of each year by majority vote of the members of each respective Committee. Votes cast for Chairman by members of each Committee may be by secret ballot. The Mayor shall, on the first Monday of May each year appoint one (1) member of each Committee as Acting Chairman until the respective Committee elects one. Every Alderman shall serve on a Committee and shall serve on the Committee to which he is appointed, unless excused by a majority of the members of the whole Council.

3. The Mayor, or the Common Council President, may declare the entire Council a Committee of the whole and may direct that it meet as such Committee of the whole during the course of a regularly scheduled Council meeting, provided that the Council Agenda is so noted, or at any other time. The calling of a special committee of the whole meeting, when not part of a regularly scheduled Council meeting, shall be through the same procedure as special meetings of the Common Council are called. The Mayor, and in his absence, the Council President, shall be Chairperson of such Committee of the whole.

4. The Mayor or Common Council may, from time to time, appoint such Special Committees as they deem necessary. Special Committees appointed by the Mayor must be confirmed by the Common Council prior to being effective. Special Committees shall not become operational until the Common Council adopts a Resolution creating or confirming them. The Resolution creating or confirming a Special Committee shall specify the purpose of the Committee, the length of time it shall operate, the number of the members thereof, the appointing authority of the members thereof, and the Committee Budget, if any.

All such Special Committees may conduct business only when a quorum is present, a quorum being a majority of the total number of members of said Committee. Each such Special Committee shall keep minutes of its proceedings and furnish a copy thereof to the Common Council as soon as practicable, but in no event longer than three (3) weeks after its meeting.

5. References to and Reports of Committees.

a. All Ordinances, Resolutions, communications and other matters submitted to the Council shall be read by naming the author and giving the title or substance thereof, and shall be acted upon immediately by the Council, unless referred to an appropriate committee by Mayor or by majority vote of the Council. Any alderman may require the reading in full of any matter at any time it is before the Council.

b. Four members shall constitute a quorum of every Council Committee, except for the Public Safety & Welfare Committee and Committee on Licenses/Permits, which shall have a quorum of three. Each Committee shall at the next regular meeting, if possible, but not later than 45 days, submit a written report to the Council on all matters referred to it. Such report shall be signed by at least four members of the Committee, with the exception of the Public Safety & Welfare Committee and Committee on Licenses/Permits, which shall have its reports signed by at least three members of the Committee and shall indicate the division of the vote on the report. Any member or members may write his/her objection to the action taken by the majority of

the Committee members reporting.

c. Previous notice of each Committee meeting shall be filed with the clerk by the chairmen, and each meeting shall be open to the public.

d. Any Committee may require any City officer to confer with it and supply information needed in connection with any matter pending before the Committee.

e. Fiscal Note. A standing Committee of Council upon a majority vote of the members present, or upon the written request of the Mayor to said Committee, shall request the Finance Director to furnish a fiscal note relative to the proposed action, and the matter shall be held in Committee, without action being taken thereon, until such fiscal note is filed with said Committee, notwithstanding any other provisions of the Ordinances or rules of parliamentary procedure.

f. Reports of Committees, where Common Council action is required for final approval, or where the matter was referred to a Committee by the Common Council, shall, upon receipt, be placed by the City Clerk on the next following agenda of the Common Council, subject to compliance with the Open Meeting Law. Notwithstanding the above, where multiple referrals for recommendation have been made by the Common Council, the City Clerk may hold the entire matter in abeyance until all recommendations have been received, or until forty-five (45) days from the date of referral have passed, whichever is first, and then place the report on the next following agenda of the Common Council.

Notwithstanding the above, the presiding officer of any body or subunit to which a matter has been submitted for review and recommendation, may withhold any item from being placed on the following Common Council Agenda for purposes of referring said matter back to his/her body or subunit for further consideration at its next regular or special meeting dealing with such matter.

Any sponsor may withdraw proposed legislation prior to the item being placed upon an agenda of the Common Council for final action. However, when such item has been referred to any body or subunit by the Common Council, the sponsor shall report such withdrawal, in writing, to the Common Council in a timely manner.

6. Agenda of Committee. The chairman or secretary of each Committee shall prepare a written agenda of matters to be considered at its next meeting in time so that every alderman will have a copy thereof at least 24 hours before such meeting. A copy of such agenda shall be mailed to each alderman at his residence. This requirement shall apply to Special Committees created under authority of **§1.03 C.4.**, hereof.

Except for routine items, no matter shall be placed on a Committee Agenda unless it is first referred to the Committee by the Common Council or unless the Committee Chairperson or Acting Committee Chairperson assents to the inclusion of such item on the Committee's Agenda.

7. Public Hearings. Public Hearings shall be held by Committees of the Common Council for all items reviewed thereby which are not reviewed in an Executive Session.

D. Ordinances and Resolutions.

1. Any of the following may sponsor an Ordinance or Resolution:

a. The Mayor.

b. One (1) or more Aldermen.

c. A Committee of the Common Council with respect to matters within its jurisdiction.

d. The Board of Water Commissioners with respect to matters within its jurisdiction.

e. The Park Commission with respect to matters within its jurisdiction.

2. The approval of a Committee report in which the adoption of a Resolution or other matter is recommended shall comprise final action on such Resolution or other matter.

3. Before the adoption of any Ordinance the same shall be read at two separate meetings of the Council. Before the second reading the title of the Ordinance shall be published in full in the official newspaper. On the second reading of the Ordinance a public hearing thereon shall be had. An aye and no vote of the Council shall be taken on an Ordinance after such public hearing.

4. A majority vote of all members of Council in favor of any proposed Ordinance, Resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

E. Deliberations of Council. The deliberations of the Council shall be conducted in the following manner:

1. No alderman shall address the Council until he has been recognized by the presiding officer. He shall thereupon address himself to the chairman and confine his remarks to the question under discussion and avoid all personalities.

2. When two or more members simultaneously seek recognition the presiding officer shall name the member who is to speak first.

3. Only members of Council may address the Council, such address being limited to the matter on the floor or to the rules of parliamentary procedure as they may affect the matter on the floor except that:

a. The presiding officer on his own initiative or upon the request of a Council member, may permit any department head, officer, employee or representative of the City, the library, the museum, the water utility or of any board, commission, or advisory group to address the Council on the matter pending on the floor.

b. An Alderman, where a public hearing is not scheduled, may request a public hearing by unanimous consent, and said public hearing shall be held if no Alderman objects thereto. In the event of an objection, a public hearing may be authorized by a majority vote of the members present. All public comments shall be limited to the matter on the floor.

c. Citizens comments at all public hearings shall be limited to 5 minutes unless the Council suspends this rule by a majority vote of the members present, and permits either certain designated citizens or all citizens in general to speak on the issue pending on the floor. Any comment on other than a matter pending on the floor shall be out of order. Any public hearing may be terminated after 30 minutes by a majority vote of the members present except that a person or party who has a direct personal financial interest over and above the general interest of a taxpayer, in the pending Council action shall be permitted to speak after said hearing would have otherwise come to a close.

4. No motion shall be discussed or acted upon unless and until it has been seconded, unless the rules permit one alderman to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.

5. When a question is under discussion no action shall be in order, except **(1)** point of order, **(2)** to adjourn, **(3)** to recess, **(4)** to lay on the table, **(5)** to move the previous question, **(6)** to postpone to a certain day, **(7)** to refer to a Committee, **(8)** to amend, **(9)** to postpone indefinitely. These motions shall have precedence in the order listed.

6. Any member wishing to terminate the debate may move the previous question, in which event the Mayor shall announce the question as, "Shall the main question now be put?" If two-thirds (2/3) of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and to bring the Council to a direct vote, first upon any pending amendment, and then upon the main question.

7. Any alderman may demand an aye and nay vote shall be recorded in the minutes. A roll call vote by roll call on any matter, and such roll call aye and nay vote is required on **(a)** final passage of any Ordinance, **(b)** Resolutions, **(c)** confirmation of appointments **(d)** adoption of any measure assessing or levying taxes, appropriating or disbursing money; or creating any liability or charge against the City, or any fund thereof.

Every alderman shall vote when a question is put unless the Council by a majority vote of those present shall excuse him for special cause. Any alderman not so excused, failing to vote when a question is put, and continuing to fail to vote two minutes after a request for a vote from the Chair, shall be barred from further debating, commenting or voting on the question, and from debating, commenting or voting on any subsequent question or business remaining on the Agenda during the remainder of the Council meeting. This restriction shall not preclude any action or penalty otherwise prescribed or allowed under the Code of Ethics set forth in Chapter XXX of the City of Kenosha Code of General Ordinances.

An alderman may not change his vote or any question after the result has been announced.

8. A motion to adjourn shall always be in order, and a motion to adjourn, to recess to lay on the table, and a call for the previous question shall be decided without debate.

9. Reconsideration of Vote. A motion to reconsider the vote on a confirmation of the appointment of a City official or on the award of any contract shall never be entertained and shall be out of order; and in other matters no motion for reconsideration shall be entertained or be in order unless **(a)** such motion be made and voted upon at the same or next regular meeting as when the vote to be reconsidered was originally had, and **(b)** no motion for reconsideration shall be entertained or be in order unless it is made by one of the aldermen whose vote prevailed when the motion involved was first subjected to a vote of the Council.

A motion to reconsider meeting the above requirements may be seconded by any alderman regardless of his previous vote on the matter.

A motion to reconsider being put and lost shall not be renewed or entertained.

10. Except for the maker of a motion no member shall speak a second time on a question until all who wish to speak have been heard.

11. Whenever in the opinion of the presiding

officer a confusion exists because of the complexity of motions to amend, lay on the table, refer, or defer, he may with the consent of the maker of the original motion and the alderman who seconded it, expunge from the minutes all motions and votes taken on the subject and entertain any new motion germane to the subject matter.

12. When any matter is laid on the table, it shall not have the effect of prohibiting at succeeding meetings consideration and action taken on the same subject matter in the form of a new Resolution or Ordinance.

13. The presiding officer may at any time ask unanimous consent to suspend the rules, (except those imposed by statute) in any particular matter, and unless objection is made by any alderman, the rules may be suspended on his order.

14. A motion to reconsider shall not be necessary to repeal or amend an existing Ordinance or Resolution that is otherwise repealable or amendable.

15. On any business before the Council upon which a Committee has reported, a member representing the majority report shall have the privilege to make the first motion. Upon rejection of the majority report by action of the Council, the member representing the minority report shall have priority to make the next motion on the subject matter. Upon rejection of the minority report any other alderman may make any motion germane to the subject matter. This rule shall not deprive any alderman to debate each of the motions as made.

F. Minutes. Within not more than fifteen (15) days after each meeting of the Council, the Clerk shall supply to each alderman a printed copy of the proceedings thereof perforated for insertion in a ring binder.

G. Suspension of Rules. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present.

1.035 SMOKING AT MEETINGS OF THE COMMON COUNCIL

There shall be no smoking at any duly convened meeting of the Common Council.

1.04 MAYOR

The Mayor shall be elected at the 2004 Spring election for a term of four (4) years, and every four (4) years thereafter. On the third Tuesday of April of the following years, the salary of the Mayor shall be as hereinafter provided. Effective in 2004, the Mayor shall receive a salary of $5,987.00 per month. Effective in 2005, the Mayor shall receive a salary of $6,167.00 per month. Effective in 2006, the Mayor shall receive a salary of $6,352.00 per month. Effective in 2007, the Mayor shall receive a salary of $6,606.00 per month. The salary shall be paid on the same schedule as provided for nonrepresented employees. The Mayor shall receive the same fringe benefits as Department Heads.

The Mayor shall devote his entire time to the duties of the office of Mayor. The Mayor shall have all the powers and duties given and imposed on the office by the statutes of the State of Wisconsin and shall have the general supervision of all City officers and heads of departments in the performance of their official duties.

The Mayor shall act as, and be charged with the duties of, Harbor Master, and as such he may make and publish rules and regulations governing the use of the harbor, which when approved by the Council shall have the same force and effect as Ordinances. The Mayor may appoint a Deputy Harbor Master who shall have the power, including that of arrest, necessary to enforce such rules and regulations, as has the Harbor Master.

1.045 WITHHOLDING OF THE ISSUANCE OF CITY LICENSES AND PERMITS BY THE CITY CLERK

A. Withholding of Issuance of Licenses/Permits. Licenses and Permits, whether initial, renewal, the subject of a conditional surrender coupled with a new application for a similar license(s), or a transfer, which are granted (approved) by the Common Council, or by the City Clerk/Treasurer, shall not be physically issued by the City Clerk/Treasurer to the applicant/licensee/permittee and the granted license/permit shall not be effective until the following conditions have been complied with by the applicant/licensee/permittee:

1. Outstanding personal property taxes which are delinquent and owing to the City of Kenosha have been paid to the City Clerk/Treasurer relative to personal property located within the City which:

a. was utilized by applicant/licensee/permittee in the business or activity for which a renewal license/permit is sought.

b. was utilized by applicant/licensee/permittee in any other business in which applicant/licensee/permittee was engaged as the sole operator or as a partner, where such status existed at the time of the granting of the license/permit.

c. was utilized by a former licensee/permittee from which a conditional surrender, coupled with a new application for a similar license(s), is sought.

2. Whenever there is a conditional surrender, coupled with a new application for a similar license(s), of a license relative to any premise which is the subject of a license/permit:

a. current and determined personal property taxes of the former licensee/permittee must be paid to the City Clerk/Treasurer.

b. if the current personal property taxes have not yet been determined, an escrow of estimated personal property taxes of the former operator must be paid to the City Clerk/Treasurer, which shall be calculated by multiplying the current year's mill rate times the assessed value of the personal property as of January 1 of the year of the conditional surrender coupled with a new application for a similar license(s) or change in licensee/permittee.

3. In the case of "Class A", Class "A", "Class B", Class "B" Licenses, or any combination thereof, or any "Class C" License, outstanding liquor, fermented malt beverage and wine bills which are owed to a wholesaler in violation of the credit restrictions in State law imposed upon retail seller, have been paid to the wholesaler.

4. All unfulfilled requirements and violations of the City Building, Fire, Health Codes and Zoning Ordinance which have been brought to the attention of the Common Council, or any Committee thereof, in writing, by appropriate City departments at the time of the granting of said license have been complied with and compliance has been noted in writing and filed with the City Clerk/Treasurer, by the appropriate departments.

5. Applicable license/permit fees and the related costs of the issuance of licenses/permits, if any, have been paid to the City Clerk/Treasurer.

6. Any past due forfeitures imposed by the Kenosha Municipal Court upon any corporate officer or agent if the applicant/licensee/permittee is a corporation, any partner if the applicant/licensee/permittee is a partnership, or any individual if the applicant/licensee/permittee is an individual have been paid to the City Clerk/Treasurer's Office.

7. A "Class A", Class "A", "Class B", Class "B", or any combination thereof, or any "Class C" License applicant/licensee/permittee has provided proof of ownership of the premise proposed to be covered by the license. In the absence of ownership, the applicant/licensee/permittee must provide proof of an executed lease for the premise proposed to be covered by the license/permit.

B. Definitions. The term "paid", as used herein, means full payment in lawful United States currency or full payment through checks or drafts supported by sufficient United States currency on deposit to honor said obligation.

C. Exception. The above requirements shall not be enforced where, by sworn Affidavit, the applicant/licensee/permittee states:

1. They have a good faith defense to the above requirements and state the defense in detail, relative to both facts and legal theories, and furnish supporting documentation.

2. They have taken or are taking prompt action to challenge the above requirements in an appropriate forum.

The City Clerk/Treasurer may reject said Affidavit, upon the advice of the City Attorney, if it is insufficient or frivolous. Further hearing and appeal from such decision shall be in accordance with Chapter 68, Wisconsin Statutes, Municipal Administrative Procedure.

