

CITY OF PRINCETON
COMMITTEE OF THE WHOLE MEETING
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, SEPTEMBER 23, 2014
5:30 P.M.

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 September 9, 2014 Committee of the Whole meeting
5. NEW BUSINESS

A) Discussion on Codification Process.

RECOMMENDATION: Review new code sections as follows:

- 1) Chapter 360 – Vehicles and Traffic from point left off
- 2) Chapter 366 – Vehicles Neighborhood Electric
- 3) Chapter 372 – Recreational Vehicles
- 4) Chapter 32 – Elections
- 5) Chapter 43 – Ethics
- 6) Chapter 225 – Intoxicating Liquor and Malt Beverages
- 7) Chapter 75 – Mayor and Council
- 8) Chapter 193 – Fireworks
- 9) Chapter 333 – Taxicabs
- 10) Chapter 332-Section 9 Obstructions & Encroachments-
additional discussion with City Attorney

6. ESTABLISHMENT OF NEXT MEETING DATE
7. 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.

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CITY OF PRINCETON
COMMITTEE OF THE WHOLE MEETING MINUTES
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, SEPTEMBER 9, 2014
6:00 PM

1. **CALL TO ORDER AND ROLL CALL** Council President Kallenbach called the meeting to order at 6:00 PM. In attendance were Alderpersons Kallenbach, Roehl, Ernest, Koehn, Kallas, and Bednarek, Administrator Neubauer, and Mayor Wielgosh.
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 August 26, 2014 Committee of the Whole meeting** Bednarek motioned to approve the 8/26/14 Committee of the Whole Minutes, seconded by Ernest. Carried 6-0.

5. **NEW BUSINESS**

A) **Discussion on Codification Process.**

RECOMMENDATION: Review new code sections as follows:

- 1) Chapter 322 – Streets and Sidewalks
- 2) Chapter 380 – Water
- 3) Chapter 25 – Municipal Court
- 4) Chapter 88 – Police Department
- 5) Chapter 110 – Adult Uses
- 6) Chapter 115 – Alarm Systems
- 7) Chapter 130 – Bikes
- 8) Chapter 232 - Juveniles
- 9) Chapter 239 – Licenses, issuance and renewals
- 10) Chapter 354 – Abandoned Vehicles
- 11) Chapter 360 – Vehicles and Traffic
- 12) Chapter 366 – Vehicles Neighborhood Electric
- 13) Chapter 372 - Recreational Vehicles

A discussion was held on Ordinances 1 through 11 listed above and the Council made recommendations.

6. **ESTABLISHMENT OF NEXT MEETING DATE** The next Committee of the Whole Meeting will be September 23, 2014 at 5:30 PM.
7. **ADJOURN** Council President Kallenbach adjourned the meeting at 7:00 PM, and the Committee of the Whole reconvened at 8:10 pm and adjourned at 8:50 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

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920-295-6612 · Fax: 920-295-3441

An equal opportunity/affirmative action employer

Mayor
Charlie Wielgosh

City Administrator
Mary Lou Neubauer

City Alderpersons

Dave Bednarek
Mary Ernest
Eric Koehn
Dan Kallas
Jasper Kallenbach
Lara Roehl

COUNCIL REPORT

To: City Mayor, Common Council
From: Mary Lou Neubauer, City Administrator/Clerk/Treasurer
Date: September 23, 2014
RE: Codification

Chapter 360

If there are any further comments on the Snow Removal process we will start from that point on.

1) Section 360-21B Page 562 Municipal Parking Lots
The parking lot designation for 2 hour parking and staggered all day parking should be reviewed and signed.

2) Section 360-22 C Page 563 Cattle Fair
Is there a need for cattle fair regulations?

3) Section 360-34 Page 571 Sound producing devices
Differences are given for audible sound distance from a vehicle. Change to be consistent with each other. One area says noise heard w/in 50' and the other states 75'

4) Section 360-35D & E Page 576 Forfeiture amounts
Verify the fees are correct and keep in this section or include in a violation section.

5) Section 360-15 (3) Page 558 Parking delineation
In areas that there isn't any sidewalk, the terrace area is stated to be 10' beyond the curb line. Language should be added to state "edge of the roadway" in instances where there isn't a curb.

