

**CITY OF PRINCETON
COMMITTEE OF THE WHOLE MEETING
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, APRIL 8, 2014
6:00 PM**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPEARANCES FROM THE PUBLIC
4. APPROVAL OF MINUTES:
 - a) Approval of minutes from February 11, 2014 Committee of the Whole meeting
5. NEW BUSINESS
 - a) Discussion on Codification Process.
RECOMMENDATION: Review new code sections as follows:
 - 1) Chapter 1 General Provisions
 - 2) Chapter 5 Administrative Review
 - 3) Chapter 11 Boards, Commissions and Committees
 - 4) Chapter 16 Citations
 - 5) Chapter 119 Amusements
 - 6) Chapter 268 Parks & Recreation Facilities
 - 7) Chapter 182 Fees

Action and recommendation as appropriate and discussion on moving forward with code review.

6. ADJOURN

* The meeting room is accessible to all. Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Administrator's office at 920.295.6612 with as much advance notice as possible.

This agenda is for convenience purposes only and may not represent the most current version. If you require a copy of the official version of the agenda, please contact the City Clerk at 920.295.6612. All published meeting agendas of the Princeton Common Council are subject to changes.

CITY OF PRINCETON
COMMITTEE OF THE WHOLE MEETING MINUTES
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, FEBRUARY 11, 2014
6:00 PM

1. **CALL TO ORDER AND ROLL CALL** Council President Kallenbach called the meeting to order at 6:04 PM. In attendance were Alderpersons Magnus, Kallenbach, Bednarek, Garro, and Roehl, Mayor Mosolf, and Administrator Neubauer. Absent at Roll Call, but arrived at 6:07 PM was Alderperson Koehn.
2. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
3. **APPEARANCES FROM THE PUBLIC** Nothing at this time.
4. **APPROVAL OF MINUTES:**
 - a) **Approval of minutes from November 5 & 12, 2013 Committee of the Whole meeting** Magnus motioned to approve the 11/5/13 and the 11/12/13 Committee of the Whole minutes, seconded by Garro. Carried 5-0
5. **NEW BUSINESS**
 - a) **Discussion on Fire Station project as outlined at 1/28/2014 Council meeting.**
RECOMMENDATION: Action and recommendation as appropriate Administrator Neubauer started the conversation about the Fire Station Project. There was a lengthy discussion and many questions. Alderperson Magnus stated the importance of visions and goals for the future and a plan to get there; he stated the importance of a plan for the Fire Station. Alan Weckwerth, Chairperson for the Princeton Fire Association, asked about a feasibility study for the current station and if the City of Princeton would pay for the study. Several Council members thought it was the responsibility of the Fire Association to pay for the study. Alderperson Kallenbach motioned to have Fire Association Chairperson, Alan Weckwerth, take the idea of a feasibility for the current station to the Fire Association and to have Fire Association pay for the feasibility study, seconded by Garro. Carried 6-0.
6. **ADJOURN** Council President Kallenbach adjourned the meeting at 7:02 PM.

* The meeting room is accessible to all. Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Administrator's office at 920.295.6612 with as much advance notice as possible.

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CITY OF PRINCETON

Mayor
Robert Mosolf

531 S Fulton Street · Princeton, Wisconsin 54968
920-295-6612 · Fax: 920-295-3441

City Alderpersons

Dave Bednarek
Patti Garro
Eric Koehn
Victor Magnus
Jasper Kallenbach
Lara Roehl

An equal opportunity/affirmative action employer

City Administrator
Mary Lou Neubauer

COUNCIL REPORT

To: City Mayor, Common Council
From: Mary Lou Neubauer, City Administrator/Clerk/Treasurer
Date: April 8, 2014
RE: Codification

Following you will find some chapters from the new code book for the Council to begin the review process.

The Mayor has reviewed these sections as well as the pertinent staff members. Attached you will find the new code section along with any discussion points either raised from the codification company, or else from staff.

One change that should be made throughout the entire book is to remove reference to fee and forfeiture amounts. **Fee schedule is noted in Chapter 182.** The fee schedule allows for ease in updating fees associated with violations, and thereby does not require an ordinance change which has publication costs associated with updates.

Chapter 1 General Provisions

1) Section 1-1 M. Page 8 Wisconsin Statutes
Recommended that this section change the wording notes 2001-2002 to be revised to read “the Wisconsin Statutes as of the adoption date, as amended or renumbered”.

2) Section 1-3 A. (1) Page 8 & 9 Penalties
Penalties range from \$25-\$500 for 1st Offense; \$50-\$1000 for 2nd and subsequent Offences.
Each day noted as a separate offense.

If these fines are adequate, we would leave the amounts listed in this section only as it provides a range of forfeitures rather than a specified amount. Fines can then be based on degree of damage the violation warrants.

Additional Consideration from Codification Company:

The Company has asked that we consider adding additional language about imprisonment upon default of payment of the forfeiture. The following language would be added: “And in default of payment of such forfeiture, and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, not to exceed 90 dollars.

3) Section 1-3 D (2) (b) Page 10 Dispositions relating to Court
This section talks about drugs and alcohol and the wording of “truant” should be changed to “the violation specified”.