The filing of a false or frivolous Affidavit shall be grounds for license/permit suspension or revocation.

1.046 CITY MANAGEMENT

A. Progression Of Authority. In a declared "State of Emergency", covered under **§1.14** of the Code of General Ordinances, in which the Mayor is unable to serve, the charge of the day to day administration of the City shall succeed in the order given as follows: City Administrator, then Director of Public Works. However, none of the successors herein specified shall have the right to exercise any mayoral powers which would otherwise succeed, as a matter of law, to the President of the Common Council.

B. City Administrator.

1. Duties. The City Administrator shall be an officer of the City and shall, under the direction of the Mayor and Common Council, be charged with the administration and control of the operation of the City and the coordination of its Departments and subunits, all to be performed in accordance with applicable laws, rules, regulations and master plans.

2. Appointment. The City Administrator shall hold his/her office under Civil Service and a vacancy in the office shall be filled by appointment by the Mayor, subject to approval by the Common Council,

from an eligible list supplied according to the Ordinances and Rules of Civil Service.

1.05 CITY DEPARTMENTS

A. Police Department.

1. The Police Department shall consist of a Chief appointed by the Board of Police and Fire Commissioners and such subordinate officers and positions as now are or may be created by the Council and such number of ordinary members as the Council now deems or may deem necessary for the proper and efficient operations of said Department.

2. Appointment of Subordinates. (See §62.13 of Wisconsin Statutes.)

3. Additional Help. The Mayor may employ additional help for temporary and special emergency cases.

4. Regulations. Members of the department shall be governed by the rules and regulations adopted by the Council.

B. Fire Department.

1. The Fire Department shall consist of a chief appointed by the Board of Police and Fire Commissioners and such subordinate officers and positions as now are or may be created by the Council and such number of ordinary members as the Council now deems or may deem necessary for the proper and efficient operation of said Department.

2. Appointment of Subordinates. (See §62.13, Wisconsin Statutes.)

3. Additional Help. The Mayor may employ additional help for temporary and special emergency cases.

4. Regulations. Members of the department shall be governed by the rules and regulations adopted by the Council.

C. City Clerk/Treasurer.

1. The City Clerk/Treasurer is charged with the duties devolving upon the City Clerk and the City Treasurer as provided by Wisconsin law.

2. The administrative head of this department shall be known as the City Clerk/ Treasurer who shall hold his office under Civil Service. Any vacancy occurring in said office shall be filled by appointment by the Mayor subject to the approval of the Common Council from an eligible list supplied according to the Ordinances and Rules of Civil Service.

D. Department of Finance.

1. The Department of Finance is charged with the duties devolved upon the Director of Finance as provided by Wisconsin law.

2. The administrative head of this department shall be known as the Director of Finance and Finance Coordinator who shall hold his/her office under Civil Service and any vacancy occurring in said office shall be filled by appointment by the Mayor, subject to approval of the Common Council from an eligible list supplied according to the Ordinances and Rules of Civil Service.

3. The Finance Department is charged with the duty of administering the Purchasing Operations of the City through a subunit to be known as "THE PURCHASING DIVISION".

E. Department of Public Works.

1. The Department of Public Works shall be under the general supervision of the Mayor and, with respect to Public Works, the Board of Public Works (Public Works Committee), and with respect to Parks, the Board of Park Commissioners. The Department shall be charged with:

a. The construction, reconstruction, cleaning, repair and maintenance of all streets, storm sewers, bridges and other infrastructure.

b. The management and operation of the Municipal Service Garage, and Central Stores.

c. The performance of the engineering services necessary for the planning, design, construction, and reconstruction of streets, sidewalks, storm sewers, and other public improvements and facilities.

d. Waste collection, removal and disposal and bulky solid and recyclable material waste collection and disposal.

e. Traffic engineering.

f. The development, maintenance and operation of all City parks, the Municipal Golf Course, City Forestry, swimming pools and special events on park land.

g. Snow plowing and salting of streets.

h. Such other duties as imposed by Statute, Ordinance or Resolution.

2. The administrative head of this department shall be known as the Director of Public Works, who shall hold his/her office under Civil Service. Any vacancy occurring shall be filled through appointment by the Mayor subject to approval by the Common Council from an eligible list supplied according to the Ordinances and Rules of Civil Service.

The Mayor shall appoint an employee of the Department who is a Professional Engineer in the State of Wisconsin, in good professional standing, to serve as City Engineer and notify the Common Council of the Appointment.

3. City Traffic Engineer. The Traffic Engineer shall be under the general supervision of the Director of Engineering Services and shall plan and review traffic safety and operations on City streets and alleys; review and recommend the geometric design or redesign and lighting of all streets, alleys, and parking facilities with respect to traffic needs; make recommendations to the Mayor and Common Council on the establishment of Ordinances, Resolutions, policies, practices, and standards which would promote traffic safety, the efficient use of energy, or improved traffic operations; conduct engineering investigations and analyses of traffic accidents and other traffic conditions, coordinate, with the Police Department, studies to determine the reasons for traffic accidents and violations, and devise remedial measures.

a. The Traffic Engineer shall install and maintain street lighting and official traffic control devices, within the meaning of §340.01(38), Wisconsin Statutes, necessary to make effective the provisions of Wisconsin Statutes and specific Ordinances, Resolutions, policies, or standards adopted by the Common Council, and may also place and maintain additional traffic control devices, not inconsistent with City Ordinances or Wisconsin Statutes, that he/she deems necessary to regulate, warn, or guide traffic. The design, installation, and operation or use of all traffic control devices placed and maintained in the public right-of-way, whether permanent or in temporary use, such as in construction, maintenance, or utility work areas, shall conform to the applicable provisions of the Wisconsin Manual on Uniform Traffic Control Devices, as required by §349.065, Wisconsin Statutes; the Traffic Engineer may either make, or if appropriate require that the person(s) responsible for any construction, maintenance, or utility work make changes in the selection or use of traffic control devices that he deems necessary for conformance to the MUTCD, the safety of persons working in the roadway, or the safe movement of traffic. The Traffic Engineer may remove, or order the removal of, any unauthorized sign or other device placed in violation of §346.41, Wisconsin Statutes.

b. The Traffic Engineer, acting pursuant to the findings of an engineering investigation and analysis, may establish and designate by official traffic control device(s), and thereafter maintain, the following:

(1) Traffic lanes.

(2) Crosswalks.

(3) Lane-use control.

(4) Safety zones.

(5) Bus stops, after consultation with the Director of Transportation.

(6) "No Parking" zones not to exceed one hundred (100) feet in length.

c. The Traffic Engineer or Public Safety and Welfare Committee of the Council may establish and designate temporary traffic or parking regulations for emergency situations, construction and maintenance work zones, and other special conditions. The Traffic Engineer may establish and designate temporary or experimental traffic or parking regulations, or designate temporary or experimental traffic control devices, for a period up to ninety (90) days, except that such regulations or experiments may be continued for an additional ninety (90) days unless the Common Council directs otherwise.

4. Parks Division.

a. The Parks Division shall be under the general supervision of the Department of Public Works and the Board of Park Commissioners, and shall be charged with the development, maintenance and operation of all City parks, the Municipal Golf Course, swimming pools, special events on park land, the Marinas, and such other duties as imposed by Statute, Ordinance or Resolution.

b. The administrative head of the Parks Division shall be the Superintendent of Parks, who shall be under the general supervision of the Director of Public Works.

I. Department of Law.

1. The City Attorney, through the express and implied powers of a City Attorney, shall conduct all the law business in which the City is interested, to the extent and through the means he deems necessary and appropriate, including, but not specifically limited to, the following:

a. He shall give written legal opinions when requested by City officers.

b. He shall draft Ordinances, bonds and such other instruments as may be required by City officers.

c. He shall examine the tax and assessment rolls and other tax proceedings, and advise the proper City officers in regard thereto.

d. He may appoint one or more attorneys to assist him, who shall have power to perform the duties of the City Attorney and for whose acts the City Attorney shall be responsible to the City. Said assistants shall perform such tasks as may be assigned under the guidance, direction and supervision of the City Attorney. Such assistant shall receive no compensation from the City unless specifically authorized in advance by the Common Council.

e. He shall prosecute such violations of the City Ordinances as are brought to his attention which he believes to merit prosecution and he shall have authority to dismiss with or without prejudice any Ordinance prosecution which has been commenced which he does not believe to merit continued prosecution.

f. He shall collect all monies which he has reason to believe are lawfully owing to the City in contract or tort when such outstanding debts or obligations are brought to his attention by appropriate City officers.

g. He shall collect all taxes, assessments and special assessments which he has reason to believe are lawfully owing to the City when such debts and obligations are brought to his attention by appropriate City officers.

h. He may seek such injunctive and equitable relief which he has reason to believe is necessary to protect the best interest of the City and shall enforce such City and State laws, rules and regulations which the City is empowered or obligated to enforce.

i. He shall defend the City in all litigation against the City seeking legal damages or equitable relief.

j. He shall perform such duties as are required by contractual arrangements with other units of government.

k. He shall defend City officers or employees or members of any board or commission thereof in actions brought against them individually or jointly, in actions in law or equity, for any acts done in the course of their employment or out of any alleged breach of duty excepting actions brought to determine the right of such officer or employee or member to hold or retain their office or position, excepting actions against candidates for elected offices alleging a breach of election or campaign laws, and excepting actions brought by the City against any officer or employee thereof.

l. He may commence an action in law or equity or other legal process against a City employee, officer, or board or commission member only where the City Attorney is so authorized by Ordinance or Resolution where the cause of action or complaint is alleged to have arisen out of the performance of the job or duties or neglect thereof of said employee officer or board or commission member. This Section shall not prohibit the City Attorney from prosecuting, upon request of an appropriate City officer, without Council approval, any such individual for any Ordinance violation, or from prosecuting any employee charged with a violation of the Civil Service Ordinance or Rules and Regulations promulgated thereunder.

m. He may commence litigation against a labor union or the officers or members thereof in any labor matter only where so directed by Resolution of the Common Council. He shall handle grievances upon request by appropriate City officers without the consent of Council.

n. He shall represent the City in all hearing and pre- or post hearing proceedings before any City, State or Federal boards, commissions committees or administrative agencies, whether legislative, judicial or quasi-judicial in nature, where requested by an appropriate City officer.

o. He shall be authorized in the name of the City to settle or compromise any money claim the City may have or allege to have against any person party, partnership, trust, corporation or other legal entity where the total value claimed is not in excess of Five Hundred ($500.00) Dollars. Claims, settlements and compromises over Five Hundred ($500.00) Dollars must be approved by the Finance Committee and the Common Council. The City Attorney shall file one or more reports per annum with the Common Council listing and identifying all such settlements and compromises and listing the reasons therefor. The City Attorney must seek the approval of the Finance Committee and Common Council to settle or compromise any suits or claims in any amount filed against the City. The City Attorney shall have authority to settle or compromise any Worker's Compensation claim in any amount. The City Attorney shall, in his discretion, have authority to retain outside counsel to collect Worker's Compensation claims and to authorize reasonable payment for the collection thereof.

p. He shall obey all lawful orders and directives of the Common Council.

q. He may authorize an attorney or law firm representing an insurance company insuring the City to bring suit against a tort feasor in the name of the City to recover any deductible paid by the City and to pay attorney's fees on a contingent fee basis.

r. He shall, in writing, advise the Director of Finance as to which accounts receivable are in law or practice uncollectible and the Director of Finance shall, upon receiving such report, be authorized to remove such accounts receivable from the books of account, in accordance with generally accepted accounting practices.

2. The head of this Department shall be the City Attorney who shall hold his office under Civil Service. Any vacancy in his office occurring on or after April 15, 1958 shall be filled by appointment by the Mayor subject to the approval by the Common Council from an eligible list supplied according to the Ordinances and Rules of Civil Service.

K. Department of City Development.

1. The Department of City Development shall be under the general supervision of the Mayor and City Administrator and the Committee on Finance, and is charged with the duties of administering the City

Community Development program and the City Plan Department. The Director of City Development shall serve as Secretary of the City Plan Commission, administer the City of Kenosha Housing Authority policies, supervise personnel assigned to the Housing Authority, administer the City of Kenosha economic development policies, and perform related work as required.

2. The administrative head of this department shall be known as the Director of City Development and shall hold said office under Civil Service. Any vacancy occurring in said office shall be filled through appointment by the Mayor, subject to the approval of the Common Council from an eligible list supplied according to the Ordinances and Rules of Civil Service.

L. Airport Department.

1. The Airport Department shall be administered by the Airport Director under the general supervision of the Airport Commission and charged with the management of the Kenosha Regional Airport. The Airport Director shall act as Secretary to the Airport Commission.

2. The Administrative Head of the Airport Department shall be the Airport Director, who shall hold his/her office under Civil Service, and any vacancy in his/her office shall be filled by appointment by the Mayor, subject to confirmation by the Airport Commission and the Common Council, from an eligible list supplied according to the Ordinance and Rules of Civil Service.

M . Personnel Department.

1. The Personnel Department shall be under the general supervision of the Mayor and City Administrator, and shall be charged with the administration of the Personnel policies and practices of the City, the Civil Service System, collective bargaining, health insurance, risk management, and Federal and State laws, rules and regulations affecting the employer-employee relationship.

2. The administrative head of the Personnel Department shall be the Director of Personnel, who shall hold his/her office under Civil Service. The Director of Personnel shall also perform the duties of the Supervisor of Personnel under the City's Civil Service Ordinance. Any vacancy occurring in said office shall be filled through appointment by the Mayor, subject to the approval of the Common Council, from an eligible list supplied by the Personnel Department in accordance with the Ordinances and rules governing Civil Service.

N. Department of Neighborhood Services and Inspections.

1. The Department of Neighborhood Services and Inspections shall be under the general supervision of the Mayor and City Administrator and shall be charged with the development, implementation, and administration of the City's Inspection, Code Enforcement and Housing Programs.

2. The Administrative Head of the Department of Neighborhood Services and Inspections shall be the Director, who shall hold his/her office under Civil Service and any vacancy in his/her office shall be filled by appointment of the Mayor, subject to confirmation by the Common Council, from an eligibility list supplied by the Personnel Department in accordance with the Civil Service System Ordinance and Personnel Rules and Regulations.

O. Department of Transportation.

1. The Department of Transportation is charged with the operation of the City Transit System and Public Parking Facilities.

2. The administrative head of this department shall be known as the Director of Transportation who shall hold his/her office under Civil Service. Any vacancy shall be filled by appointment by the Mayor, subject to approval by the Common Council, from an eligible list supplied according to the Ordinances and Rules of Civil Service.

P. Assessment Department.

1. The Assessment Department shall be under the general supervision of the Mayor and City Administrator, and shall be charged with the development, implementation and administration of the assessing of all real and personal property located in the City under authority of Chapter 70, Wisconsin Statutes,

2. The administrative head of the Assessment Department shall be the City Assessor, who shall hold his/her office under Civil Service. Any vacancy occurring in said office shall be filled through appointment by the Mayor, subject to the approval of the Common Council, from an eligible list supplied by the Personnel Division in accordance with the Ordinances and rules governing Civil Service.

1.055 DEPARTMENT OF MUNICIPAL COURT

1. Pursuant to §755.01, Wisconsin Statutes, there is hereby created the office of Municipal Judge for the City of Kenosha. "The Municipal Judge shall

be head of a Department known as the Department of Municipal Court."