Electric Vehicles

1) Section 366-1 Page 581 Definition
In 2009 Electric vehicles were redefined as low-speed vehicles. Reference should be made to change that delineation. This section was added to the statutes in 2007

City of Princeton, WI

(2) From § 360-28D: "Such statutory sections shall be designated as part of this Code by adding the prefix "10-1-55-" to each state statute section number."

E. In § 360-1B we propose to replace the reference to § 941.03, Highway obstruction, of the statutes, which was repealed by 1987 Act 399, with a reference to § 941.30, Recklessly endangering safety. We also propose to delete the reference to § 947.045, Drinking in motor vehicle on highway. That section was renumbered in 1975 to § 346.935, Intoxicants in motor vehicles, and Chapter 346 of the statutes is already adopted by reference in § 360-1A.

F. Consider deleting § 360-1C, which provides that references to the statutes mean the 1999-2000 statutes. See Chapter 1, § 1-1M, which applies to the entire Code, and our comments regarding that subsection.

Decision:

- Delete § 360-1C.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

G. Section 360-11A through D specify numerous stop intersections. Pursuant to § 360-11F, stop intersections can be added or removed by resolution. If it is the practice of the City to alter stop intersections by resolution, then the stop intersections in § 360-11A through D may become outdated and inaccurate. If the City does not, in fact, alter street intersections by resolution, then § 360-11F could be deleted. Consider either deleting § 360-11F or § 360-11A through D.

Decision:

- Delete the following: 360-11F - (Stop Signs will be changed by ordinance)
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

H. Section 360-34, Sound-producing devices in vehicles; impoundment; seizure and forfeiture.

(1) Section 360-34A follows § 66.0411, Wis. Stats., regarding sound-producing devices in vehicles. It is adopted in conformity with § 346.94(16), regarding noise from vehicles that is audible within 75 feet of the vehicle. Section 360-34A also addresses confiscation of the sound-producing device.

(2) Section 360-34C follows § 349.135, Wis. Stats., regarding noise from vehicles that is audible within 50 feet of the vehicle, "notwithstanding § 346.94(16), Wis. Stats." The forfeiture in § 360-34C(1) reflects the forfeiture authorized by § 349.135, Wis. Stats.

Vehicle & Traffic

Are both of these sections enforced? Is there a conflict, since the distances are different?
Please provide any necessary changes.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- I. Forfeitures. Please review the forfeitures in the following sections and indicate whether any changes are required:
 - (1) Section 360-35D contains forfeitures for parking violations.
 - (2) Section 360-35E contains forfeitures for other violations of this chapter.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 366, Vehicles, Neighborhood Electric

Ord. No. 2007-05

- A. 2009 Act 311 redefined *neighborhood electric vehicles (NEV)* as *low-speed vehicles (LSV)*. See §§ 349.26 and 346.94(22), Wis. Stats. It appears that this chapter should be retitled as “Vehicles, Low-Speed”; and references in this chapter should be similarly updated. See also the definition of “low-speed vehicle” in § 340.01(27h), Wis. Stats.

Decision:

- Change *neighborhood electric vehicles (NEV)* to *low-speed vehicles (LSV)* throughout this chapter.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- B. A municipality’s authority to license neighborhood electric vehicles was repealed by 2007 Act 33. It appears that this chapter should be amended to delete licensing requirements. Please provide specific instructions for changes to this chapter.

City of Princeton, WI

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 372, Vehicles, Recreational**Art. I, Snowmobiles and All-Terrain Vehicles***Title 10, Ch. 3, of the City Code*

- A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:
- (1) In § 372-1 we will delete the entry for § 350.06, Firearms and bows, of the statutes. That section was repealed by 1985 Act 36.
 - (2) In § 372-7C, § 66.12 will be changed to § 66.0114; § 66.12(1)(b) will be changed to § 66.0114(1)(b); and § 66.114 will be changed to § 66.0111.
- B. Section 372-3C(3)(b) requires a fee of \$5 to obtain a special access permit from the City Clerk. Is this amount current and adequate? Should the fee amount be removed and replaced with a reference to Ch. 182, Fees?