4) Section 1-3 E (3) Page 10 Forfeiture amount
Should be referenced on a fee schedule vs. an amount listed

Chapter 5 Administrative Review

No Changes noted unless Council deems appropriate.

Chapter 11 Boards Commissions and Committees

1) Section 11-3 Page 20 Board of Health
Presently there is not a Board of Health in Princeton. This section should be deleted and reference the County Nurse/Health Department and/or the City Council as the enforcing agency.

2) Section 11-5 Page 22 Plan Commission
The member consists of the Director of Public Works and under current structure that would be the Administrator. As the City Administrator would provide background information on the project they should not be a voting member. This should be eliminated and be noted as another citizen member (which is consistent with our present make-up).

3) Section 11-7 A. Page 25 Residency
It is good policy for the decision makers to be from the City vs. outlying areas. New State laws may allow for a variation and have someone from the outside but is that good policy?

4) Section 11-9 A & B (2) Page 26 Tree Board
Composition is City Forester and six other members. However appointment says only 3 citizen members. Language to be changed to note 6 citizen members vs. reducing the membership listed in the other section.

Chapter 16 Citations

1) Section 16-2 G. (1) Page 29 Citations
Reference includes the Clerk of Circuit Courts or Chief of Police should read “payable as designated on the citation.”

Chapter 119 Amusements

1) Section 119-1 Page 179 Amusements
License and license fee required per this section. Establishment of both the license application and also a fee for amusement devices.

2) Section 119-2 B. (6) Page 180 Amusements
Notes if you don't get a license there is a \$50 forfeiture

Chapter 268 Parks & Recreation Facilities

1) Section 268 B. (2) Page 387 Parks & Recreation
Sound Devices: references permitted by the City Council – should this be regulated by others?

2) Section 268 B. (3) Page 387 Parks
Pets: Notes pets in park – should exceptions be noted?

3) Section 268 B. (11) Page 388 Parks
Snowmobiles: ADD: At all times if the snowmobile club or other trail groomer deposits snow across any sidewalk, the snowmobile club is responsible to clean the sidewalk or they will be revoked from using the park as a trail route.

4) Section 268 B. (15) Page 389 Parks
Parking in Park: Should an exception be noted for flea market or other approved activities?

5) Section 268 B. (24) Page 389 Parks
Camping: Consideration to rules relating to camping in Park and pertaining to which parks?

6) Section 268 B. (25) Page 389 Parks
Commercial Enterprise: Events in the City Park or Produce Stands often sell for commercial gain, exceptions?

7) Section 268-4 Page 390 Park Hours
Park hours to be established and posted

8) Section 268-5 C. Page 390 Reservations
Applications for reservation of the park must be approved by City Council.

9) Section 268-5 J. Page 392 Reservations
Reference to Section 225-11 should be changed to 225-16 as 225.11 references Transfer & Lapse of Licenses.

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Construction and Penalties

§ 1-3. General penalty.

§ 1-1. Principles of construction.

ARTICLE II
Adoption of Code

§ 1-2. Conflict of provisions.

[HISTORY: Adopted by the Common Council of the City of Princeton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Construction and Penalties

[Adopted as Title 1, Ch. 1, Secs. 1-1-2, 1-1-3 and 1-1-7, of the City Code]

§ 1-1. Principles of construction.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- A. Acts by agents. When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. City. "City" shall refer to the City of Princeton, Green Lake County, Wisconsin.
- C. Code and Code of Ordinances. The words "Codes," "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the City of Princeton unless the context of the section clearly indicates otherwise.
- D. Computation of time. In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law and any other City holiday designated by the Common Council.
- E. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- F. Gender. Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa; the masculine gender is used solely in the interest of brevity.
- G. General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall

be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.

- H. Joint authority. All words purporting to give a joint authority to three or more City officers or employees shall be construed as giving such authority to a majority of such officers of other persons.
- I. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- J. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- K. Singular and plural. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one person or thing.
- L. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- M. Wisconsin statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 2001-2002, as amended.
- N. Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

§ 1-2. Conflict of provisions.

- A. If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

§ 1-3. General penalty.

- A. General penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) First offense — penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25 nor more than \$500, together with the costs of prosecution.

- (2) Second and subsequent offenses — penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000 for each such offense, together with costs of prosecution.
- B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
 - C. Other remedies.
 - (1) The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
 - (2) Execution against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.
 - (3) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under § 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in § 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
 - (4) This section is enacted under the authority of § 938.17(2)(cm), Wis. Stats.
 - D. Juvenile disposition alternatives for alcohol/drug offenses.
 - (1) Court order.
 - (a) If a juvenile is found to have engaged in underage drinking of alcohol, drinking of alcohol on school premises or at a school sponsored activity, falsifying proof of age, possessing drug paraphernalia, delivery of drug paraphernalia to a minor in violation of City ordinances, the Court may order any of the following:
 - [1] A forfeiture;
 - [2] Suspension or revocation of the juvenile's driver's license;
 - [3] Participation in a supervised work program;
 - (b) After ordering any of the above penalties, the Court may, with the juvenile's agreement, enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed and may require the juvenile to do any of the following:

- [1] Submit to an Alcohol or Other Drug Abuse (AODA) assessment;
 - [2] Participate in an outpatient AODA treatment program if an AODA assessment recommends treatment;
 - [3] Participate in an AODA education program.
- (2) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
- (a) The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - (b) The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
 - (c) The juvenile has not successfully completed participation in a teen court program during the two years before the date of the alleged violation.
- (3) If the Court finds that a juvenile's parent or guardian is unable to provide or refuses to provide a court-ordered AODA services for juvenile through his or her health insurance or other third party payments, the Court may order the parent or health insurer to pay.
- (4) If payment is not attainable as described in Subsection D(3) above, the Court may order the municipality to pay for any AODA services so ordered.
- E. Dispositional alternatives for other ordinance violations. The Court may impose one or more of the following dispositional alternatives against a juvenile found to have violated a municipal ordinance, for which no penalty is otherwise provided, as follows:
- (1) Counseling for the juvenile and/or the parent or guardian;
 - (2) A forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the same violation.
 - (3) If the forfeiture is for a violation that is only applicable to a juvenile, the maximum forfeiture amount is \$50 plus costs;
 - (4) Suspend a fishing, hunting or driving license from 90 to five years for failure to pay the forfeiture;
 - (5) Order the juvenile to participate in a supervised work program or other community service work;
 - (6) Order participation in an AODA assessment, an outpatient AODA treatment or an AODA education program;
 - (7) Order participation in a pupil assistance program provided by the juvenile's school provided the juvenile's school agrees;

MANUSCRIPT
GENERAL PROVISIONS

§ 1-3

- (8) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
- (a) The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - (b) The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
 - (c) The juvenile has not successfully completed participation in a teen court program during the two years before the date of the alleged violation.
- F. Violation of juvenile dispositional orders. The Court may impose the following sanctions on a juvenile who has violated a City ordinance and who has violated a condition of his or her dispositional order:
- (1) Suspend the juvenile's operating privilege for a period not more than 90 days;
 - (2) Detain the juvenile in his or her home or current residence for not more than 30 days without electronic monitoring;
 - (3) Order not more than 25 hours of community service work in a supervised work program.

ARTICLE II
Adoption of Code

[An ordinance adopting the Code of the City of Princeton and making certain substantive changes to existing ordinances of the City is presently proposed before the Common Council. Upon final adoption, it will be included here as Article II of this chapter.]

Chapter 5

ADMINISTRATIVE REVIEW

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| <p>§ 5-1. Review of administrative determinations.</p> <p>§ 5-2. Determinations reviewable.</p> <p>§ 5-3. Determinations not subject to review.</p> <p>§ 5-4. Municipal authority defined.</p> <p>§ 5-5. Persons aggrieved.</p> <p>§ 5-6. Reducing determination to writing.</p> | <p>§ 5-7. Request for review of determination.</p> <p>§ 5-8. Review of determination.</p> <p>§ 5-9. Administrative appeal.</p> <p>§ 5-10. Hearing on administrative appeal.</p> <p>§ 5-11. Final determination.</p> <p>§ 5-12. Judicial review.</p> <p>§ 5-13. Legislative review.</p> |
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[HISTORY: Adopted by the Common Council of the City of Princeton as Title 4, Ch. 1, of the City Code. Amendments noted where applicable.]

§ 5-1. Review of administrative determinations.

Any person aggrieved by an administrative determination of the Common Council or a board, commission, committee, agency, officer or employee of the City of Princeton or agent acting on its behalf may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

§ 5-2. Determinations reviewable.

The following determinations are reviewable under this chapter:

- A. The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- B. The suspension, revocation or nonrenewal of an existing permit, license, right, privilege or authority, except as provided in § 5-3D.
- C. The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- D. The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- E. The suspension or removal of a City officer except as provided in § 5-3B and G.

§ 5-3. Determinations not subject to review.

The following determinations are not reviewable under this chapter:

- A. A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Common Council.
- B. Any action subject to administrative or judicial review procedures under state statute or other provisions of this Code.
- C. The denial of a tort or contract claim for money required to be filed with the City under § 62.25, Wis. Stats.
- D. The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor license under Chapter 125, Wis. Stats.
- E. Judgments and orders of a court.
- F. Determinations made during municipal labor negotiations.
- G. Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements or the City's personnel rules and regulations.

§ 5-4. Municipal authority defined.

As used in this chapter, the following terms shall have the meanings indicated:

MUNICIPAL AUTHORITY — Includes the Common Council, commission, committee, agency, officer, employee, or agent of the City making a determination under § 5-1 and every person, committee, or agency of the City to make an independent review under § 5-8B.

§ 5-5. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the City whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the City who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the City but may respond or intervene in a review proceeding under this chapter initiated by another.

§ 5-6. Reducing determination to writing.

If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his/her right to have such determination reviewed, that such review may be obtained within 30 days, and the office or person to whom a request for review shall be addressed.

§ 5-7. Request for review of determination.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

§ 5-8. Review of determination.