2. Term. The term of Municipal Judge shall be four years commencing on the 1st day of May, 1980.

3. Compensation. The salary for the office of Municipal Judge in lieu of fees or costs shall be $25,503 per annum, commencing on the 1st day of May, 1989, and $26,268 per annum commencing on the 1st day of May, 1990 to be increased each year thereafter as set by the Common Council within the classification and compensation plan for nonrepresented employees. No compensation shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath as required by **Subsection 4**. No compensation shall be paid for any day for which Court is scheduled to be in session pursuant to **7.a**. of this Ordinance for which the City Municipal Judge shall not be in attendance except that said Municipal Judge shall be permitted two and one-half (2-1/2) working days off per full calendar month worked which time may be used as sick time vacation time or personal time. Where possible two (2) weeks advance notice of an off day or off days shall be submitted in writing to the City Administrator, the City Attorney and the City Police Chief. The Municipal Judge shall, as a condition precedent to receiving any compensation in the forthcoming month file an Affidavit with the City Treasurer on or before the last working day of each calendar month stating that "No case which has been submitted in final form to him in the past thirty (30) days, exclusive of time of total disability, if any, remains undecided.".

4. Bond: Oath. The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Kenosha County the oath prescribed by law (§757.02, Wisconsin Statutes) and a bond in the penal sum of $2,000 as prescribed by §62.09(4), Wisconsin Statutes.

5. Qualifications. The Municipal Judge shall be licensed to practice law in the State of Wisconsin.

6. Jurisdiction.

a. The Municipal Judge shall have such jurisdiction as provided in §§755.045 and 755.05, Wisconsin Statutes, and exclusive jurisdiction of violations of City Ordinances.

b. The Municipal Judge may, in addition to any fine or penalty, imposed by law for any violation of a City Ordinance, impose a forfeiture for contempt as provided by Wisconsin Statutes, §800.12. Said forfeiture shall not exceed $50.00, or upon default in payment of the forfeiture, a jail sentence of not to exceed seven (7) days.

7. Procedure.

a. The Court of the Municipal Judge shall be called the "Municipal Court for Kenosha, Wisconsin" and shall be open daily, except Saturdays, Sundays and legal holidays, from the hour of 8:00 A.M. until such time as the daily agenda shall be disposed of, but not later than 4:30 P.M., unless so directed by the Municipal Judge. The Municipal Court shall, in addition to the above, be open one day per calendar month on the last Tuesday of the month from 5:00 P.M. until the evening agenda is disposed of, but not later than 9:30 P.M., unless so directed by the Municipal Judge. The evening session shall only be held for the benefit of citizens who have requested the Municipal Court to so schedule their case and will not be held if no such requests have been made.

b. The procedures of the Municipal Court shall be in accordance with Chapter 800, Wisconsin Statutes, Chapter 48, Wisconsin Statutes, and with any other applicable Wisconsin Statutes and City Ordinances. The Municipal Court shall also be bound by the Rules of Evidence specified in Chapters 901 through 911, Wisconsin Statutes. In nontraffic matters, the City Attorney's Office shall draft a bond deposit schedule, which shall be submitted to the Municipal Judge. Pursuant to Section 800.03(3), Wisconsin Statutes, the amount of the bond deposit shall be set by the municipal judge, but shall not be effective until approved by the Common Council of the City of Kenosha. The amount of the bond deposit shall not exceed the maximum penalty for the offense, including any penalty assessment that would be applicable under Section 165.87, Wisconsin Statutes, any jail assessment that would be applicable under Section 302.46(1), Wisconsin Statutes, any domestic abuse assessment that would be applicable under Section 973.055(1), Wisconsin Statutes, and any automatic reinstatement assessment that would be applicable under Section 345.54(1), Wisconsin Statutes, plus court costs, including the fee prescribed in Section 814.65(1), Wisconsin Statutes. After approval of the bond deposit amounts by the Common Council, the Chief of Police shall be furnished a copy of all nontraffic bond schedules and amendments thereto.

In traffic regulations cases, the basic amount of bond deposit shall be determined in accordance with a deposit schedule which the Judicial Conference shall establish.

c. The Municipal Judge shall cause to be collected all fines and forfeitures and taxable costs in any action or proceedings before him. The City Treasurer shall direct the manner and place(s) in which such monies shall be collected. Such monies shall be paid over to the City Treasurer at such times and in such a manner as the City Treasurer shall direct. The Municipal Judge is responsible for the

accounting distribution of all monies collected on behalf of the Municipal Court for which an official Municipal Bond Receipt has been presented as evidence of collection. The Municipal Judge shall provide a daily report which shall be submitted to the City Treasurer setting forth full accountability of the aforementioned collections.

8. Bailiff. A full-time police officer selected by the Chief of Police shall be assigned to the Municipal Court.

9. Employees. The Court shall be staffed by such clerical personnel as are authorized by the Common Council. Such employees will be selected through the Civil Service process as are other City employees holding similar positions. Staff work priorities and standards will be developed cooperatively between the Municipal Judge and the Comptroller to ensure that all legal and statutory deadlines and obligations will be achieved. The Municipal Judge shall have the final authority and determination of work priorities and standards to be implemented by the Comptroller. The Comptroller shall be the appointing authority of and shall have jurisdiction over such position(s). Such employees are subject to the direction of the Comptroller only. Court personnel shall be covered by a blanket bond paid for by the City.

10. Substitute and Interim Municipal Judge. In the event that a Municipal Judge is to be temporarily absent or is sick or disabled, the provisions of §800.06, Wisconsin Statutes, shall apply. A permanent vacancy in the office of Municipal Judge shall be filled according to the provisions of §8.50 (4)(fm), Wisconsin Statutes. Substitute and Interim Judges shall be licensed to practice law in the State of Wisconsin. Substitute and Interim Municipal Judges shall receive a fee of $150.00 per Court session.

11. Case Schedule. Where possible, the following time frames will be used in the Municipal Court:

a. Law enforcement officers and others chargeable with the responsibility of writing citations or other legal process which provides a Court date, shall, at the time of issuance of said citation, provide a Court date which is within thirty (30) days of the date of issuance. The party charged with an Ordinance violation shall not have the right to be heard in night court if any available night court date is not available within thirty (30) days of the date charged. The failure of an issuing officer or official to provide the opportunity for a night court hearing or a hearing within thirty (30) days of the date of issuance shall not, in any manner, constitute a defense to the violation charged.

b. The Court, where an adjournment is requested and in the discretion of the Court granted, shall provide an adjourned date within thirty (30) days of the date of the request for an adjournment.

c. The Municipal Judge shall, where a case has been submitted to him in final form, issue a determination of guilt or innocence within thirty (30) days thereafter.

12. Fees, Costs and Assessments in Municipal Court. Pursuant to §800.10, Wisconsin Statutes, all forfeitures, fees, assessments, and costs imposed by the Municipal Court Judge will be paid to the City of Kenosha as follows:

a. Whenever the Municipal Court Judge imposes a forfeiture for a violation of a City of Kenosha Ordinance, except for Ordinances adopting nonmoving traffic violations as defined herein, safety belt use violations under §347.48(2m), Wisconsin Statutes, or clean indoor air violations under Section 101.123(2)(a) or (5), Wisconsin Statutes, there shall be imposed, in addition to the forfeiture, the following:

(1) A penalty assessment as specified in §165.87, Wisconsin Statutes,1991-1992 and any amendments thereto. If multiple offenses are involved, the penalty assessment shall be based upon the total forfeiture for all offenses. When a forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension. The penalty assessment shall be collected by the City Treasurer and transmitted by the City to the State Treasurer as provided in §66.12(1)(b), Wisconsin Statutes.

(2) The Municipal Judge shall collect a fee of Twenty-eight ($28.00) Dollars on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. Excepted from this subsection are violations of Section 347.28(2m), Wisconsin Statutes, for which no fee shall be collected. Of each fee received by the Judge under this subsection, the City Treasurer shall pay monthly the amount specified in Section 814.65(1), Wisconsin Statutes, for deposit in the general fund of the State and shall retain the balance for the use of the City.

(3) A jail assessment as specified in §302.46(1), Wisconsin Statutes,1991-1992, and any amendment thereto. If multiple offenses are involved, the Court shall determine the jail assessment on the basis of each forfeiture. If a forfeiture is suspended in whole or in part, the Court shall reduce the jail assessment in proportion to the suspension. The jail assessment shall be collected by the City Treasurer and transmitted by the City to the County Treasurer.

(4) Any applicable domestic abuse assessment imposed as specified in §973.055, Wisconsin Statutes, and any amendments thereto. Domestic Abuse assessments shall be collected by the City

Treasurer and transmitted by the City to the State Treasurer as provided in §66.12(1)(b), Wisconsin Statutes.

(5) Any applicable driver improvement surcharge imposed as specified in §346.655, Wisconsin Statutes, and any amendments thereto. The driver improvement surcharge shall be collected by the City Treasurer and transmitted by the City to the State Treasurer as provided in §66.12(1)(b), Wisconsin Statutes.

b. In addition to the forfeiture and mandatory costs and assessments, the Municipal Court Judge may impose, the following:

(1) Any applicable witness and interpreter fees as specified in §814.67, Wisconsin Statutes, 1991-1992, and any amendments thereto.

(2) Any costs and fees allowed pursuant to §814.65(4), Wisconsin Statutes,1991-1992, and any amendments thereto.

(3) Any costs on motion allowed pursuant to §345.37(1)(b), Wisconsin Statutes,1991-92, and any amendments thereto.

c. Persons required to make bail deposits for violations of City of Kenosha Ordinances shall also deposit an amount sufficient to include the penalty assessment, jail assessment, court costs and any applicable domestic abuse assessment or driver improvement surcharge. If the bail is forfeited, the City shall transmit the penalty assessment, court costs and any applicable driver improvement surcharge, or domestic abuse assessment to the State Treasurer, and the jail assessment to the County Treasurer as herein provided in **Subsection 12a**. of this Ordinance.

d. Nonmoving traffic violations are defined as violations of Ordinances adopted under §349.13- 14, Wisconsin Statutes, and violations of §346.50 - 346.55, Wisconsin Statutes.

13. Dispositions for Juveniles. Pursuant to §938.17(2)(cm), Wis. Stats., the Municipal Judge may impose the following dispositions upon a juvenile for a violation of City Ordinances:

a. Any disposition allowed under Chapter 48, Wis. Stats.;

b. §938.343(2), Wis. Stats.
c. §938.343(3), Wis. Stats.
d. §938.343(4), Wis. Stats.
e. §938.343(10), Wis. Stats.
f. §938.344, Wis. Stats.
g. §938.361, Wis. Stats.

Any or all of the above listed dispositions may be used in any combination when imposed by a Municipal Judge.

1.056 ELIGIBILITY FOR APPOINTMENT TO CITY BOARDS, COMMISSIONS, AUTHORITIES AND COMMITTEES

Except as otherwise provided for within this Ordinance and the Ordinances establishing individual City Boards, Commissions, Authorities or Committees, and except as provided in enabling State legislation, no person shall be appointed or reappointed, or remain in office after appointment or reappointment to any City Board, Commission, Authority or Committee, unless he or she shall be and remain a resident of the City of Kenosha, Wisconsin.

Notwithstanding the above, and except for the City Plan Commission, Board of Police and Fire Commissioners, Legislative Commission, Board of Review and the Zoning Board of Appeal, twenty (20%) percent of the full membership of any Board, Commission, Authority or Committee may reside outside the limits of the City, provided they reside within the limits of the County.

Any person appointed to any City Board, Commission, Authority, or Committee who is required under this Ordinance to be and remain a resident of the City, or County under the twenty (20%) percent exception, shall forfeit their office, as a matter of law, upon moving outside of the limits of the City, or County, where applicable, the vacancy to be effective following notice to the member and an opportunity of the member to be heard, upon any such Board, Commission, Authority or Committee, adopting a Resolution declaring the office vacant.

This Ordinance does not apply to special purpose Committees of limited duration established by Resolution.

Any member of any Board, Commission, Authority or Committee holding office on the effective date of this Ordinance, but not meeting its residency requirements, shall be permitted to continue their current term of office.

1.06 CITY BOARDS AND COMMISSIONS

A. City Plan Commission. A City Plan Commission is hereby created pursuant to and in accordance with Section 62.23, Wisconsin Statutes, which is incorporated herein by reference, with the exception that, as authorized by Section 62.23 (1), Wisconsin Statutes, the composition of said body shall consist of the Mayor, who shall be its chairperson and presiding officer, the President of the Common Council, who shall be its vice chairperson, the City Engineer, a member of the Board of Park Commissioners to be elected by said Commission, a member of the Committee on Public Works (Board of Public Works) to be elected by the Committee (Board) of Public Works, and six (6) citizens appointed by the Mayor and approved by the

Common Council who shall be of recognized experience and qualifications. In the event the President of the Common Council is unable or unwilling to serve, he/she shall immediately notify the Mayor and nominate a member of the Common Council to fill the position. The Mayor shall appoint a member of the Common Council to fill the position, subject to the confirmation of the Common Council.

The terms of citizen members shall be staggered over a three (3) year period of time so that the terms of no more than two (2) members shall expire in any given year.

The Commission shall perform the functions prescribed in Section 62.23(2), Wisconsin Statutes.

B. Board of Police and Fire Commissioners. (See §62.13, Wisconsin Statutes.)

C. Library Board and Museum Board.

1. Library Board. (See §§43.25 to 43.31 Inclusive of the Wisconsin Statutes.) (Also see Chapter II, of these Ordinances for Library Tax.)

2. Museum Board. (See Charter Ordinance No. 22 and Wisconsin Statutes §§43.35 to 43.42 inclusive.)

D. Board of Zoning Appeals - Zoning Ordinance.

E. Human Relations Commission.

1. A community relations-social development commission hereafter to be known as the Kenosha Commission on Human Relations, of the City of Kenosha, Wisconsin, is hereby created pursuant to the authority of §66.433 of the Wisconsin Statutes.

2. Purpose: The purpose of the Commission is to study, analyze and recommend solutions for the major social, economic, and cultural problems which affect people residing or working within the City of Kenosha, including, without restriction, because of enumerations, problems of the family, youth, education, the aging, juvenile delinquency, health and zoning standards, and discrimination in housing, employment and public accommodations on the basis of sex, race, religion, color, handicap, national origin, marital status, lawful source of income, age or ancestry.

3. Powers: The Commission shall have the following functions, powers and duties:

a. To meet and function at any place within the City as it may select; to appoint committees to carry out any of its investigatory and research functions.

b. To request additional persons to serve as special advisors to the Commission.

c. To make such recommendations to agencies, officers and bodies of the City and other governmental agencies, officers and bodies as may be deemed advisable in aid of the purpose of this Ordinance.

d. To receive complaints alleging discrimination because of race, color, sex, handicap, religion, marital status, lawful source of income, age, ancestry, or national origin; to make such investigations and to hold such hearings as are required to establish the facts; to require the attendance of witnesses, and their production of documentary evidence, at such hearings; and to administer oaths to persons testifying before it.

e. To publish the findings of the Commission with respect to any complaint if such publication is deemed advisable and approved by a majority of the Commission's members.

f. To conduct such research and to issue such publication as in its judgment will promote good will and minimize or eliminate discrimination because of race, creed, color, sex or national origin.

g. In general, to act as an advisory, conciliatory and investigating agency on all matters threatening the general welfare by reason of discrimination.

h. To cooperate with State and Federal agencies and nongovernmental organizations having similar or related functions.

i. To examine the need for publicly and privately sponsored studies and programs in any field of human relationship which will aid in accomplishing the foregoing objectives, and initiate such public programs and studies and participate in and promote such privately sponsored programs and studies.

4. Appropriation and Allotment of Funds to the Commission: The acting government of the City of Kenosha shall make an allocation in its yearly budget for funds for the use of the Kenosha Commission on Human Relations in the proper performance of its activities and shall make further allocations for the use of the Commission as required by the Commission for any additional or special function which is deemed necessary or proper.