Decision:

- Amend § 372-3C(3)(b) to remove the fee amount and refer to Ch. 182.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).
- C. In § 372-3D(2), the reference to *Section 8-3-10* of the former Code could not be updated as it does not make sense. That section deals with care of recyclable material and now appears as § 312-10. How should this be corrected?

Decision:

- Change *Section 8-3-10* to _____
- Amend § 372-3D(2) to delete "*except as authorized in Section 8-3-10.*"
- Revise as follows: _____
- Revise as follows: (attach revisions separately).
- D. Section 372-6 contains a forfeiture of not less than \$25 nor more than \$500 for violations of Article I of this chapter. See also § 350.11, Penalties, Wis. Stats. Are any changes required?

Should the forfeiture amounts be replaced with a reference to the general penalty in Chapter 1, Article I, of the City Code?

Decision:

- Amend § 372-6 to remove the forfeiture amounts and include a reference to the general penalty in Chapter 1, Article I, of the City Code.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Art. II, Self-Propelled Vehicles and Off-Road Operation

Title 10, Ch. 4, of the City Code

- A. In § 372-8 we have deleted the following sentence, as it reflected the old numbering of the Code: *“The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix “10-4-1-” to each statute section number.”*
- B. Section 372-10D, Penalties, contains a forfeiture of not less than \$25 nor more than \$200 for violations of § 372-10, Mini-bikes and self-propelled vehicles; and upon default of payment, imprisonment for up to 30 days. Are any changes required? Should the forfeiture amounts be replaced with a reference to the general penalty in Chapter 1, Article I, of the City Code?

Decision:

- Amend § 372-10 to remove the forfeiture amounts and include a reference to the general penalty in Chapter 1, Article I, of the City Code.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 380, Water

Title 9, Ch. 1, of the City Code

This chapter adopts by reference regulations and rates of the Wisconsin Public Service Commission, and it contains regulations for cross-connection control and abandonment of private wells.

- A. Administrative Code updates. We propose to update the following Administrative Code references prior to publication of the Code:

(1) In § 380-2B, § NR 111.25(3) will be changed to § NR 811.07.

9/9

Ch. 25, Court, Municipal

Ord. No. 2010-04

This chapter established the Lakeside Municipal Court, to serve several local municipalities.

A. Statutory reference updates. We propose to update the following statutory reference prior to publication of the Code:

(1) In § 25-4B, § 66.122 and § 66.123 will be changed to § 66.0119.

B. Section 25-8A contains a reference to § 800.03(3), Wis. Stats., yet that section was repealed by Act 402 of 2009. How should this reference be updated?

Decision:

Change § 800.03(3) to 800.037

Revise as follows: _____

Revise as follows: (attach revisions separately).

C. Section 25-8C contains references to §§ 800.03 and 800.04, Wis. Stats. As mentioned above, § 800.03 was repealed by Act 402 of 2009. Section 800.04 was repealed in part and renumbered as § 800.035 pursuant to Act 402 of 2009. How should these references be updated?

Decision:

Change § 800.03, § 800.04 to 800.035

Revise as follows: _____

Revise as follows: (attach revisions separately).

Ch. 32, Elections

Title 2, Ch. 1, Secs. 2-1-3 through 2-1-6, of the City Code

A. It appears that § 32-1B(1) should be amended to reflect the election hours established in § 6.78, Wis. Stats., as amended by 2005 Act 333 to establish state-wide polling hours of 7:00 a.m. to 8:00 p.m.

Decision:

Amend § 32-1B(1) to change "9:00 a.m." to "7:00 a.m."

No revision desired.

Revise as follows: _____

Revise as follows: (attach revisions separately).

B. Section 32-1C authorizes the Council to designate a different central polling place at least 10 days before the election. Section 5.25(3), Wis. Stats., provides as follows: "Polling places shall be established for each election at least 30 days before the election." Does this present a conflict?