- A. Initial determination. If a request for review is made under § 5-7, the determination to be reviewed shall be termed an initial determination.
- B. Who shall make review. A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the City, appointed by the Mayor without confirmation, shall be provided if practicable.
- C. When to make review. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- D. Right to present evidence and argument. The person aggrieved may file with his/her request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- E. Decision on review. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his/her right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.

§ 5-9. Administrative appeal.

- A. From initial determination or decision on review.
 - (1) If the person aggrieved had a hearing substantially in compliance with § 5-10 when the initial determination was made, he/she may elect to follow §§ 5-6 through 5-8, but is not entitled to a further hearing under § 5-10 unless granted by the municipal authority. He/she may, however, seek judicial review under § 5-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with § 5-10 when the initial determination was made, he/she shall follow §§ 5-6 through 5-8 and may appeal under this section from the decision made under § 5-8.

- B. Time within which appeal may be taken under this section. Appeal from a decision on review under § 5-8 may be taken within 30 days of notice of such decision.
- C. How appeal may be taken. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

§ 5-10. Hearing on administrative appeal.

- A. Time of hearing. The City shall provide the appellant a hearing on an appeal under § 5-9 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the City Attorney and City Clerk-Treasurer who shall forthwith advise the Mayor of such appeal.
- B. Conduct of hearing. At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Mayor shall appoint an impartial decision maker who may be an officer, committee, board or commission of the City or the Common Council who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Mayor to conduct the hearing and report to the decision maker.
- C. Record of hearing. The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the City.
- D. Hearing on initial determination. Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

§ 5-11. Final determination.

- A. Within 20 days of completion of the hearing conducted under § 5-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- B. A determination following a hearing substantially meeting the requirements of § 5-10 or a decision on review under § 5-8 following such hearing shall be a final determination, judicial review of which may be obtained under § 5-12.

§ 5-12. Judicial review.

- A. Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- B. The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his/her expense. If the person seeking review established impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the City and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

§ 5-13. Legislative review.

- A. Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the Common Council or any of its boards, commissions, committees or agencies which may have jurisdiction.
- B. If in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the Common Council, board, commission, committee or agency shall be made part of the record on review under § 5-12.
- C. The Common Council, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under § 5-10.

Chapter 11

BOARDS, COMMISSIONS AND COMMITTEES

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| § 11-1. Board of Review. | § 11-7. Residency required for service on boards or commissions; attendance standards. |
| § 11-2. Library Board. | |
| § 11-3. Board of Health. | § 11-8. Committee and Commission rules. |
| § 11-4. Board of Appeals. | § 11-9. Tree Board. |
| § 11-5. City Plan Commission. | |
| § 11-6. General provisions regarding meetings and public notice. | |

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 2, Ch. 4, of the City Code. Amendments noted where applicable.]

§ 11-1. Board of Review.

A. How constituted.

- (1) The Board of Review shall consist of the Mayor, the City Clerk and three Alderpersons annually appointed by the Mayor.
- (2) No Board of Review may be constituted unless it includes at least one voting member who, within two years of the Board's first meeting, has attended a training session under § 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The City Clerk shall provide an affidavit to the Department of Revenue stating whether the requirement under this section has been fulfilled.

B. Compensation. The members of the Board of Review shall receive a salary as determined by the Common Council for each day or fraction thereof, that the Board is in session for the purpose of hearing and considering testimony or in meeting their report and determination.

C. Objections to valuations to be written. No person shall be permitted to appear and make objection before the Board to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board prior to the adjournment of public hearing by the Board.

D. Duties. The duties and functions of the Board of Review shall be as prescribed in §§ 70.46, 70.47 and 70.48, Wis. Stats.

E. Board's duty. The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.

- F. Open meetings. All meetings of the Board of Review shall be publicly held and open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of a Board of Review.

§ 11-2. Library Board.

- A. Membership and terms. Pursuant to § 43.54, Wis. Stats., the Library Board shall consist of seven members appointed by the Mayor, subject to confirmation by the Council, to serve three-year terms. One member shall be a school district administrator or his/her representative, and not more than one member of the Council shall serve on the Library Board at any one time. Up to two members may be residents of towns adjacent to the City.
- B. Duties and powers.
- (1) The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in § 43.58 of the Wisconsin Statutes. The Library Board shall appoint the Librarian and other library employees.
 - (2) The Library Board shall submit annually to the Council an itemized budget of the estimated expenses of the library for the following year.

§ 11-3. Board of Health.

- A. Composition. The Common Council shall serve as the City of Princeton Board of Health. The Council shall make a recommendation to the Mayor on appointing a competent and proper person who shall be, whenever the same is applicable, a reputable physician, who shall be the Health Officer of the City and who shall, during his/her term of office, be an ex officio officer of the Board.
- B. Responsibilities.
- (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health of the City of Princeton to assume the general administration of health and sanitation laws and regulations in the City and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the City.
 - (2) The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the City of Princeton. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation.

§ 11-4. Board of Appeals.

- A. Establishment. A Zoning Board of Appeals shall be appointed as specified in § 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five members, and two alternate members, appointed by the Mayor, subject to confirmation by the Common Council for a term of three years. The members shall be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members Chairman.
- B. Powers. The Zoning Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning or building code ordinances.
 - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning or building code regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning or building code regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- C. Meetings and rules. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each

question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this section or with applicable Wisconsin Statutes.