5. Composition of Commission: The Commission shall be nonpartisan and composed of citizens residing in the City of Kenosha, including representatives of the clergy and minority groups. The Commission shall consist of seven (7) members, each appointed to a three year term. Hereafter, as terms expire, appointments shall be made by the Mayor, subject to confirmation by the Common Council. A vacancy occurring otherwise than by expiration of a term shall be filled by appointment, as above, of a new member for the unexpired term. Four (4) members shall constitute a quorum for the

purpose of conducting the business thereof. Members of the Commission shall serve without compensation. Members of the Human Relations Commission, as it exists at the time of passage of this Ordinance, shall automatically be members of this Commission until such time as their existing terms expire. Every person appointed as a member of the Commission shall take and file the official State Oath.

6. Open Meetings: All meetings of the Commission and its consulting Committees shall be publicly held and open to all citizens at all times, as required by §66.77 of the Wisconsin Statutes.

7. Officers-ByLaws: The Commission shall elect a chairman, vice-chairman, secretary and treasurer; may adopt from time to time bylaws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records and treating other matters.

8. Designation of Commission as Cooperating Agency Under Federal Law:

a. The Commission shall be the official agency of the City of Kenosha to accept assistance under the Federal economic opportunity acts. However, no assistance shall be accepted with respect to any matter to which objection is made by the Common Council.

b. The Commission shall be the official agency of the City of Kenosha to accept assistance from the community relations service of the United States Department of Justice under Title X of the Federal Civil Rights Act of 1964, as subsequently amended and supplemented by new Federal legislation, as it provides for assistance to communities in resolving disputes, disagreements or difficulties relating to discriminatory practices based on race, color, sex or national origin which may impair the rights of persons in a municipality under the Constitution or laws of the United States or which affect or may affect interstate commerce.

c. The Commission shall be the official agency of the City of Kenosha to cooperate with and accept assistance from the United States Department of Housing and Urban Development under Title VIII of the Civil Rights Act of 1968, as amended, as it provides for referral of complaints and providing assistance to cooperating State and local agencies charged with the administration of fair housing laws. The Commission may, subject to approval of the Common Council, enter into written agreements with the Department for that purpose.

9. If any part of this Ordinance shall be declared invalid, the balance shall remain in full force and effect.

F. Kenosha Transit Commission.

1. Created.

a. There is created a Kenosha Transit Commission. Pursuant to §66.943, Wisconsin Statutes, there is hereby created the "KENOSHA TRANSIT COMMISSION" for the establishment, maintenance and operation of a comprehensive unified local transportation system, the major portion of which is or is to be located within or the major portion of the service of which is or is to be supplied to the inhabitants of the City of Kenosha, and which system is used or to be used chiefly for the public transportation of persons.

b. The Transit Commission shall be responsible for the management, control and operation of municipal parking lots, facilities and systems as specified in §§66.068 and 66.079, Wisconsin Statutes. The Commission shall establish such fees and charges for parking privileges at parking meters in such parking lots as it shall determine reasonable and shall recommend to the Council the adoption of such Ordinances as will promote and assure the proper use of such lots.

c. The Commission shall recommend to the Council the number, size and location of parking lots throughout the City which are to be purchased. In such recommendation the Commission shall recommend whether the payment therefore shall be from funds on hand or accruing from parking or transit revenues, or from contributions from the general City funds or from proceeds of revenue bonds.

2. Definitions.

a. "Transit Commission" or **"Commission"** means the Transit Commission created hereunder.

b. "Comprehensive Unified Local Transportation System" means a transportation system comprised of motor bus lines and any other local public transportation facilities, the major portions of which are within the City of Kenosha.

c. "Facilities and Equipment" includes land (but not public highways), buses and other rolling stock, and other real or personal property.

d. "Public Transportation" means transportation by bus, rail or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including charter or sight-seeing service on a regular and continuing basis except governmental units).

3. Composition. The Transit Commission shall consist of seven (7) members, to be appointed by the Mayor and approved by the Council, one of whom shall be elected Chairman by the Commission. Two (2) members shall be Aldermen.

4. Term and Qualification.

a. The first members of the Transit Commission shall be appointed for staggered terms; two members

for one year; two members for two years; three members for three years. The term of office of each member thereafter appointed shall be three years.

b. No person holding stocks or bonds in any corporation subject to the jurisdiction of the Transit Commission, or who is in any other manner directly or indirectly pecuniarily interested in any such corporation, shall be a member of the nor employed by the Transit Commission.

5. Employees and Supplies. The Transit Commission may appoint a secretary and employ such accountants, engineers, experts, inspectors, clerks and other employees and fix their compensation, and purchase such furniture, stationery and other supplies and materials, as are reasonably necessary to enable it properly to perform its duties and exercise its powers.

6. Powers.

a. The Transit Commission may adopt rules relative to the calling, holding and conduct of its meetings, the transaction of its business, the regulation and control of its agents and employees, the filing of complaints and petitions and the service of notices thereof and conduct hearings.

b. For the purpose of receiving, considering and acting upon any complaints or applications which may be presented to it for the purpose of conducting investigations or hearings on its own motion the Transit Commission shall hold regular meetings at least once a month and special meetings on the call of the chairman or at the request of the Common Council.

c. The Transit Commission may adopt a seal, of which judicial notice shall be taken in all courts of this State. Any process, writ, notice or other instrument which the commission may be authorized by law to issue shall be deemed sufficient if signed by the secretary of the commission and authenticated by such seal. All acts, orders, decisions, rules and records of the commission, and all reports, schedules and documents filed with the commission may be proved in any court in this State by a copy thereof certified by the secretary under the seal of the commission.

7. Comprehensive Unified Local Transportation System. The jurisdiction, powers and duties of the Transit Commission shall extend to the comprehensive unified local transportation system for which the commission is established including any portion of such system extending into adjacent or suburban territory within this State lying outside of the City of Kenosha not more than 30 miles from the nearest point marking the corporate limits of the City of Kenosha.

8. Finances. All revenue received from Parking meters or derived from operation of parking lots and the unified transportation system shall be kept in a separate and segregated fund. Such revenues shall only be used for the maintenance, operation, improvement and acquisition of parking meters and of parking lots; and for general street and highway maintenance, repair and construction; and for traffic regulations and for promoting, maintaining, and supporting a public mass transit system.

The Transit Commission may borrow money for the acquisition of facilities and equipment and may issue revenue bonds according to the provisions of §66.066, Wisconsin Statutes.

9. Acquisition of Facilities and Equipment. Initial acquisition of the facilities and equipment for the establishment of and to comprise the comprehensive unified local transportation system shall be subject to §66.065 or Chapter 197 of the Wisconsin Statutes.

10. Study Group. The Transit Commission may study and report to the Common Council on the feasibility of contracting with private organizations or other units of government for transportation services, all as provided by the Wisconsin Statutes.

11. Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid or be repealed, it shall not effect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

G. Board of Public Works.

1. The Board of Public Works shall be and consist of the Committee on Public Works of the Common Council.

2. Sections 62.14 (2), (4), (5), (6) and (7) of the Wisconsin Statutes are hereby adopted to the same force and effect as if they were set out in full herein.

H. Board of Water Commissioners.

1. Pursuant §66.068 of the Wisconsin Statutes there is hereby created a Board of Water Commissioners which shall have charge and management of the waterworks utility.

2. The Board of Water Commissioners shall be the Committee on Public Works of the Common Council.

3. Sections 66.068 (3), (4) and (5) of the Wisconsin Statutes are hereby adopted to the same force and effect as if they were set out in full herein.

I. Board of Absentee Ballot Canvassers. Pursuant to Sections 7.52 and 7.53(2m), Wisconsin Statutes, there is hereby created a "Board of Absentee Ballot Canvassers".

1. Purpose. The purpose of the Board of Absentee Ballot Canvassers is to canvass all absentee ballots at all elections held within the City of Kenosha.

2. Members. The Board of Absentee Ballot Canvassers shall consist of the City Clerk/Treasurer, or his/her designee, and two (2) other qualified electors of the City appointed by the City Clerk/Treasurer. The City Clerk/Treasurer may appoint additional inspectors to assist the Board in canvassing absentee ballots, pursuant to Section 7.30(2)(a), Wisconsin Statutes. The City Clerk/Treasurer shall provide at least forty-eight (48) hours prior notice of any meeting to be held pursuant to this Ordinance.

3. Term. The term of members shall be for a period of two (2) years, commencing on January 1 of each odd-numbered year.

J. Board of Park Commissioners.

1. There is hereby created a Board of Park Commissioners pursuant to §27.08 of the Wisconsin Statutes.

2. Said Board shall consist of the Committee on Public Welfare of the Common Council.

3. Said Board shall have all the powers and duties conferred upon it by the Statutes of Wisconsin and the Ordinances of the City of Kenosha.

K. Stormwater Utility Committee. There is hereby created a Stormwater Utility Committee, which shall be the Committee on Public Works of the Common Council.

1. Purpose. The purpose of the Stormwater Utility Committee is to govern, manage, control, improve and care for stormwater management services, systems and facilities.

2. Said Committee shall have all the powers and duties conferred upon it by the Code of General Ordinances of the City of Kenosha, and the Wisconsin State Statutes.

L. Terms of Citizens on Boards and Commissions. The Common Council shall not approve or confirm the reappointment of a citizen member to any board or commission which would result in such citizen being a member on such board for more than one (l) full term where the term of office is five (5) years or more.

The Common Council shall not approve or confirm the reappointment of a citizen member to any board or commission for more than two (2) consecutive full terms, if the term is less than five (5) years.

The contrary provisions of this Subsection notwithstanding, a citizen member of a board or commission may be appointed to, and confirmed for, a board or commission for one (1) full term of five (5) years or more, or for up to two (2) full terms each of five (5) years or less, immediately ensuing service by the citizen member of a partial term of another, if such partial term was for an unexpired term of less than one-half (1/2) of a full term.

A citizen member is defined to be a person who is not an employee or officer of the City.

A citizen member whose term has expired, irrespective of the above, may be appointed on an interim basis, not to exceed six months, to the same board or commission until such time as a qualified successor can be appointed. If there is any conflict of this provision with State Law, this paragraph shall be interpreted so as to conform to State law. Interim appointments shall be made in the same manner as the original appointment, each such appointment being substantially worded: "_____is hereby appointed to continue his/her position on the_____ Board/Commission until a qualified successor can be appointed, but in no event shall this appointment exceed six (6) months."

The time period served on any such interim appointment shall be deducted from the term during which such interim appointment was served and a permanent appointee to said term shall be appointed for the balance of the term remaining.

The above restrictions on terms of office shall not apply to the Historic Preservation Commission due to the fact that there is a shortage of qualified and competent personnel available and willing to accept appointments to said Commission.

P. Legislative Commission.

1. Title. There is hereby created the Legislative Commission.

2. Members. The membership of said Commission shall be as follows:

a. The Mayor, City Administrator and Director of Finance, who shall be permanent members.

b. Four (4) Aldermen who shall be appointed by

the Mayor and confirmed by the Common Council, who shall initially serve from the date of confirmation until the first day of May, 1978, and thereafter the term of Aldermen shall be (2) years.

c. Four (4) citizen members, who shall be appointed by the Mayor and confirmed by the Common Council, who shall initially serve from the date of confirmation until the first day of May, 1978, and thereafter the term of citizen members shall be two (2) years.

3. Officers. The Commission shall elect a chairperson and vice chairperson from among its members. The Mayor shall appoint a City employee to act as Secretary for the Commission, at no additional compensation to be paid to said employee, other than compensatory time off, unless such compensation is authorized in advance by Resolution of the Common Council.

4. ByLaws. The Commission may, from time to time, adopt bylaws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records, and treating other matters.

5. Duties. The Commission:

a. Shall review, study and report to the Common Council on proposed or pending State legislation which will or may affect the City.

b. May appoint, subject to absolute veto by the Mayor, one or more of its members to appear before the State Legislature or any of its Committees or before any State body possessing legislative authority for the purpose of presenting evidence or argument in favor of or against any matter under consideration by such State body which will or may affect the City. The Commission, however shall not have exclusive authority in this regard and shall not involve itself in any litigation pending before any Court or judicial or quasi judicial body.

c. May hold public or, where authorized by law, executive hearings to review any pending or proposed State legislation which will or may affect the City.

6. Appropriation and Allotment of Funds to the Commission. The Common Council may, from time to time, allocate such funds as said Council deems necessary and appropriate for the use of the Commission in the performance of duties herein relevant. Out-of-City trips must be approved, in writing, in advance, by the Mayor, and all expenses receipts furnished, when available.

Citizen Commission members shall be paid a per diem of Fifty ($50.00) Dollars for each day absent from the City at the direction of the Mayor, together with all travel, meal and out-of-pocket expenses incurred. Aldermen Commission members shall be entitled to per diem and expenses as provided in **§1.01**, Ordinances.

Q. Commission on Women's Issues.

1. Title. There is hereby created the "Commission On Women's Issues".

2. Purpose. The purpose of the Commission shall be to compile, coordinate, and make available to the public information on women's issues and establish a databank of names of women who are interested in governmental appointments in order to further the representation of women in government.

3. Members. There shall be fifteen (15) members who shall be appointed by the Mayor, and confirmed by the Common Council, who shall be representative of the community and concerned about the status of women in society and the impact of governmental actions upon women.

4. Term. The term of members shall be three (3) years, commencing on August 1st. The terms shall be staggered and the initial terms shall be as follows: Five (5) members shall serve for three (3) years, five (5) members shall serve for two (2) years, and five (5) members shall serve for one (1) year.

5. Officers. The Mayor shall appoint a chairperson and the Commission shall elect a vice-chairperson from among its members. The Mayor may appoint a City employee to act as Secretary for the Commission, at no additional compensation to be paid to said employee, other than compensatory time off, unless such compensation is authorized in advance by the Common Council.

6. By-Laws. The Commission may, from time to time, adopt bylaws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records, and treating other matters.

7. Duties. The Commission shall have the following duties:

a. to create a databank of names of women who are interested in governmental appointments, and serve as a resource agency in response to requests from the Mayor's office or legislative bodies which appoint advisory committees, task forces, work groups, committees, commissions or boards for the names of women interested in governmental appointment.

b. to identify the social and economic concerns of women.

c. to hold public hearings and conferences, conduct, research and distribute publications consistent with the purpose of the Commission.

d. to identify the concerns of minority women, such as racism, employment, health and child care.

e. to enlist and encourage the cooperation of local agencies, organizations, councils, and other groups, both public and private, to effectuate the purpose of the Commission.

f. to report to the Mayor as requested and to render an annual report to the Mayor and Common Council summarizing its work.

8. Gifts/Grants. The Commission may apply for grants from the United States, the State of Wisconsin, and their agencies, and accept donations from any person, firm, party or corporation, of services, equipment, supplies, materials or funds and utilize said donations to effectuate the purpose of the Commission.

9. Appropriation And Allotment Of Funds. The Common Council may, from time to time, allocate such funds as said Council deems necessary and appropriate for the use of the Commission in the performance of duties herein relevant. Out-of-City trips must be approved, in writing, in advance, by the Mayor, and all expense receipts furnished, when available.

R. Keep Kenosha Beautiful Commission.

1. Title. There is hereby created the "Keep Kenosha Beautiful Commission".

2. Purpose. The purpose of the Keep Kenosha Beautiful Commission is to promote a clean environment and to promote the recycling of solid waste in the City.

3. Members. There shall be eleven (11) members who shall be appointed by the Mayor, and confirmed by the Common Council, who shall be representative of the community and concerned about the environment and recycling.

4. Term. The term of members shall be three (3) years, commencing on May 1st. The terms shall be staggered and the initial terms shall be as follows: Five (5) members shall serve for three (3) years; five (5) members shall serve for two (2) years; and five (5) members shall serve for one (1) year.