Decision:

- Amend § 32-1C to read ". . . unless otherwise designated by the Common Council in accordance with § 5.25, Wis. Stats."
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

C. Section 32-2, regarding primary elections, contains a reference to § 8.05(4), Wis. Stats., yet this statute appears to apply to towns and villages, not cities. Is a correction required?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 37, Emergency Government

Title 5, Ch. 5, of the City Code

A. Statutory reference updates. We propose to update the following statutory reference prior to publication of the Code:

(1) In § 37-1, Ch. 166 will be changed to Ch. 323. Chapter 166, Emergency Management, of the statutes was renumbered as Chapter 323 by 2009 Act 42.

6/24

B. This chapter establishes a City Emergency Government Committee and the office of Emergency Government Director. If this chapter accurately reflects current practice, it appears suitable.

Decision:

- No revision desired.
- Revise as follows: As Noted Above
- Revise as follows: (attach revisions separately).

Ch. 43, Ethics, Code of

Title 2, Ch. 5, of the City Code

This chapter establishes a Code of Ethics for City officials and employees, as authorized by § 19.59, Wis. Stats.

- A. Section 43-12 authorizes a forfeiture of not less than \$10 nor more than \$200 for violation of this chapter. Note that § 19.59(3)(f) authorizes a forfeiture of not less than \$100 nor more than \$1,000 for violation of an ordinance adopted under § 19.59, Wis. Stats. Would the City like to amend § 43-12 to increase the forfeiture amount?

Decision:

- Increase the forfeiture in § 43-12 to not less than \$100 nor more than \$1,000.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- B. Review § 43-14, Residency requirements for City employees. Compare this to the prohibition on residency requirements in § 66.0502, Wis. Stats., added by 2013 Act 20; it prohibits the imposition of residency requirements on county or municipal employees, except that law enforcement, fire or emergency personnel (but not volunteers) may be required to live within 15 miles. Should § 43-14 be deleted or amended?

Decision:

- No revision desired.
- Delete § 43-14, Residency requirements for City employees.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 49, Finance and Taxation

Art. I, Finance

Title 3, Ch. 1, of the City Code

- A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:
 - (1) In § 49-18A, § 74.80(2) will be changed to § 74.47(2); § 74.80(1) will be changed to § 74.47(1); and § 74.31 will be changed to § 74.42.
 - (2) In § 49-19B(4), § 66.042(1) to (5) will be changed to § 66.0607.

Ch. 225, Intoxicating Liquor and Fermented Malt Beverages

Art. I, Licensing

Title 7, Ch. 2, of the City Code

Statutory authority is found in Ch. 125, Wis. Stats.

- A. Section 225-2 lists the definition of “retailer” twice. We will delete “retailers” following “wholesalers.” This section also states that the term “nonintoxicating beverages” shall have the meaning given by Ch. 125, Wis. Stats. That term does not appear in Ch. 125. The only reference to nonintoxicating beverages in the statutes is in § 66.0433, Wis. Stats. We propose to delete the reference to nonintoxicating beverages in § 225-2.

Decision:

- Amend § 225-2 as indicated above.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- B. The last sentence of § 225-4E(2) reads as follows: “*Except as provided in § 125.31, Wis. Stats., Class ‘B’ licenses may not be issued to brewers or fermented malt beverages wholesalers.*” Section 125.31, Wis. Stats., was repealed by 2011 Act 32. Section 125.26(2)(b), Wis. Stats., now provides as follows:

“Except as provided in s. 125.295, Class ‘B’ licenses may not be issued to brewers or brewpubs. A Class ‘B’ license may not be issued to a person holding a wholesaler’s permit issued under s. 125.28 or to a person who has a direct or indirect ownership interest in a premises operating under a wholesaler’s permit issued under s. 125.28.”

How should § 225-4E(2) be corrected?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- C. Section 225-4F(2) contains a forfeiture of \$200 for unlawfully applying for a temporary Class “B” fermented malt beverage license. Is this current?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

D. Likewise, § 225-4G(2) contains a forfeiture of \$200 for unlawfully applying for a temporary Class “B” wine license. Is this current?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

E. Section 225-4H provides for the City to issue a wholesaler’s fermented malt beverage license. The authority for municipalities to issue this type of license appears to have been eliminated by 2011 Act 32. See § 125.28, Wis. Stats., which now provides for the State Department of Revenue to issue a wholesaler’s permit.