- D. Offices. The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.
- E. Appropriations. The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

§ 11-5. City Plan Commission.

- A. Composition. The Plan Commission shall consist of the Mayor, who shall be the presiding officer, the Director of Public Works, one Alderperson and four citizens.
- B. Appointment.
 - (1) Election/appointment of Alderperson member. At its annual meeting in April of each year the Common Council shall, by a 2/3 majority vote of its members, elect one of its number as a member of the City Plan Commission for a period of one year from and after the first day of May next ensuing.
 - (2) Appointment and terms of citizen members.
 - (a) One citizen member shall be appointed by the Mayor for a one year term during April of each year.
 - (b) Three citizen members shall be appointed by the Mayor to hold office for a period of three years, which term shall commence on the first day of May. During April of each year, one such citizen member shall be appointed for a term of three years.
- C. Organization of Commission. The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-Chairman, secretary and such other officers as may in their judgment be necessary.
- D. Record. The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- E. Duties.
 - (1) The master plan.
 - (a) The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries

which, in the Plan Commission's judgment, bear relation to the development of the City, the master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

- (b) The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.
- (2) Mandatory referrals to Commission. The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within 30 days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.

- (3) Miscellaneous powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.
- F. Vacancies. Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- G. Compensation. Compensation shall be as established by the Common Council. Citizen members shall take the official oath as required by § 19.01, Wis. Stats., said oath to be filed with the City Clerk.

§ 11-6. General provisions regarding meetings and public notice.

- A. Regular meetings; public notice. Every Board, Committee and Commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.
- B. Notice of meetings.
- (1) Every meeting of any board or commission of the City of Princeton, and/or any committee appointed or created by the Mayor or Common Council of the City of Princeton shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter V, Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.
 - (2) Such notice shall be given in writing to the official newspaper, and in addition thereto, shall be posted in at least one location likely to give notice to the public of such meeting.
 - (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than 24 hours prior to the commencement of such meeting unless otherwise authorized by law.
 - (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING
CITY OF PRINCETON, WISCONSIN
 (commission)

Please take notice that a meeting of the (commission) of the City of Princeton will be held on (date), 20____, at (time) p.m., at the _____ in Room _____ to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: _____

(Commission)

By _____

The Princeton Municipal Building is accessible to the physically disadvantaged. If special accommodations for physical, visually or hearing impaired individuals are needed, please contact the Princeton City Clerk at (telephone).

- C. Notice to members. Every member of any board, commission or committee of the City of Princeton shall be notified by the secretary thereof or designee, that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- D. Minutes to be kept. Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the City Clerk within one week of the meeting date. The City Clerk shall furnish a copy of all minutes filed with him/her to the Mayor and to each member of the Common Council. All such minutes shall be public records.

§ 11-7. Residency required for service on boards or commissions; attendance standards.

- A. Residency. Except for the Library Board, no person not a resident of the City of Princeton shall be appointed in a voting capacity to any City board, committee or commission. Any such member who moves from the City shall be removed from such board, commission or committee, but may be appointed to serve in an ex officio capacity.
- B. Attendance standard.
 - (1) The members and appointees of every board, commission and committee established pursuant to the Code of Ordinances of the City of Princeton or by the Common Council, shall attend all meetings of their respective Board, Commission, or Committee, which are duly noticed and convened, unless excused from attendance by the Chairperson of said body.
 - (2) If any member of any board, commission or committee established pursuant to the Code of Ordinances of the City of Princeton or by the Common Council, fails to attend three meetings of the Board, Commission or Committee of which he/she is a

member, which absences are not excused by the Chairperson of said body, said member shall forfeit his/her membership, and the said Chairperson shall notify the Mayor and Common Council that a vacancy exists in the membership of the effected board, commission or committee. Said vacancy shall be filled pursuant to the ordinances of the City.

- C. Member subject to removal. Any member of any board or commission who violates any provision of this section or who knowingly attends a meeting held in violation hereof may be removed as a member of such board or commission after being granted a public hearing, by the appointing authority and upon concurrence of the Common Council.

§ 11-8. Committee and Commission rules.

- A. Except as provided herein, the provisions of § 75-20 of Chapter 75, Mayor and Common Council, of the Code of the City of Princeton relating to rules of procedure for the Common Council, together with Robert's Rules of Order, shall as far as applicable, also apply to committee, board and commission meetings.
- B. A simple majority of the members of a board, committee or commission shall constitute a quorum.