5. Officers. The Mayor shall appoint a chairperson and the Commission shall elect a vice-chairperson from among its members. The Mayor may appoint a City employee to act as Secretary for the Commission, at no additional compensation to be paid to said employee, other than compensatory time off, unless such compensation is authorized in advance by the Common Council.

6. By-Laws. The Commission may, from time to time, adopt bylaws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records, and treating other matters.

7. Duties. The Commission shall have the following duties:

a. to promote public interest in the environment.

b. to initiate, plan and coordinate programs for litter control in conjunction with and in cooperation with citizens, government, business and industries on a substantial basis.

c. to implement and maintain the Keep America Beautiful System.

d. to investigate and develop plans for improving the cleanliness of the City by beautifying the streets, highways, alleys, river banks, lakeshore lots, yards and other similar places on both public and private property within the City and for the removal and elimination of trash and other debris therefrom.

e. to encourage the placing, planting and preservation of trees, flowers, plants, shrubs and other objects and ornamentation in the City.

f. to advise and recommend plans for the beautification of the City.

g. to promote recycling within the City.

8. Gifts/Grants. The Commission may apply for grants from the United States, the State of Wisconsin, and their agencies, and accept donations from any person, firm, party or corporation, of services, equipment, supplies, materials or funds, and utilize said donations to effectuate the purpose of the Commission.

9. Appropriation And Allotment Of Funds. The Common Council may, from time to time, allocate such funds as said Council deems necessary and appropriate for the use of the Commission in the performance of duties herein relevant. Out-of-City trips must be approved, in writing, in advance, by the Mayor, and all expense receipts furnished, when available.

S. Mayor's Youth Commission.

1. Title. There is hereby created a "Mayor's Youth Commission".

2. Purpose. The purpose of the Commission shall be to assist in the identification of societal problems as they directly affect minors and young adults to propose solutions to such problems to any appropriate agency of government or private agency, to identify and recognize worthy organizations for minors and young adults; to identify and recognize individual minors and young adults who excel in any

field of worthy endeavor; and to generally act as a resource for youth in City government matters.

3. Members. There shall be eleven (11) members who shall be appointed by the Mayor and confirmed by the Common Council who shall be representative of the community and concerned about the positive image of youth in the City of Kenosha. Of these eleven (11) members, at least five (5) shall be under the age of twenty-one (21); of the five (5) under the age of twenty-one at least three (3) shall be under the age of eighteen (18) at the time of confirmation by the Common Council. Of the remaining six (6) members, one (1) shall be an alderman and one (1) shall be appointed from the Police Department. Any person who was lawfully appointed to the Commission under a designated age classification, shall not lose their eligibility to continue to serve the balance of their term of office for the reason that they exceeded the age classification under which they were appointed while serving on the Commission. A Commission member who, while serving on the Commission, exceeds the age classification under which appointed, is eligible to be reappointed to the Commission in an older age classification where a vacancy exists and the number of terms they are eligible to serve has not been exceeded.

4. Term. The term of the members shall be two (2) years commencing on November 1. The terms shall be staggered and the initial term shall be as follows: Three (3) members who may be over the age of twenty-one (21), and three (3) members under the age of twenty-one (21) shall serve for two (2) years; three (3) members who may be over the age of twenty-one (21) and two (2) members under the age of twenty-one (21) shall serve for one (1) year.

5. Officers. The Mayor shall appoint a chairperson and the Commission shall elect a vice-chairperson from among its members. The Mayor may appoint a City employee to act as secretary for the Commission at no additional compensation to be paid to said employee other than compensatory time off unless such compensation is authorized in advance by the Common Council.

6. By-Laws. The Commission may, from time to time, adopt bylaws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records and treating other matters.

7. Duties. The Commission shall have the following duties:

a. To create and maintain a databank of all bona fide youth organizations and their address and contact person if any, servicing youth of the City of Kenosha which have youth as their primary membership and officers.

b. To publicize and promote bona fide youth organizations.

c. To identify and recommend to the Mayor for commendation various individuals who are under the age of twenty-one (21) and who excel in any field of worthy endeavor or who are any age and have contributed in an outstanding manner to the youth of the City of Kenosha in a manner outside the scope of his or her employment.

d. To identify the social and economic concerns of youth and make appropriate recommendations to public or private agencies on how the agency may better serve youth.

e. To report to the Mayor as requested.

f. To enlist and encourage the cooperation of local agencies, organizations councils, and other public or private groups, to effectuate the purpose of this Commission.

g. To make recommendations to youth organizations as to how they may better serve the City by suggesting service projects to enhance the City when said recommendation is solicited by the organization.

h. To hold public hearings and conferences and conduct research consistent with the purpose of the Commission.

8. Gifts/Grants. The Commission may apply for grants from the United States, the State of Wisconsin, and their agencies, and accept the donations from any person, firm, party or corporation, of services, equipment, supplies, materials or funds and utilize said donations to effectuate the purpose of the Commission.

9. Appropriation and Allotment of Funds. The Common Council may from time to time, allocate such funds as said Council deems necessary and appropriate for the use of the Commission in the performance of duties herein relevant. Out-of-City trips must be approved, in writing, in advance, by the Mayor, and all expense receipts furnished when available.

U. HOME Program Commission.

1. Title. There is hereby created a "HOME Program Commission".

2. Purpose. The purpose of the HOME Program Commission is to solicit, review and recommend projects to be funded by HOME Investment Partnership Program grants from the United States Department of Housing and Urban Development which will strengthen public-private partnerships and provide more affordable rental and homeownership housing through acquisition,

rehabilitation, new construction and any other eligible activities under the HOME Program.

3. Members. There shall be seven (7) members who shall include the Mayor, City Administrator and Department Heads of the Finance Department, City Development Department, Police Department, Neighborhood Services and Inspections Department and one (1) officer or employee of the Kenosha Housing Authority.

4. Term. The term of office is indefinite as memberships are determined by position.

5. Officers. The Mayor shall be the chairperson and the City Administrator the vice chairperson. The Mayor may appoint a City employee to act as secretary for the Commission at no additional compensation to be paid to said employee other than compensatory time off unless such compensation is authorized in advance by the Common Council.

6. By-Laws. The Commission may, from time to time, adopt bylaws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records and treating other matters.

7. Duties. The Commission shall:

a. Annually solicit, review and recommend to the Common Council projects to be funded with Federal HOME Program grant funds.

b. Develop a program description for Common Council approval to be submitted to the U.S. Department of Housing and Urban Development.

c. Meet periodically to review program activities and results.

8. Appropriation and Allotment of Funds to the Commission. The Common Council may, from time to time, allocate such funds as said Council deems necessary and appropriate for the use of the Commission in the performance of duties herein relevant. Out-of-City trips must be approved, in writing, in advance, by the Mayor, and all expenses and receipts furnished, when available.

V. Board of Review.

1. Title. There is hereby created a "Board of Review" in accordance with Section 70.46, Wisconsin Statutes.

2. Purpose. The purpose of the Board of Review shall be to conduct proceedings and act in accordance with Section 70.47, Wisconsin Statutes, and such other provisions of Chapter 70, Wisconsin Statutes, as may be applicable.

3. Members. There shall be five (5) members appointed by the Mayor and confirmed by the Common Council. The membership shall consist of citizens who are residents of the City, and may include public officers and employees who are residents of the City of Kenosha, except that the Assessor and employees of the Assessment Department may not be members. Members shall serve without salary.

4. Term. The term of members shall be five (5) years, which shall be staggered by creating initial terms for a period of one (1), two (2), three (3), four (4) and five (5) years, respectively.

5. Officers. The Board shall elect a chairperson and a vice-chairperson from among its members at its initial meeting and annually at its first meeting of each calendar year. The Mayor may appoint a City employee to act as Secretary for the Commission at no additional compensation to be paid to said employee, other than compensatory time off, if applicable, unless such compensation is authorized in advance by the Common Council.

6. By-Laws. The Board may, from time to time, adopt bylaws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records, and treating other matters.

7. Duties. The Board shall have the duties specified in Section 70.47, Wisconsin Statutes, and such other provisions of Chapter 70, Wisconsin Statutes, as may be applicable.

W. Board of Assessors.

1. Title. There is hereby created a "Board of Assessors" in accordance with Section 70.075, Wisconsin Statutes.

2. Purpose. The purpose of the Board of Assessors shall be to conduct proceedings and act in accordance with Section 70.075, Wisconsin Statutes, and such other provisions of Chapter 70, Wisconsin Statutes, as may be applicable.

3. Members. There shall be five (5) members appointed by the City Assessor and confirmed by the Common Council. The membership shall consist of the City Assessor and such assistant assessors, appraisers and other expert technical personnel as the City Assessor may appoint.

4. Term. The term of members shall be indefinite, subject to termination without cause by the City Assessor.

5. Officers. The City Assessor shall be the

chairperson and shall appoint a vice chairperson from among its members. The City Assessor may appoint a member or an employee of the Assessment Department to act as Secretary for the Board.

6. By-Laws. The Board may, from time to time, adopt bylaws and rules of procedure fixing the time and place of meetings, prescribing the manner of keeping records, and treating other matters.

7. Duties. The Board shall have the duties specified in Section 70.075, Wisconsin Statutes, and such other provisions of Chapter 70, Wisconsin Statutes, as may be applicable.

X. Community Development Block Grant Committee.

1. Title. There is hereby created the "Community Development Block Grant Committee".

2. Purpose. The purpose of the Community Development Block Grant Committee shall be to make recommendations respecting the expenditure of Community Development Block Grant funds.

3. Members. There shall be seven (7) members; three (3) members of the Finance Committee of the Common Council; three (3) members of the City Plan Commission; and one (1) citizen of the City. All members shall be appointed by the Mayor and confirmed by the Common Council.

4. Term. The term of members shall be: from the Finance Committee, for the duration of their two (2) year term of office as alderperson; from the City Plan Commission, for the balance of their appointed term; for the citizen member, three (3) years. Any member from the Finance Committee or City Plan Commission who shall for any reason cease to hold such position shall cease to be a member of the Committee. There shall be no limit on the number of consecutive terms of members.

5. Officers. The Committee shall elect a chairperson and vice chairperson from among its members at its initial meeting and annually at its first meeting of each calendar year. The Director of City Development shall appoint an employee of the Department of City Development to act as Secretary for the Committee at no additional compensation to be paid to said employee, other than compensatory time off, if applicable, unless such compensation is authorized in advance by the Common Council.

6. By-Laws. The Committee may, from time to time, adopt by-laws and rules of procedure fixing the time and place of meeting, prescribing the manner of keeping records, and treating other matters.

7. Duties. The Committee shall have the following duties:

a. Solicit comments from the public pertaining to the housing and community development needs of the City.

b. Recommend to the City Plan Commission and Finance Committee a five (5) year Consolidated Plan.

c. Recommend to the City Plan Commission and Finance Committee an annual Fund Allocation Plan.

d. Solicit proposals for the use of Community Development Block Grant Funds, annually.

e. Recommend to the City Plan Commission and Finance Committee expenditure of the Community Development Block Grant Funds.

f. Provide recommendations on the reprogramming of unexpended Community Development Block Grant Funds, as needed.

1.065 KENOSHA AREA BUSINESS ALLIANCE, INC.

A. Recognition And Purpose. The Kenosha Area Business Alliance, Inc. (formerly Kenosha Area Development Corporation) is recognized as a without stock and not-for-profit Wisconsin Corporation created for the purpose to engage in any lawful activities authorized by Chapter 181 of the Wisconsin Statutes; to further economic development within the community of Kenosha, Wisconsin; to promote and assist the growth and development of businesses, specifically including small businesses in the community, to promote and provide for additional and maximum employment to aid the community by increasing business volume, by attracting industry to the community, and by encouraging the development of, and retention of, industry in the community and to lessen the burdens of government, and to act in the public interest.

B. Appropriation And Allotment Of Funds To Corporation. The Mayor is authorized to make an allocation in the Mayor's proposed yearly budget of funds for use of the Kenosha Area Business Alliance, Inc. in the proper performance of its activities, and may make further allocations for the use of the Corporation as requested and required by the Corporation, for any additional or special function which is deemed necessary or proper.

1.067 SISTER CITIES ASSOCIATION OF KENOSHA, WISCONSIN, INC.

A. Recognition And Purpose. The Sister Cities Association of Kenosha, Wisconsin, Inc. is recognized as a without stock and not-for-profit corporation created for the purpose of engaging in

any lawful activities authorized by Chapter 181 of the Wisconsin Statutes, including, but not limited:

1. To cause the people of the City of Kenosha, Wisconsin, and the people of similar cities of foreign nations to acquire a consciousness of each other, to understand one another as individuals, as members of their community, as citizens of their country, and as part of the family of nations.

2. To foster as a consequence of such knowledge and consciousness, a continuing relationship of mutual concern between the people of the City of Kenosha, Wisconsin, and the people of similar cities of other nations.

3. To undertake both in seeking and in consequence of such consciousness and concern any activities and programs as will provide to one another appropriate aid and comfort, education and mutual understanding.

4. To participate as an organization in promoting, fostering and publicizing State and national programs of international municipal cooperation organizations, and thereby to encourage other organizations and residents of American communities to engage and participate in such programs, to foster and promote friendly relations and mutual understanding between peoples of American communities and peoples of friendly nations outside of the United States of America, and to act as a coordinating body, committee, agency or counsel among those organizations, groups and individuals desiring to and engaging in the activities of such international municipal cooperation organizations.

5. Provided that the corporation shall not in any way, directly or indirectly engage in the carrying on of propaganda or otherwise attempt to influence legislation.

B. Appropriation And Allotment Of Funds. The Common Council may, from time to time, allocate such funds as said Council deems necessary and appropriate for the use of the Corporation in the performance of duties herein relevant.

C. Administrative Services. The City of Kenosha may provide all necessary staff required by said Corporation for the Corporation's daily operations and activities in accordance with an Administrative Services Agreement agreed to and entered into by the City and the Corporation.

1.07 OFFICIAL BONDS AND OATHS
(See §§62.09 (4) and 19.07 of Wisconsin Statutes.)

1.08 COMPENSATION OF PERSONNEL

A. Police and Fire Departments. The members of the Police and Fire Departments shall be paid the sums that now are or may hereafter be fixed by the Council except that no compensation now paid to any member of these Departments shall be reduced without previous recommendation in writing by the Board of Police and Fire Commissioners.

B. Other Officers and Employees. The amount of basic compensation to be paid other officers and employees shall be fixed by the City Common Council in accordance with the Civil Service Ordinance and the Personnel Rules and Regulations promulgated thereunder.

C. Time of Payments. The compensation herein provided shall be paid semi-monthly except that employees by the hour or week may be paid weekly

1.09 MILITARY LEAVE OF ABSENCE

Leave of Absence for Military Service Granted. See §17.035 of the Wisconsin Statutes.

Any officer or employee with permanent tenure, called into military service for other than normal reserve training, shall be paid in full to the date he leaves his City position or job and in addition, shall receive in compensation for unused vacation and sick leave a sum equal to one month's wage or salary.

1.10 CIVIL SERVICE - (See Charter Ordinance No. 29.)

1.11 SUPERVISORS-See Statutes

1.12 OPENING OF POLLS

All polls on general election days shall be opened at 7:00 A.M. and closed at 8:00 P.M.

1.121 ABSENTEE BALLOTS

The City of Kenosha, Wisconsin declares that in lieu of canvassing absentee ballots at polling places pursuant to Section 6.88, Wisconsin Statutes, the Board of Absentee Ballot Canvassers shall canvass all absentee ballots of all elections held in the City.