§ 11-9. Tree Board. [Added 8-9-2005 by Ord. No. 2005-04]

- A. Composition. The Tree Board shall consist of the City Forester and six other citizen members is hereby created to promote the policies and procedures as set forth in § 348-1 of Chapter 348, Trees and Shrubs, of the Code of the City of Princeton.
- B. Appointment.
- (1) Appointment of City Forester. The Common Council shall designate a City Forester, or assign such duties to a City employee. In the absence of such appointment being made, the Director of Public Works shall be the City Forester.
 - (2) Appointment of Citizen Members. Three citizen members shall be appointed by the Mayor every year to hold office for a period of two years, which term shall commence following the organizational meeting in April of every year. Such members shall be lay citizens with an interest in trees as a major component of Princeton's physical and aesthetic environment, and arborists, ornamental horticulturists, and landscape architects, or those with a technical background in a related field.
- C. Organization of Board. At the first meeting following the organizational meeting for the City of Princeton, the Board members shall organize by the election of a presiding officer, secretary, and such other officers as may in their judgment be necessary.
- D. Record. The Tree Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Administrator. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

E. Duties.

- (1) The Board shall hold regular meetings at least once each month and may hold such additional meetings as it deems necessary.
- (2) The Board shall have complete and exclusive control of all trees in any public place in the City, and recommend disbursement of all monies appropriated for the planting, inventory, maintenance, and removal of said trees subject to approval of the City Council of Princeton.
- (3) The Board shall review and recommend amendments as needed to Chapter 348, Trees and Shrubs, of the Code of the City of Princeton at least once each year and may review more frequently as it deems necessary.
- (4) The Board shall submit an annual budget of anticipated revenues and expenditures to the City Administrator as requested.
- (5) The Board may appoint such advisory members as it deems necessary to conduct its business.
- (6) The Board shall have the power to do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Board in order to carry out the powers, duties, and responsibilities imposed by this provision or any other laws.
- (7) By the end of 2006, the Board shall adopt and recommend to the City Council for adoption an Urban Forest Management Plan.

F. Vacancies. Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.

G. Compensation. Compensation shall be as established by the Common Council. Citizen members shall take the official oath as required by § 19.01. Wis. Stats., said oath to be filed with the City Administrator.

Chapter 16

CITATIONS

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| § 16-1. Method of enforcement. | § 16-5. Issuance of citation. |
| § 16-2. Information contained in citation. | § 16-6. Procedure. |
| § 16-3. Form of citation. | § 16-7. Nonexclusivity. |
| § 16-4. Schedule of deposits. | |

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 1, Ch. 2, of the City Code. Amendments noted where applicable.]

§ 16-1. Method of enforcement.

The City of Princeton is authorized to use and shall employ citation forms, such citations to conform to governing state statutes for traffic and municipal ordinance regulation, to charge violations of ordinances, including, but not limited to, ordinances for which statutory counterparts exist, as well as all municipal violations subject to prosecution in municipal court, and all adopted state traffic code violations, municipal building, housing, zoning or regulatory ordinances and all other violations providing for penalty by forfeiture. It is the intent of this section that no complaint forms be required unless required to be attached to a summons when effecting service of process alternative to personal service or as otherwise specifically required by State law.

§ 16-2. Information contained in citation.

The citation shall contain the following:

- A. The name and address of the alleged violator.
- B. Factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The section of the ordinance violated.
- E. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear in court.
- G. A statement which in essence informs the alleged violator:
 - (1) That a cash deposit based on the schedule established by this chapter may be made which shall be delivered or mailed to the Clerk of Circuit Court or Chief of Police prior to the time of the scheduled court appearance.

- (2) That if a deposit is made, no appearance in court is necessary unless he/she is subsequently summoned.
 - (3) That if a cash deposit is made and the alleged violator does not appear in court, he/she will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - (4) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- H. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection G above has been read. Such statement shall be sent or brought with the cash deposit.
- I. Such other information as the City deems necessary.

§ 16-3. Form of citation.

The form of the citation to be used by the City of Princeton is on file in the City Clerk's office and is adopted by reference as though fully set forth herein.

§ 16-4. Schedule of deposits.

- A. The schedule of cash deposits shall be established for use with citations issued under this chapter by the Common Council according to the penalty provision of this Code.
- B. Deposits shall be made in cash, money order, certified check or personal check to the Clerk of Circuit Court who shall provide a receipt therefor.

§ 16-5. Issuance of citation.

- A. Law enforcement officer. Any law enforcement officer may issue citations authorized under this chapter.
- B. City officials. The following City officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:
 - (1) Any law enforcement officer;
 - (2) Fire Inspector/Fire Chief;
 - (3) Zoning Administrator.

§ 16-6. Procedure.

Section 66.0113, Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

§ 16-7. Nonexclusivity.

- A. Other ordinance. Adoption of this chapter does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. Other remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Chapter 119

AMUSEMENTS

§ 119-1. Pool and billiard rooms.

§ 119-2. Amusement devices.

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 7, Ch. 10, of the City Code. Amendments noted where applicable.]

§ 119-1. Pool and billiard rooms.