No later than the closing hour of the polls, the City Clerk/Treasurer shall post at his/her office, and on the City of Kenosha Internet site before the polls open, a statement of the number of absentee ballots that the City Clerk has mailed or transmitted to electors and that have been returned by the closing hour on election day. The City Clerk/Treasurer shall

make available to any person upon their request a copy of said statement.

1.13 COMPULSORY RETIREMENT

A. Declaration. The City of Kenosha declares that its nonprotective employees are not exposed to danger or hazard within the meaning of §111.33, Wisconsin Statutes.

B. City Employees--NonProtective Occupations. There shall be no compulsory retirement age for City employees in nonprotective protective occupations.

C. City Employees-Protective Occupations. Effective December 31, 1985, no City employee engaged in a protective occupation shall continue in City service upon reaching his/her sixtieth (60th) birthday for the reason that age is a bona fide occupational qualification for protective occupations and for the further reason that retirement at said age is mandated by the business necessity of insuring the establishment and maintenance of a work force which is physically capable of performing in jobs designed to insure the public health, safety and welfare. City employees engaged in protective occupations are deemed to be those City employees whose principal duties involve active law enforcement or active fire suppression or prevention, including the Fire and Police Chief, and all administrative officers and supervisory personnel within the City Police and Fire Departments.

However, in no event shall any City employee engaged in a protective occupation continue in City service upon reaching his/her seventieth (70th) birthday should such situation arise by reason of the City postponing mandatory retirement for such employees at age sixty (60) for reason of legal uncertainty as to whether such retirement is a bona fide occupational qualification for employment under the Age Discrimination in Employment Act.

1.14 CITY PARTICIPATION IN JOINT ACTION EMERGENCY GOVERNMENT FOR KENOSHA COUNTY

A. Policy and Purpose. To ensure that the City of Kenosha will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from manmade and natural disasters, an Emergency Government organization is created to carry out the purposes set out in Chapter 22 of Wisconsin Statutes, 1971.

B. Definitions, as Used in this Ordinance.

1. Emergency Government includes Civil Defense, and means all measures undertaken by or on behalf of the State of Wisconsin and its subdivisions:

a. to prepare for and minimize the effects of enemy action and natural or manmade disaster, upon the civilian population;

b. to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

2. "Civil Defense" means all those activities and measures designed or undertaken:

a. to minimize the effects upon the civilian population caused, or which would be caused, by enemy action;

b. to deal with the immediate emergency conditions which would be created by such enemy action; and

c. to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such enemy action.

3. "Enemy Action" means hostile action by a foreign power which threatens the security of this State, or portion thereof.

4. "Natural Disaster" means all other extraordinary misfortunes affecting the City, natural or manmade, not included in the term "enemy action".

C. City Emergency Government Committee.

1. How Constituted. The Committee on Public Safety and Welfare shall act as and perform the duties of the City Emergency Government Committee.

2. Duties. The City Emergency Government Committee shall be an advisory and planning group and shall advise and cooperate with the County Emergency Government Director and his Deputy and staff and it shall further advise the City Common Council on all matters pertaining to Civil Defense. It shall meet on the call of the Chairman.

D. Emergency Government Director.

1. Joint Director. The County Emergency Government Director shall hold the office of Emergency Government Director of the City of Kenosha, subject to the conditions and provisions set forth in the Wisconsin Statutes and in this Ordinance. Said Director shall have the duties and responsibilities of a municipal Emergency Government Director as provided for in §66.30 of the Wisconsin Statutes, 1971. Said Director and any staff he or she may have shall be employed by Kenosha

County and shall not be deemed to be City employees, for any purpose.

2. City Deputy Emergency Government Director. The City Administrator shall act as and perform the duties of the City Deputy Emergency Government Director, under the administrative direction of the County Emergency Government Director and the City Emergency Government Committee.

E. Sharing of Costs Pursuant to Section IV County Ordinance No. 75-1.

1. Office and Staff. The Kenosha County Board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the County Emergency Government Director.

2. Major Equipment and Services. Costs of equipment and services shall be borne 100 percent by the municipal government requiring such procurement with Federal matching funds procured by the County Emergency Government Director when applicable. Federal matching fund reimbursements shall be returned to the Treasurer of the municipality procuring the equipment or services.

F. Joint Action Meetings. Whenever it is deemed necessary by either the County Emergency Government Committee, or the City Emergency Government Committee, there shall be a joint meeting of the Committees to decide such matters as may arise.

G. Duties of the County Emergency Government Director.

1. County-wide Duties as Provided by County Ordinance No. 75-1. The Director, in his capacity as Director, subject to the control and direction of the County Emergency Government Committee and under the general supervision of the County Board shall:

a. develop and promulgate emergency government plans for the County including planning for Joint Action municipalities, consistent with the State plan of emergency government;

b. coordinate and assist in the development of non-joint action municipal emergency government plans within the County, and integrate such plans with the County plan;

c. direct the County and Joint Action municipality emergency government programs;

d. direct county-wide emergency government training programs and exercises;

e. advise the State Administrator of Emergency Government of all emergency government planning for the County and render such reports as may be required by the Administrator;

f. in case of a state of emergency proclaimed by the Governor, direct the county and Joint Action municipalities in emergency government activities and coordinate non-joint action municipal emergency government activities within the County, subject to the coordinating authority of the State Administrator; and

g. perform such other duties relating to emergency government as may be required by the County Board.

2. Municipal Duties. The Kenosha County Emergency Government Director in his capacity as director for the City of Kenosha, shall:

a. direct the municipal emergency government organization;

b. develop, promulgate, and integrate into the County plan, emergency government plans for the operating services of the municipality;

c. direct participation of the municipality in such emergency government training programs and exercises as may be required on the County level or by the State Administrator;

d. direct the municipal emergency government training programs and exercises;

e. perform all administrative duties necessary for the rendering of reports and procurements of Federal matching funds for each municipality requesting Federal matching funds;

f. in case of a state of emergency proclaimed by the Governor, direct the activities of the municipal emergency government organization;

g. perform such other duties, relating to emergency government, as may be required by the municipal governing body.

H. Utilization of Existing Services and Facilities. In preparing and executing the Emergency Government Program, the services, equipment, supplies and facilities of the existing departments and agencies of the City shall be utilized to the maximum extent practicable; and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the Emergency Government Director and his Deputy as are required of them.

I. Emergencies.

1. In the event the Governor determines that an emergency exists growing out of natural or man-made disasters, the County Emergency Government Director will activate and direct the emergency government services of the City.

2. Whenever, during the continuance of a state of emergency proclaimed by the Governor of the State of Wisconsin under §22.01 of the Wisconsin

Statutes, it becomes imprudent, inexpedient or impossible to conduct the affairs of City government at the regular or usual places thereof, the Common Council may meet at any place within or without the City on the call of the Mayor or his successor, and shall proceed to establish and designate by Ordinance, Resolution or other manner, sites and places as the emergency temporary location of government where all, or any part, of the public business may be transacted and conducted during the emergency situation.

J. 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, regulation, or plan issued pursuant to the authority contained in this Ordinance. Whoever intentionally fails to comply with the directives of Emergency Government authorities promulgated under this Section during a state of emergency or during any training program or exercises, may be fined not less than $100.00 nor more than $200.00, or imprisoned in the County Jail for a period not more than ninety (90) days, or both.

1.145 EMERGENCY POWERS OF THE MAYOR

A. General Powers-City Emergency. In the event of an emergency covered under Section **1.14** of the Code of General Ordinances, the Mayor shall have the following powers:

1. To assemble all Department Heads for the purpose of forming an advisory body to offer advice upon the need for and to supervise emergency services.

2. To contract with other units of government for the use of manpower and equipment.

3. To contract with private industry, leasing services, manpower and equipment.

4. To order all City employees to immediate active duty.

5. To order City Departments to concentrate their manpower and equipment in a given area or areas.

6. To authorize any City owned or leased property to be made available as emergency shelters, food and water service and dispensing areas, hospital, morgues, bases of operations and the like.

7. To order City employees and equipment to be utilized in the transportation of equipment, supplies, food, water, materials, messages and the like from place to place to assist any governmental, Red Cross or like charitable agency operating within the City.

8. To terminate ordinary City services.

9. To terminate the operation of any City licensed business.

10. To order a curfew for the general public or any segment of the general public in all or any portion of the City.

11. To close any street, park or public facility within the City.

12. To close the Harbor or the Airport.

13. To prohibit railroad traffic within all or any portion of the City.

B. Limitations. The above specified powers are limited as follows:

1. The Mayor may only expend monies which are either budgeted for or which are in the City's contingency fund.

2. The Mayor must call a Council meeting as soon as possible to confirm his actions. If the Mayor does not act promptly in this regard, a special meeting of the Common Council may be called by seven (7) Alderpersons pursuant to the procedure provided for in **§1.02 C.**, Ordinances.

C. Emergencies-Non-City. The Mayor may commit City resources to the same extent of Mayoral powers in a City emergency to assist in an emergency in another governmental unit upon the condition that said other unit of government commits itself to repaying the City for the full cost of City provided manpower and equipment so that there shall be no out-of-pocket costs to the City, and upon the condition the unbudgeted funds or monies in the contingency fund may not be utilized for this purpose.

1.15 ANNEXATION ORDINANCES PRELIMINARY REPORTS

A. Report of City Engineer. Within two weeks after the filing of a petition for annexation of territory to the City, the City Engineer shall determine and report to the Council in writing (with a copy thereof to the City Attorney) the following:

1. Whether the petition is signed by a majority of the electors in the territory; if there be no electors, he shall so state.

2. Whether the owners of one-half of the land

area in the territory have signed the petition.

3. Whether the owners of one-half of the real property in assessed value within the territory have signed the petition.

B. Report of City Attorney. Within three weeks after the filing of a petition for annexation of territory to the City, the City Attorney shall examine the petition, notices, reports of City Plan Commission, City Engineer, and Director of Planning in the Department of Resource Development and give his written opinion to the Council as to whether there has been such compliance with the Wisconsin Statutes as to authorize the enactment of an Ordinance annexing the territory.

C. Report of City Engineer. Within three weeks after the filing of a petition for annexation of territory to the City, the City Plan Engineer shall report to Council, in writing, as to the cost and benefits, if any to the City based on reports made to him by the heads of departments who are in a position to estimate such costs and benefits.

1.155 DEFERRED ASSESSMENTS PAYABLE UPON ANNEXATION

Upon annexation, all deferred special assessments for sanitary sewer and water mains and laterals and for street and sidewalk grading, graveling and paving shall become due, owing and payable in the same manner and to the same extent as if those assessments were validly assessed against said property on the effective date of annexation, except as heretofore provided. Deferred assessments for sanitary sewer and water mains and laterals shall be due, owing and payable at the charge or per foot assessment rate prevailing on the effective date of annexation. Deferred assessments for street and sidewalk grading, graveling and paving shall be due, owing and payable at the charge or per foot assessment rate prevailing at the time the deferred assessment was passed and became effective.

All deferred assessments shall be payable in installments where installment payments, authorized by City Ordinances, would have been available to any owner of property within the City for such improvements on the effective date of said Annexation Ordinance, although the annexing property owner(s) may, at their option, elect to pay the total amount due, owing and payable forthwith.

Where special assessments are paid on an installment basis, the carrying charges and interest rate in effect upon the effective date of annexation shall apply irrespective of whether or not that date controls in determining the appropriate charge or per foot assessment rate.

Petitions for annexation shall contain a provision that in consideration for City approval of the petition for annexation, petitioners agree to the terms of this Ordinance and waive any rights, if any, which they may have to contest the amounts due, owing and payable or the manner of payment heretofore enumerated, except for potential mathematical errors in calculations. However, the failure of any property owner to agree as above set forth shall not in and of itself void the obligations specified in this Ordinance.

1.17 SEVERABILITY

Every City Resolution, Ordinance, section, subsection or portion thereof, shall be deemed severable in the event that the validity or constitutionality thereof is successfully challenged in Court.

1.18 LICENSES-PUBLIC NUISANCE

The performing of any activity for which a City license is required without first possessing a valid City license therefor shall be deemed to be a public nuisance and the Chief of Police, or designee thereof, shall have the authority, wherein an activity is being performed requiring a City license and where no valid City license is first possessed therefor, to post the entrances to said premises as "closed by order of the Police Department" and, if after such posting, an activity is still being performed requiring a City license in the absence of a valid City license therefor, the premises may be padlocked, boarded up, or otherwise permanently secured by the Police Department through use of police personnel, other City personnel or by private contract. The City Attorney is authorized to seek preliminary or permanent injunctive relief against such public nuisance where posting and securing the premises was not possible or was ineffectual to abate said public nuisance.

Any person entering posted or secured premises for the purpose of doing or attempting to do business with one who is operating a business or enterprise without a valid City license shall be unlawfully upon said premises and in violation of this Ordinance and shall be subject to the penalties specified in **§11.16(1)**, Ordinances.

1.19 REFERENCES TO STATE LAW

References in the City Ordinances to State Statutes and Administrative Code provisions shall mean the most recent enactment thereof and any Ordinances making reference to the contrary shall be null and void.

1.20 PRESERVATION AND DESTRUCTION OF CITY RECORDS

The administrative head of each City of Kenosha Department is authorized to develop a policy and procedure for the retention of public records and destruction of obsolete public records pursuant to the authority of Section 19.21(4), Wisconsin Statutes. The policy may include the keeping and preservation of public records of a department through the use of microfilm or other reproductive devices. Any photographic reproduction of a record authorized to be reproduced under this Section is deemed an original record for all purposes if it meets the applicable standards established in Section 16.61(7), Wisconsin Statutes.

1.21 DISPOSAL OF ABANDONED AND UNCLAIMED PROPERTY

A. The City of Kenosha may, pursuant to the authority of §66.28,Wisconsin Statutes, and as herein provided for, dispose of any personal property which has been abandoned or which remains unclaimed for a period of thirty (30) days after acquisition. The City shall maintain an inventory of abandoned and unclaimed property, and keep a record of the date and method of disposal, including the consideration received for the property, if any, and record the name and address of the person taking possession of the property. The above information shall be kept as a public record for a period of not less than two (2) years from the date of disposal of said property, as authorized by **§B.** hereof.

B. Unclaimed and abandoned property, not timely claimed, may be disposed of as follows:

1. The property may be sold at public auction.
2. The property may be sold without a public auction at a sale open to the public.
3. The property may be used in trade on other property to be acquired.
4. The property may be retained by the City for its own use.
5. The property may be donated to a not-for-profit corporation.
6. Motor vehicles will be disposed of in accordance with State law, subject to the property owner being responsible for paying towing and storage charges as a condition of reclaiming the vehicle.
7. Property of nominal value may be destroyed.
8. Shopping carts may be destroyed. If shopping carts are timely claimed by their owner, the owner shall be responsible for reimbursing the City for pickup, (a Twenty ($20.00) Dollar fee) and storage (a fee of Three ($3.00) Dollars per day).

C. Whenever property is sold, the proceeds of said sale shall be deposited into the City's General Fund, less the costs of storing and selling said property.

1.22 LICENSE/PERMIT APPLICATIONS

A. Prohibition. It shall be unlawful for any person, acting as an individual, a partner, a corporate officer, or an agent to execute or file with any City Department, or to authorize any person to do so on their behalf, a license or permit application which is not true, correct and/or complete in all material respects and which was known by said person to be untrue, incorrect and/or incomplete. The term "in all material respects" shall mean with respect to some fact, which, if known to the granting authority, would be a basis or a consideration for license or permit denial.

B. Penalty.

1. Any person violating **§A**. above, shall upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred ($500) Dollars, plus the payment of the costs of prosecution, and, in default of the timely payment thereof, shall be committed to the County Jail until such forfeiture has been paid, but not to exceed a period of thirty (30) days.

2. The license or permit granting authority may grant but withhold the issuance of, any license or permit for a period not to exceed thirty (30) days from the date of granting under circumstances wherein an application is found by the granting authority to have violated **§A.** above, and the applicant was provided with an opportunity to appear before the granting authority. The granting authority may also issue a written warning to the applicant which shall be made part of their license/permit record for two (2) consecutive license/permit years.

Where such finding and penalty is made and imposed by other than the Common Council, applicant may, within ten (10) days of receipt of oral or written notice of the imposition of any such penalty whichever is first if both oral and written notice is provided, file a Notice of Appeal with the City Clerk and have such matter reviewed by the Common Council.

1.225 ADMINISTRATIVE CHARGE FOR PROCESSING LICENSE/PERMIT APPLICATIONS

The first Twenty-five ($25) Dollars of the application fee for any License Permit shall be retained by the City in the event of a License/Permit denial or the withdrawal of the application by applicant for administrative and processing costs and

the balance, if any, refunded to the applicant. Where the application fee is less than Twenty-five ($25) Dollars the entire application fee shall be retained by the City for administrative and processing costs.

1.23 SCHOOL CROSSING GUARDS

The Police Chief shall appoint adult School Crossing Guards for the protection of persons who are crossing a street, highway or public thoroughfare in the vicinity of a School. The School Crossing Guards shall wear insignia or uniforms which designate them as School Crossing Guards and shall be equipped with signals or signs to direct traffic to stop at School Crossings. School Crossing Guards shall be located at locations designated by the Common Council. The Police Chief, in emergency situations, may transfer the location of School Crossing Guards or add new locations at which School Crossing Guards will be stationed, where appropriate funds are budgeted therefor.

1.24 VOLUNTEERS

A. Definition. VOLUNTEERS, for purposes of this Ordinance, shall mean persons who perform a service for, with the knowledge and consent of, and at the direction of, the City of Kenosha, its Library, Museum and Water Utility, without the benefit of salary or wages, under circumstances wherein they are carrying out the duties of their employment and acting within the scope of their employment.

B. Worker's Compensation. VOLUNTEERS are deemed employees of the City of Kenosha, and its Library, Museum and Water Utility for purposes of Chapter 102 of the Wisconsin Statutes, "Worker's Compensation".

C. Protection From Liability. VOLUNTEERS are deemed employees of the City of Kenosha, and its Library, Museum and Water Utility for purposes of §893.80, Wisconsin Statutes, "Claims against governmental bodies or officers, agents or employees; notice of injury; limitation of damages and suits."; §62.25, Wisconsin Statutes, "Claims and actions."; §62.115, Wisconsin Statutes, "Defense of officers by City Attorney.", and related Wisconsin Statutes and City Ordinances.

1.25 VANDALISM CONTROL REWARDS

The Chief of Police, or his designee, shall have the discretion and authority to pay to any person supplying information to the City which leads to the arrest and conviction of any person who destroyed or damaged any City property, an award of between Fifty ($50) Dollars and Five Hundred ($500) Dollars.

1.26 EMPLOYEE INVOLVEMENT IN CITY GOVERNMENT/POLICY & PROCEDURE

A. Purpose. The purpose of this Ordinance is:

1. to promote employee involvement in City government; and,
2. to fully utilize the many combined years of experience of City employees; and,
3. to promote a creative work environment; and,
4. to increase the efficiency and productivity of the City work force; and,
5. to explore cost containment on both a department wide and on a City wide basis; and,
6. to explore cost containment in both large and small matters; and,
7. to provide cost effective service to the public; and,
8. to recognize the thought and effort of City employees.

B. Policy. It is the declared policy of the City of Kenosha to encourage both management and nonmanagement employees to take an active interest in the affairs of City government with respect to matters both within and without their respective departments and to submit creative suggestions and constructive criticism with respect to the scope and efficiency of City services.

C. Definitions. The term **"employee(s)"**, as used herein, shall include management and nonmanagement employees, full and part-time employees, City officers, members of any City Committee, Board, Commission or Authority, and employees and officers of the City Water Utility, Library and Museum.

D. Exclusion. Excluded from consideration herein is any matter relating to employee salaries, wages and fringe benefits, which matters shall be deemed under the exclusive jurisdiction of the Common Council and its Committee on Finance.

E. Employee Involvement Committee. This Ordinance shall be administered by the "Employee Involvement Committee", composed of three (3) Aldermen, appointed by the Mayor and confirmed by the Common Council. The Mayor shall appoint members to said Committee forthwith, upon passage and publication of this Ordinance, and thereafter on or before the first Monday of May of each even numbered year. A Chairman and Acting Chairman shall be elected by such Committee, annually, on or before the third Monday of May of each year.

F. Confidentiality. Employees may declare their creative suggestions and constructive criticisms to be confidential and when this is done, their names

shall not be publicly associated therewith.

G. Procedure.

1. Form Of Proposals. Proposals shall be dated in written, legible form, and submitted under the signature of the employee. The employee's name and Department shall be printed thereon.

2. Submission Of Proposals. City employees, Department Heads, officers and members of City Committees, Boards, Commissions and Authorities shall submit their proposals to the City Administrator who shall forward a copy to the Employment Involvement Committee.

3. Review Of Proposals. The City Administrator, upon the receipt of a proposal, shall submit it to interested or affected Departments, Committees, Boards, Commissions or Authorities for their review and comment and then shall conduct his/her own investigation and analysis.

4. Recommendations On Proposals.

a. The City Administrator, following receipt and review, shall submit proposals with his/her recommendations, to the Employee Involvement Committee for review and recommendation.

b. The Employee Involvement Committee shall submit its recommendations to the Mayor and Common Council for final action.

5. Annual Report. The Employee involvement Committee shall file an Annual Report with the Common Council listing proposals received and actions taken.

H. Employee Rights. Employees who make proposals hereunder shall not be discriminated against or prejudiced for said action by any person acting in a superior employment capacity. Any employee who has reason to believe that they are the subject of such discriminatory or prejudicial action, may file a request for a hearing on said issue before the Employee Involvement Committee who may, where appropriate, direct responsible persons to take corrective action.

1.27 POLL WORKERS

Poll workers shall not serve in such capacity in any ward of any aldermanic district under circumstances in which they are related by blood or marriage to the candidate for the office of Alderman for said district in the following capacity: Father (Step-Father); Mother (Step-Mother); Brother (Step-Brother); Sister (Step-Sister); Son (Step-Son); Daughter (Step-Daughter); Grandfather; Grandmother; Aunt; Uncle; Husband; or Wife.

1.28 RESIDENCY REQUIREMENT

A. Residency Requirements. Residency is required as follows for City officers and employees:

1. For the Mayor, Alderman and Municipal Court Judge, as required by §62.09(2)(a), Wisconsin Statutes.

2. For Board and Commission members, as provided for in **§1.056** of the Code of General Ordinances, unless expressly provided to the contrary in enabling legislation creating a specific Board or Commission.

3. For represented and nonrepresented, nonprotective service employees, pursuant to the Civil Service Ordinance Rules and Regulations.

4. For represented protective service employees, pursuant to the terms of their respective collective bargaining agreement.

5. For nonrepresented protective service employees as follows: Nonrepresented protective service appointees of the City of Kenosha who are residents of Kenosha County shall remain residents thereof during their incumbency in City employment. Nonrepresented protective service appointees who are not residents of Kenosha County at the time of appointment shall move within the County within three (3) months following satisfactory completion of the probationary period and shall thereupon remain residents thereof during their incumbency. For specific and substantial cause, the Public Safety & Welfare Committee, upon receiving the recommendation of the Personnel Director, may grant an extension of the time limit to move into Kenosha County.

B. Definitions. For purposes of the above, the following terms shall have the meaning below provided:

1. "Represented Employee" shall mean any employee who is bound by the terms of any collective bargaining agreement to which the City is a party.

2. "Non-Represented Employee" shall mean any employee who is not bound by the terms of any collective bargaining agreement to which the City is a party.

3. "Protective Service Employee" shall mean any employee of the City covered under Section 40.02 (48) "Protective Occupation Participant", Wisconsin Statutes.

4. "City" shall mean the City of Kenosha and its

Water Utility and Museum.

5. "Board and Commission" shall mean any City subunit referred to as a Board or Commission and shall also include any subunit designated as an Authority. It shall not include Special Committees created by the Mayor or Common Council by Resolution, which are temporary in nature.

1.29 HARASSMENT POLICY & PROCEDURE

A. Policy. It is the policy of the City of Kenosha that Employees shall not, directly or indirectly, engage in any form of Harassment, whether it occurs in the workplace or outside the workplace at City-sponsored activities.

The City of Kenosha is committed to providing and maintaining a professional work environment that maintains Employee equality, dignity, and respect. It is the policy of the City of Kenosha that Harassment, including Sexual Harassment, and/or retaliation is strictly prohibited. Harassment of any kind increases hostility, creates an offensive working environment, adversely affects productive working relationships, and ultimately obstructs the City's vision of a diverse workforce, reflective of the City itself. Employees are entitled to a work atmosphere free from Harassment based upon race, color, creed, sex, religion, age, disability, pregnancy, sexual orientation, national origin, ancestry, marital status, military or veteran status, citizenship, arrest record, conviction record or any other characteristic protected by State, Federal or local law.

Behavior that creates a hostile work environment is a serious offense and will not be tolerated. All Employees are prohibited from participating in any conduct that could be construed as Harassment, as defined by this Ordinance. Any individual who is determined to have engaged in acts of Harassment will be disciplined appropriately, up to and including dismissal.

Whether one is a victim of Harassment or simply a witness to it, all Employees are required to report any incidents of Harassment. All complaints of Harassment are to be made in accordance with the reporting procedures set forth in this policy. This prohibition against Harassment is to be enforced by all supervisory and administrative Employees. Accordingly, disciplinary action will also be taken against any supervisor or administrator who knowingly allows such conduct to occur without taking appropriate action.

B. Definitions.

1. "City of Kenosha" means the City of Kenosha and its Water Utility, Redevelopment Authority, Housing Authority, Library, Museum, and any Board, Commission, Authority, Committee or Department created by Ordinance or Resolution.

2. "Employee" shall mean an individual employed by or performing services for the City of Kenosha. "Employee" includes employees and officers of the City of Kenosha and members of the Common Council and of any Board, Commission, Authority, Committee or Department created by Ordinance or Resolution.

3. "Enforcing Officer" shall mean the Director of Personnel or his/her designee.

4. "Harassment" shall mean any verbal, written, visual or physical act based upon race, color, creed, sex, religion, age, disability, pregnancy, sexual orientation, national origin, ancestry, marital status, military or veteran status, citizenship, arrest record, conviction record or any other characteristic protected by State, Federal or local law, that affects terms or conditions of employment, interferes unreasonably with an individual's work performance, or creates a hostile working environment. Harassment shall also mean retaliation against any Employee for filing of a Harassment complaint or cooperating with the investigation of a Harassment complaint. Harassment shall also mean the knowing and malicious filing of a complaint under this Ordinance for the sole purpose of affecting the terms and/or conditions of employment of a City Employee or subjecting a City Employee to a hostile work environment.

While it is not possible to list all those circumstances that may constitute unlawful Harassment, the following are some examples of conduct that, if unwelcome, may constitute Harassment depending upon the totality of the circumstances, including severity of the conduct and its pervasiveness.

- Epithets, slurs, insults or negative stereotyping with regard to race, color, creed, sex, religion, age, disability, pregnancy, sexual orientation, national origin, ancestry, marital status, military or veteran status, citizenship, arrest record, conviction record or any other characteristic protected by State, Federal or local law.
- Acts or jokes that are hostile or demeaning.

5. "Sexual harassment" shall mean any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature that creates a hostile work environment, regardless of the gender of the harassing party, or is

used as the basis for employment decisions affecting the Employee.

The types of behaviors that constitute Sexual Harassment may include, but are not limited to:

- Physical assault;
- Unwelcome sexual flirtations, advances or propositions;
- Derogatory, vulgar, or graphic written or oral statements regarding one's sexuality, gender or sexual experience;
- Unnecessary touching, patting, pinching or attention to an Employee's body;
- Entering the restroom of the opposite sex for purposes unrelated to employment or when occupied by individuals of the sex for whom the restroom is designated;
- Unwanted sexual compliments, innuendoes, suggestions or jokes;
- Asking Employees about their sexual experiences or discussing one's own sexual experiences;
- Displaying pictures, posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, music, or other materials that are sexually suggestive or sexually demeaning.
- Displaying or publicizing in the work environment, materials that are in any way sexually revealing, sexually suggestive, or sexually demeaning;
- Displaying signs or other materials purporting to segregate an Employee by gender in any area of the workplace other than restrooms and similar semi-private lockers/changing rooms;
- Birthday, promotional, or farewell parties, or other celebrations that feature cards, cakes or food items or performances of a sexual nature;
- Production, transmission or display of any sexually explicit material electronically via fax, e-mail, the Internet, or any other similar mode of workplace communication;
- Any of the above that may be deemed harassing on any other unlawful basis are likewise prohibited.

C. Prohibition of the Possession or Display of Harassing Materials. Employees are prohibited from possessing, displaying, disseminating, distributing, trading or sharing of any materials, regardless of format; (e.g., electronic, paper, film, video, animated) that constitute Harassment on the basis of race, color, creed, sex, religion, age, disability, pregnancy, sexual orientation, national origin, ancestry, marital status, military or veteran status, citizenship, arrest record, conviction record or any other characteristic protected by State, Federal or local law. This prohibition extends to all materials which are pornographic and/or demeaning. This includes, but is not limited to, nude, semi-nude or scantily clad images, or images of non-nude people intended to simulate acts or exhibit expressions which are intimate, sexual, demeaning or provocative.

This prohibition extends to all City of Kenosha property and outside the workplace at City-sponsored activities.

D. Application of This Policy. This Ordinance applies to all Employees of the City of Kenosha. There will be no variance or exception to this Ordinance, except as explicitly provided by this Ordinance.

E. Complaint Procedure. The following steps should be followed in reporting Harassment:

1. Harassment To Be Reported. Employees who believe they have been or currently are being the subject of Harassment, have the responsibility to report the Harassment. Employees who witness Harassment have the responsibility to report the Harassment even if they are not the subject of the Harassment.

2. Complaint Forms And Filing. Any Employee who believes he/she has been the subject of Harassment, or any Employee who is aware of Harassment directed towards another Employee, should immediately report that behavior, either orally or in writing, through the appropriate reporting procedure. A City Department may specify a reporting procedure in writing, subject to the approval of both the City Attorney, or his/her designee, and the Director of Personnel, or his/her designee. If the Department has not specified a reporting procedure, the Employee should direct his/her complaint to his/her immediate supervisor, any other supervisor, or his/her Department Head. All complaints, oral or written, shall be brought to the attention of the Department Head and the Director of Personnel.

Once a complaint has been made, the City of Kenosha will take steps to ensure the complainant is not subject to additional Harassment during the processing of the complaint. Reported complaints shall be reduced to writing by either the complainant or a member of the Personnel Department, on forms available in the Personnel Department. A separate complaint shall be filed for each alleged harasser. Complaints shall be signed. However, failure of a complainant to sign the complaint form will not prevent full investigation and processing of the complaint. Should any person in the Personnel Department be the subject of an Harassment

complaint, complaint forms may be obtained and filed in the City Attorney's Office.

The complainant shall have the option of conciliation through the City Administration prior to the complaint being submitted to the Enforcing Officer. Upon the refusal of such option, the complaint will be referred by the office in which filed to the Enforcing Officer.

The Enforcing Officer, within ten (10) working days of the receipt of the complaint, shall notify the Employee accused of Harassment that a complaint has been filed against him/her, and request that a written response be provided within twenty (20) days. The Employee accused of Harassment shall be notified of the confidentiality requirements of this Ordinance and the prohibition against retaliation.