- A. License required. No person shall conduct or operate a pool room or billiard hall in the City without first obtaining a license from the City and having paid the license fee prescribed in Chapter 182, Fees.
- B. Application. Every person desiring a license under this section shall make written application therefor to the City Clerk. Each application shall be accompanied by the proper fee payable to the City Treasurer and no license shall be issued until such fee is so paid. If such license is refused, the fee shall be refunded.
- C. Council to pass on application. Applications for such license shall be submitted by the City Clerk to the Common Council at its next regular or special meeting.
- D. License. Every license issued under the provisions of this section shall expire on the 30th day of June following the date of issue. The full fee for such license shall be paid for any license issued before July 31 of any license year. Fees for licenses issued after July 31 of any license year shall be prorated. No license shall be transferable from one person to another but may, in the discretion of the Council, be transferred from one premises to another.
- E. Closing hours. Every person to whom a license shall be granted under this section shall conduct his/her place of business in a quiet and orderly manner and keep the same and all utensils therein in a clean and sanitary condition, and shall conform to the hours in Chapter 225, Article I, § 225-15.
- F. Council may revoke license. The Council upon giving five days' notice, may revoke such license if the holder thereof or his/her agents shall violate any provision of this section or permit or suffer any riotous or disorderly conduct in or about the place or room where such business is carried on, and the licensee shall be liable for the acts of his/her servants or his/her agents done in the course of their employment and such agents and servants shall also be liable for their own acts.

§ 119-2. Amusement devices.

- A. Definitions. The following definitions shall be applicable in this section:

AMUSEMENT DEVICE — Any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or

sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to, devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, skiball, electronic video games, and shall also include billiard tables and pool tables (whether coin operated or not). Such definition does not include a bowling alley, jukebox or other coin-operated music machine, a mechanical children's amusement riding device, or vending machines for coffee, cigarettes or candy.

OWNER — Any person who has title to the amusement device.

PERSON — A person, firm, entity, partnership, or corporation which is an owner of an amusement device.

B. Amusement device license.

- (1) No person shall own an amusement device within the City of Princeton without first having obtained a license authorizing the same.
- (2) The license shall be valid for the calendar year for which it is issued, and shall be applied for and issued to the person operating the business on the premises.
- (3) The license may be granted by the Common Council upon application therefor and payment of a fee as prescribed in Chapter 182, Fees, at the time of application for each amusement device.
- (4) All revenues collected under this section are to be placed in a recreation fund to be used for the maintenance of and development of parks and playgrounds in the City.
- (5) The City Clerk shall be authorized to administer this section, provide the application forms, furnish license issuance and administer fee collection.
- (6) Any person who violates this section shall pay a forfeiture of \$50 for each amusement device not licensed.

Chapter 268

PARKS AND RECREATION FACILITIES

§ 268-1. Park regulations.

§ 268-2. Radio-controlled model
airplanes prohibited in parks.

§ 268-3. Turf protection on public
property.

§ 268-4. Park hours.

§ 268-5. Reservation of park space.

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 12, Ch. 1, of the City Code. Amendments noted where applicable.]

§ 268-1. Park regulations.

- A. Purpose and definition. In order to protect the parks, parkways, recreational facilities and conservancy areas within the City of Princeton from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the City.
- B. Specific regulations.
- (1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park or public waters, except in containers provided for that purpose.
 - (2) Sound devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Common Council. Vulgar, boisterous behavior and overly loud music and loud speakers which tend to interfere with the enjoyment of the park by others shall not be permitted.
 - (3) Pets. No person shall permit any dog, cat or other pet owned by him/her to be in any park. Pets are prohibited in swimming areas and children's playgrounds.
 - (4) Bill posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Common Council.
 - (5) Throwing stones and missiles prohibited. No person shall throw stones or other missiles in or into any park.
 - (6) Removal of park equipment prohibited. No person shall remove benches, seats, tables or other park equipment from any park.
 - (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Common Council.

- (8) Making of fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (9) Protection of park property.
- (a) No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
- (b) No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any City park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any City park; or to deface the equipment by means of a sharp instrument.
- (10) Motorized vehicles. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Common Council authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.
- (11) Snowmobiles. Snowmobiling is not permitted in City parks except in designated areas during periods when sufficient snow cover exists.
- (12) Speed limit. No person shall operate any vehicle in a City park in excess of 10 m.p.h. unless otherwise posted.
- (13) Glass beverage bottles in parks prohibited. No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
- (14) Reckless driving in parks prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.

- (15) **Parking in parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (16) **Horse and carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Common Council is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within 300 feet horses shall be ridden at slow gait.
- (17) **Removing tree protectors.** No person shall remove any device for the protection of trees or shrubs.
- (18) **Golfing and sporting activities.** No golfing or practicing golf in City parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (19) **Arrows.** No person shall use or shoot any bow and arrow in any City park, except in authorized areas.
- (20) **Fees and charges.** The Common Council shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (21) **Firearms; hunting.** Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (22) **Fish cleaning.** Cleaning of fish in shelters, or toilet facilities is prohibited in all City parks.
- (23) **Controlled substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
- (24) **Camping.** Overnight camping is not permitted in any City park, unless by prior written permission from the Common Council or Chief of Police.
- (25) **Commercial enterprise.** No person shall sell, or offer for sale, any article, thing, privilege or service in any park without prior written permission from the Common Council.
- (26) **Posted regulations.** In addition to the regulations herein contained and provided, the Common Council may post from time to time specific rules and regulations; and such specific rules and regulations shall be incorporated by reference in to this chapter as fully as set forth herein.

§ 268-2. Radio-controlled model airplanes prohibited in parks.