If the Enforcing Officer determines that the complaint, on its face, even if true, does not allege facts sufficient to constitute a violation of this Ordinance, he/she shall dismiss the complaint and notify the complainant and the Employee accused of Harassment. If the Enforcing Officer determines that the complaint, on its face, alleges facts, which, if true, may be sufficient to constitute a violation of this Ordinance, he/she shall make an investigation with respect thereto. If the complaint involves rape, assault or other conduct of a criminal nature, the Kenosha Police Department shall be contacted, and a report of the incident shall be made.

Pursuant to any investigation conducted under this Ordinance, the Enforcing Officer has the power to require any Employee to submit, in writing, such reports and answers to questions relevant to the investigation as the Enforcing Officer may prescribe, such submission to be made within such period and under oath, or as he/she may otherwise determine.

Investigation of any Employee accused of Harassment may not be commenced until the Employee, who is the subject of the investigation, has been notified of the complaint and given an opportunity to respond as herein provided.

3. Protection Against Retaliation. The City of Kenosha will not permit or condone retaliation against an Employee who files a Harassment complaint, makes a report of Harassment, or participates in an investigation of Harassment. Retaliation is a violation of this Ordinance and shall be reported immediately. Any Employee found to have retaliated against another Employee for filing a Harassment complaint, reporting Harassment, or participating in an investigation of Harassment will be subject to the same disciplinary action as provided for Harassment offenders. Complaints for retaliation shall be reported and processed in the same manner as complaints for Harassment.

F. Investigating The Complaint.

1. Confidentiality. Any Harassment complaint filed under this Ordinance will be promptly investigated in a confidential manner so as to protect the privacy of persons involved. Confidentiality will be maintained throughout the investigatory process, and records will be released only if required by State or Federal law.

Members of the Common Council and Committees thereof shall not have access to confidential information. Collective bargaining units and members thereof shall have and retain any rights of representation authorized under a Collective Bargaining Agreement.

2. Investigation. Harassment complaints will be investigated by the Enforcing Officer or his/her designee.

3. Investigation Process. In pursuing the investigation, the Enforcing Officer will try to take the wishes of the complainant under consideration, but shall thoroughly investigate the matter as he/she sees fit, keeping the complainant and Employee accused of Harassment informed as to the status of the investigation. If the complainant indicates that he/she does not agree with the action taken, the Enforcing Officer may request that the complainant provide suggestions in writing for possible consideration. Although suggestions submitted will be given full consideration, the City of Kenosha reserves the right to determine the final action taken based on the totality of findings from the investigation.

G. Resolving The Complaint. Upon completing the investigation of a Harassment complaint, the Enforcing Officer will communicate his/her/their findings to the City Administrator, or Mayor if the City Administrator is the Employee accused of Harassment, the Personnel Director, the Department Head of the complainant, and to the complainant and the Employee accused of Harassment.

If the Enforcing Officer finds that Harassment has occurred, the Employee accused of Harassment will be subject to appropriate disciplinary procedures, as hereinafter set forth, in accordance with applicable procedures. The complainant will be informed of the disciplinary action taken.

If the Enforcing Officer determines that no Harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

The Enforcing Officer may, with the consent of the complainant and Employee accused of Harassment, attempt to resolve the complaint by conciliation. However, any proposed resolution of the complaint shall only have the force and effect of a recommendation to any Department Head, or to any person or body having appropriate jurisdiction to impose discipline upon the Employee who is deemed to have violated this Ordinance.

The Enforcing Officer, upon making a finding of a violation of this Ordinance, may, but is not obligated to, make a recommendation with respect to the nature of the discipline to be imposed.

An Employee found to have engaged in misconduct constituting Harassment will be disciplined, up to and including discharge. Appropriate sanctions will be determined by the Department Head, or by the person or body having appropriate jurisdiction in accordance with applicable procedures. Records of substantiated charges of Harassment will be placed in the accused Employee's file. Additional action may include referral to counseling, withholding of a promotion, reassignment, suspension without pay, withholding of salary increases, or termination, when and as authorized by applicable law, rule, or regulation.

H. Maintaining A Written Record Of The Complaint. The City of Kenosha shall maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner in the Personnel Department, except where disclosure is required under the Public Records Law.

Written records will be maintained for the longer of seven (7) years from the date of the resolution of the complaint, or so long as the complainant or Employee accused of Harassment is employed by the City of Kenosha.

I. Severability and Conflict of Laws. In the event that this Ordinance may conflict with Federal or State law, it will be interpreted to comply with such. The subsequent invalidity or unenforceability of any one or more of the provisions or clauses hereof shall not effect the validity or enforceability of the other provisions or clauses hereof.

1.30 INTERNET USAGE AND ELECTRONIC MAIL (E-MAIL) POLICY

A. Definitions.

1. "Electronic Mail/E-Mail" shall mean and include:

a. Communications sent to or received from any person, whether or not a City employee, through a City computer.

b. Information sent or received via the Internet.

2. "City" shall mean and include the City of Kenosha, its subunits and its Boards, Commissions, Authorities and Committees, except the Kenosha Public Library.

3. "Employee" shall mean an employee or officer of the City or any volunteer performing services for the City. **"Employee"** shall also mean the officer or employee of any City contractor or service provider, except when confined to the contractor's or service provider's own Internet service and E-mail provider and accessed through their own computer systems.

4. "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, that comprise the interconnected worldwide network that employ transmission control protocol or Internet protocol, or any predecessor or successor protocols or technologies, to communicate information of all kinds by wire or wireless transmission.

5. "Internet Usage" means using the World Wide Web or other Internet program through a City computer.

6. "Management" means the executive or administrative head or director of the City or any subunit and the President or chairperson of any Board, Commission, Authority or Committee, and designees thereof.

B. Purpose. The purpose of this Ordinance is to:

1. Protect the confidentiality of authorized employee business communications.

2. Protect City proprietary information.

3. Maintain efficiency in the workplace.

4. Control and reduce unnecessary entries on City computers which impact on processing.

5. Protect the image, interests, and integrity of the City's business communications, whether internal or external.

6. Protect against copyright infringement.

7. Protect against harassment and/or the creation of a hostile work environment.

8. Address privacy issues.

C. Policy. The Internet Usage and E-Mail Policy of City shall be as follows:

1. The purpose of Internet usage and E-Mail is to conduct City business.

2. City computers are City property.

3. Internet usage and E-Mail may not be used for personal gain, profit or non-City business.

4. Copyrighted material will be treated in accordance with applicable law.

5. Management has the right to monitor Internet usage and E-Mail messages, including the right to read, retrieve, and disclose all Internet usage and E-Mail messages for any lawful purpose.

6. City employees, except as provided in Subsection **C.5**., do not have the right to monitor, read, retrieve and disclose other City employees' E-Mail messages without their consent.

7. Files may only be downloaded from the Internet as permitted by written policy promulgated by, or written consent from the City Administrator or designee.

8. Violations of this policy may result in disciplinary action.

D. Prohibition. Internet usage and E-Mail is not to be used:

1. In a manner that is disruptive of City operations, that adversely affects the City's public image, interests, integrity, that is harmful to employee morale, or in a manner as may create a hostile work environment.

2. For the display or transmission of pornographic or sexually explicit images, messages or cartoons.

3. For the display or transmission of ethnic slurs, racial epithets, or any message that is harassing or disparaging of others based upon their race, national origin, sex, sexual orientation, age, disability or religious or political beliefs.

4. To solicit or proselytize others for commercial ventures, religious or political causes, or outside organizations.

5. To pursue or further any unlawful activity.

6. In a manner that will defame any person.

7. Contrary to Section 947.0125, Wisconsin Statutes.

E. Exception to Prohibition. Subsections **D.2.** and **3.** do not apply to employees who are required to perform such tasks by their employer for any lawful purpose.

F. Library Patrons. Patrons and employees of the Library will be governed by policy created by the Library Board.

1.31 PUBLIC ART DONATIONS - GUIDELINES AND PROCEDURES

A. Purpose. The purpose of this Ordinance is to establish guidelines for Artists and Donors to submit Public Art Proposals to the City and for the City to review the Proposal and provide for Donation Agreements where the Proposal is accepted.

B. Definitions. For purposes of this Ordinance, the following terms shall have the meanings provided.

1. "Artist" shall mean an artist, sculptor, architect, craftsperson or landscaper who designs, creates and installs Art.

2. "City" shall mean the City of Kenosha, Wisconsin, and its subunits.

3. "City Staff" shall mean the Director of City Development, Director of Parks, Library Director, Museum Director (or their designees), and the City Engineer.

4. "City Staff Recommendation" shall mean a joint recommendation of City Staff concurred in by at least three (3) representatives.

5. "Donor" shall mean a person or party who desires to donate a Public Art Project.

6. "Public Art" shall mean permanent, tangible and publicly viewable statuary, murals, memorials, mosaics, monuments, and permanent exhibits for outdoor display which are commissioned or created for display on Public Property. It does not include public buildings, operating equipment, public infrastructure, interior furnishings and decorations, or temporary art forms, exhibits and displays.

7. "Public Art Proposal" or "Proposal" shall mean a proposal by an Artist to donate Public Art or a Proposal by a Donor to donate Public Art.

8. "Public Property" shall mean property owned or controlled by the City.

C. Review Guidelines. The City Plan Commission will review Public Art Proposals and accept only those Proposals which are in the best interest of the City, and meet the goals and criteria and the other requirements of this Ordinance.

D. Public Art Goals. Public Art shall serve the following goals:

1. Enhance Public Property without compromising its public use and inherent beauty.

2. Create a distinctive, harmonious image.

3. Create an impression that is visually compatible and complementary to the surrounding area.

4. Relate to the context, landscape, architecture and overall aesthetics for the area for which it is proposed.

5. Have color schemes and materials appropriate for the context of the Public Art and for the context of the surrounding area.

E. Financial Criteria.

1. Artist and Donor Considerations. The City

is a tax exempt entity. Artists and Donors are entitled to Federal and State tax deductions to the extent permitted by law. The City, in accepting Public Art does not guarantee a tax deduction or assume any liability for taxes arising out of a donation of Public Art or funds for Public Art.

2. City Considerations. The City, in reviewing a Public Art Proposal, may consider whether the Proposal is financially advantageous to the City. The donation is considered financially advantageous to the City where there is no cost or expense to the City in the design, shipping, assembly, site preparation and installation/construction of Public Art.

F. Effect of Accepted Proposal. The City shall have all rights, title and interest in donated Public Art, including copyright and publicity rights, unless agreed to the contrary in a Donation Agreement.

G. Effect of Rejected Proposal. The City shall have no right, title or interest, copyright or publicity rights in a rejected Public Art Proposal.

H. Artist and/or Donor Credit. The City, in displaying Public Art, shall give credit to the Artist and/or Donor. The Artist shall have the right to reference the Public Art in a biography or reference, which may include pictures and renderings.

I. Site Criteria. A Public Art Proposal shall address and meet the following Site Criteria:

1. Site Plan.

a. Provide a Site Plan showing the general location and a specific area for the Public Art, where known.

b. Provide a diagram of any proposed lighting and mechanical components.

c. Provide details for site preparation, foundation, and utility requirements.

2. City Ordinance Requirements. The Public Art and its location and installation/construction shall conform to City General and Zoning Ordinances.

3. Public Accessibility. Public Art shall be reasonably accessible to the public.

4. Permits. Applicable Zoning, Building and Electrical Permits and approvals shall be obtained as a condition of installation/construction.

5. Durability and Safety. Public Art shall be durable in terms of maintenance and operation, easy to clean, and resistant to vandalism or defacement. Public Art should not pose any significant safety risk to people that may approach it for closer inspection and appreciation.

J. Public Art Proposal Submission. A Public Art Proposal is to be submitted to with the Department of City Development. The Public Art Proposal shall contain a Letter of Interest, including the following:

1. Current resume of Artist.

2. Experience of Artist in completing Art Projects, including visual representations showing examples of Art Projects completed or in progress, and its location, materials, size, weight, finish and color, date completed and cost.

3. Concept Design, showing visual representation, location, size, materials, color, estimated completion date and estimated cost.

4. Statement of how Concept Design meets these guidelines.

K. Review and Preliminary Recommendation. The Public Art Proposal, if complete as to form shall be reviewed by City Staff. City Staff may confer with the Artist or Donor and/or require further submittals. City Staff shall make a recommendation as to whether the Proposal meets these guidelines. The City reserves the right to reject any proposal for any reason.

City Staff, following review, will send the Artist/Donor a letter either rejecting the Proposal, requesting revisions within prescribed guidelines or preliminarily accepting the Proposal. A City Staff Recommendation shall authorize the Artist/Donor to proceed with Preliminary Design Plans.

L. Preliminary Design Plans. Upon receipt of a letter from City Staff authorizing the Artist/Donor to proceed with preliminary design plans for the Public Art, the Artist/Donor will submit to City Staff:

1. A sketch and/or model, to scale, along with any other documents or presentation techniques that provide a meaningful representation of the proposed artwork.

2. Written details regarding materials, size, weight, finish and color.

3. Estimated budget.

4. An outline of preliminary maintenance recommendations.

5. A step-by-step process of installation/construction, including site preparation and utilities.

6. Estimated time for final design, shipping and installation/construction.

M. Review of Preliminary Design Plans. City Staff, in reviewing the Preliminary Design Plans, may request or suggest changes to the plans. If changes are not acceptable to the Artist/Donor, then the Artist/Donor may present an alternative or discontinue the Project.

A favorable City Staff Recommendation will

result in the Public Art Proposal being submitted to the City Plan Commission for review and recommendation.

N. Final Review and Approval. The Preliminary Plans for the Public Art Proposal will be reviewed and approved by the following bodies (the Approving Body), as applicable:

- For City, the Common Council.
- For Parks, the Board of Park Commissioners.
- For Library, the Library Board.
- For Museum, the Museum Board.
- For Redevelopment Authority, the Authority.
- For Housing Authority, the Authority.
- For Water Utility, the Board of Water Commissioners.

In the event the Public Art Proposal is approved with conditions not acceptable to the Artist/Donor, the Artist/Donor may discontinue the Project.

The Approving Body may approve, approve with conditions, or deny the Public Art Proposal. Any approval, with or without conditions, shall be effective only upon a Donation Agreement drafted or approved by the City Attorney, also being approved by the Approving Body and executed by the parties.

O. Donation Agreement. A Public Art Proposal shall not be deemed accepted until the Artist/Donor has executed a Donation Agreement, drafted or approved by the City Attorney, and approved by the Approving Body, addressing issues which may include, but are not limited to the following:

- Access to site;
- Site preparation and utilities;
- Schedule of critical dates;
- Inspection of work in progress;
- Final acceptance procedure;
- Independent contractor status;
- Documentation and records;
- Warranties;
- Compliance with laws, rules and regulations, and nondiscrimination;
- Copyright and publicity rights;
- Alteration of plans or work;
- Alteration of site;
- Maintenance;
- Repairs;
- Utilities;
- Lighting;
- Relocation or termination of use;
- Indemnity and Hold Harmless Agreement; and,
- Effect of breach of Agreement.

1.32 CITY BACKGROUND INVESTIGATIONS AND POLICE RECORD CHECKS REGARDING EMPLOYEES, APPLICANTS FOR EMPLOYMENT AND PROSPECTIVE APPOINTEES TO ANY OFFICE

The City of Kenosha Police Department, and/or Kenosha City/County Joint Services, are authorized to conduct City background investigations and police record checks regarding any officer, employee, applicant for employment, and prospective appointee to any office, when and as requested by the Director of Personnel, City Attorney, or designees thereof, and issue a written report with respect thereto. The purpose of the investigation, record check and report is to determine suitability for employment, continued employment or appointment.