No person shall fly a radio-controlled model airplane or helicopter in any park in the City of Princeton except in areas specifically designated and posted for such purpose.

§ 268-3. Turf protection on public property.

Except as authorized by the Chief of Police, no person shall dig into the turf of any City-owned park property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Chief of Police the use of metal detectors and digging for buried objects on City park property is prohibited.

§ 268-4. Park hours.

- A. Hours. Parks shall be open as posted.
- B. Exceptions.
 - (1) The regular closing hours of City parks do not apply to persons having permission from the Common Council to be present in the City parks during closed hours on specific days and for specific purposes.
 - (2) The regular closing hours of the City parks do not apply to persons in attendance at a City-authorized park event, except that those persons shall vacate the park within 15 minutes after the ending of the scheduled event.

§ 268-5. Reservation of park space.

- A. Policy on reservation. The City-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. However, under proper circumstances, exclusive use of the same thereof may be permitted. This section is intended to regulate exclusive use of municipally-owned parks or park facilities in the City of Princeton to the end that the general welfare of the City is protected.
- B. Reservation of park space. A person or group, firm organization, partnership or corporation may reserve the use of a park facility by written application filed with the City Clerk for a permit for exclusive use of the same. The Common Council shall issue permits for the exclusive use of City parks. All reservations shall be made on application forms in the office of the City Clerk and shall be on a first-come, first-served basis, provided however, that any City-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.
- C. Application. Applications shall be filed with the Common Council at least 10 days prior to the date on which the exclusive use of the entire park is requested, and shall set forth the following information regarding the proposed exclusive use:

- (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
 - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
 - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the said park, area or facility.
 - (6) Any additional information which the Common Council or Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.
- D. Action on application. The Common Council shall act promptly on all applications for permits for exclusive park use after consulting with the applicant, if necessary.
- E. Reasons for denial. Applicants under this section may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
 - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by Subsection C above.
 - (4) The application is made less than the required days in advance of the scheduled exclusive use.
 - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
 - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the City.
 - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- F. Indemnification. Prior to granting any permit for exclusive use of the park, the City may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to

indemnify the City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

- G. Permit not required for City activity. A permit is not required for exclusive use of the park sponsored by the City of Princeton.
- H. Permit revocation. The Common Council, or Chief of Police may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- I. Form of permit. Each permit shall be in a form prescribed by the Common Council and shall designate the park area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- J. Class B fermented malt beverage licenses. When fermented malt beverages are sold at any event authorized by this section, a valid Fermented Malt Beverage license shall be obtained and the provisions of §§ 225-11 and 225-30 of Chapter 225, Intoxicating Liquor and Fermented Malt Beverages, shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- K. Care of facilities. Persons reserving City facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of City officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a City park shall agree to assume full responsibility for all damage to City property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the City Clerk. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the City may have.

Sample
on file

PARK RESERVATION APPLICATION

Please Print Clearly

Day of the Week: _____ Date: _____ Start Time: _____ End Time: _____

Requested Park _____ Type of Event _____

Name of Group _____ How many people will attend? _____

Name of Applicant _____ Person in Charge _____

Address _____ Address _____

City, State, ZIP _____ City, State, ZIP _____

Day Phone _____ Day Phone _____

E-mail address _____ E-mail address _____

Will you have amplified sound? Yes No If yes, what type? _____

List hours that you will have amplified sound: Starting _____ Ending _____

IMPORTANT: I understand that the issuance of this Park Reservation is subject to the accuracy of the information supplied on this form, and the adherence to all City of Princeton ordinances, policies, and regulations regarding parks in the City of Princeton. Further, I understand that the City of Princeton retains the right to revoke this permit anytime prior to or during this event. I also understand the conditions of this rental application and agree to pay for any damage arising from use of this City facility. It is further understood and agreed that each group or individual is responsible for cleaning the shelter and surrounding area, with debris put in garbage cans and facilities and grounds left without damage. Renter will be responsible for cleanup costs over the amount of the rental fee in the event user fails to clean up properly. If there are 100 or more people in attendance at this event, I agree to provide and pay for the delivery and hauling away of a dumpster for refuse OR I agree to haul away the refuse myself. I agree to call Digger's Hotline prior to pounding stakes for tents or any other temporary structure. **All regular park rentals will be refunded in full if reservation is cancelled more than 10 (ten) calendar days in advance. Cancellations within 10 (ten) calendar days will require the City to retain a \$10 (ten dollar) processing fee, with the balance refunded to the applicant.** My signature constitutes my agreement with these stipulations.

Signature

Date

City Administrator

Date

Chapter 182

FEES

§ 182-1. Fee schedule.

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 1, Ch. 3, of the City Code; amended in its entirety 10-24-2006 by Ord. No. 2006-22. Subsequent amendments noted where applicable.]

§ 182-1. Fee schedule.

The Common Council by resolution shall set and maintain a fee and license schedule, which shall be available at City Hall for inspection and review. Any references in the City of Princeton Code of Ordinances to a specific license or fee shall be listed on a Schedule of Fees which shall be on file and available for inspection by the general public. Said Fee Schedule shall be subject to modification or amendment from time to time by resolution of the common council.