If § 225-4H is repealed, then it appears that § 225-5E should also be repealed.

Decision:

- Delete §§ 225-4H and 225-5E.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

F. In § 225-6A(1), we will revise the reference to §§ 887.01 to 887.04, Wis. Stats., to refer to §§ 887.01 to 887.03. Section 887.04 was repealed by court order in 1973.

G. There is missing wording in § 225-6A(2)(b). We propose to correct this by inserting the following underlined wording:

All Temporary Class “B” Fermented Malt Beverage or Wine applications must be filed with the City Clerk at least five days prior to date the license is to take effect.

Decision:

- Amend § 225-6A(2)(b) as shown above.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

City of Princeton, WI

- H. Section 225-7H, Limitations on other business, matches § 125.32(3m), Wis. Stats., except that the statute has been amended to include a new Subsection (h) reading “A movie theater.” Should this subsection be added to § 225-7H?

Decision:

- Add § 225-7H(8) to read “*A movie theater.*”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- (1) If the City opts to add movie theaters to § 225-7H(8), consider adding “movie theaters” to § 225-15A(2) as well. See § 125.32(3), Wis. Stats.

Decision:

- Amend § 225-15A(2) to add “*movie theaters.*”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- I. Section 225-9A(2) and 225-14E refer to “*the regulations of the State Board of Health.*” We will update the references to the State Board of Health to the State Department of Health Services. See § 125.68(5), Wis. Stats., and Chapter DHS 196, Restaurants, of the Wisconsin Administrative Code.

- J. The fee of \$10 to transfer a license in § 225-11A matches the fee in § 125.04(12)(a), Wis. Stats. No change is necessary.

- K. Section 225-15, Closing hours.

- (1) Should the opening paragraph in § 225-15 be amended to include reference to § 125.68(4), Wis. Stats.? Currently, this paragraph only refers to § 125.32(3), Wis. Stats.

Decision:

- Amend the opening paragraph in § 225-15 to include reference to § 125.68(4), Wis. Stats.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- (2) Section 225-15B, carryout hours, restricts sales between 9:00 p.m. and 8:00 a.m. Note that the City may change 8:00 a.m. to 6:00 a.m. pursuant to 2011 Act 97; see §§ 125.32(3) and 125.68(4), Wis. Stats. The City is allowed to maintain more restrictive hours.

Decision:

- Amend § 225-15B to change 8:00 a.m. to 6:00 a.m.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- (3) The following wording could be added to Subsection A(1) prior to the last sentence: *“except that, on the Sunday that daylight saving time begins as specified in § 175.095(2), Wis. Stats., no premises may remain open between 3:30 a.m. and 6:00 a.m.”* This wording was added to §§ 125.32 and 125.68 by 2007 Act 3.

Decision:

- Amend § 225-15A(1) as indicated above.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- L. Consider amending § 225-26A as follows, to match the current wording of § 125.17(6)(a), Wis. Stats.:

Except as provided in Subsection B below, the Common Council may not issue an operator’s license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the Technical College System Board or a comparable training course, which may include computer-based training and testing, that is approved by the Department of Revenue or the Educational Approval Board, or unless the applicant fulfills one of the following requirements:

Decision:

- Amend § 225-26A as indicated above.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Art. II, Offenses Involving Alcoholic Beverages

Title 11, Ch. 4, of the City Code

A. In Article I of this chapter, § 225-1 provides for the adoption by reference of the provisions of Ch. 125, Wis. Stats., and § 225-29A provides as follows: *“Forfeitures for violations of §§ 125.07(1) to (5) and 125.09(2), Wis. Stats., adopted by reference in § 225-1 of this article, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses.”* Accordingly, we question whether the following sections in this article, which appear to have been copied from §§ 125.07 and 125.09, Wis. Stats., should be deleted, as these provisions are already adopted by reference in Article I:

- (1) Section 225-31A and B, Sale of alcohol beverages to underage persons. See § 125.07(1), Alcohol beverages; restrictions relating to underage persons.
- (2) Section 225-31D and E, Sale of alcohol beverages to intoxicated persons. See § 125.07(2), Sales of alcohol beverages to intoxicated persons.
- (3) Section 225-32, Underage persons’ presence in places of sale; penalty. See § 125.07(3), Presence in places of sale; penalty.
- (4) Section 225-33, Underage persons; prohibitions; penalties. See § 125.07(4), Underage persons; prohibitions; penalties.
- (5) Section 225-34A, Defenses. See § 125.07(6), Defenses.
- (6) Section 225-34B, Book kept by licensees and permittees. See § 125.07(7), Book kept by licensees and permittees.
- (7) Section 225-36, Possession of alcohol beverages on school grounds prohibited. See § 125.09(2), Possession of alcohol beverages on school grounds prohibited.
- (8) Section 225-37, Adult permitting or encouraging underage violation. See § 125.07(1)(a)3 and 4.
 - (a) If § 225-33D is retained, it appears that the minimum forfeiture in § 225-33D(4) should be \$750, not \$700. Compare to § 125.07(4)(bs).

Please indicate which sections from Article II should be deleted, or retained with modification.

Decision:

- Delete the following: _____
- No revision desired. Retain all sections in Article II of this chapter.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- B. Section 225-35 deals with false or altered identification cards.
- (1) The City may want to consider whether this section is still needed in light of § 125.085, Proof of age, of the statutes, added by 1989 Act 31, particularly Subsection (3), Penalties for falsification of proof of age, of that section.
 - (2) If § 225-35 is retained, then we propose to delete the reference to § 125.08, Wis. Stats., in Subsection A(1), as that section was repealed by 1989 Act 31.

Decision:

- Delete § 225-35.
- Retain § 225-35 and delete the reference to § 125.08.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 232, Juveniles

Title 11, Ch. 5, of the City Code

- 9/9
- A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:
- (1) In § 232-9B(1) and C(2)(a), § 938.983(3) will be changed to § 254.92(2).
 - (2) Section 232-9B(2) contains a reference to § 134.66(2)(c), yet Subsection (2)(c) has been repealed. We propose to change this reference to § 134.66(2).
 - (3) In § 232-9B(6), § 134.66(2)(a), (e), (cm) and (d) will be changed to § 134.66(2)(a), (am), (cm) and (e).
 - (4) Section 232-9C(1) contains a reference to the definitions set forth in § 938.983(1), yet that subsection was repealed by 1999 Act 9. This reference will be changed to § 254.911.
 - (5) In § 232-9C(4), § 938.983 will be changed to § 254.92.
 - (6) In § 232-11A, § 66.051 will be changed to § 66.0107.
- B. Forfeitures. The forfeitures for various violations of § 232-7, Truancy, are consistent with the forfeitures authorized by § 118.163, Wis. Stats. The forfeitures in § 232-12B for violations of §§ 232-2 through 232-11 appear to be suitable.

Ch. 60, Grievance Procedures

Art. I, Access to Public Buildings, Programs, Services and Employment

Title 15, Ch. 6, of the City Code

- A. This article establishes the position of ADA Coordinator and provides for the annual appointment of the ADA Compliance Committee, in order to comply with the Americans with Disabilities Act. If this article accurately reflects current practice, it appears suitable.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 75, Mayor and Common Council

Title 2, Ch. 1, Secs. 2-1-1 and 2-1-2, and Title 2, Ch. 2, of the City Code

This chapter concerns the operation of the governing body, including meetings, and generally appears suitable.

- A. Section 75-19A contains the following requirement: *“All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City . . .”* As amended by 2007 Act 72, § 62.11(4), Wis. Stats., now authorizes publication of a notice only rather than the entire ordinance. For consistency with the statute, the following wording could be added after “published”: *“either in their entirety or as a notice as provided in § 62.11(4), Wis. Stats.”*

Decision:

- Amend § 75-19A to add the wording indicated above.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 82, Officers and Employees

Title 2, Ch. 3, of the City Code

- A. Section 82-2B lists the appointed officials in the City. The duties of most of the officials listed in § 82-2B are described in this chapter or in other chapters of the Code. Section 82-

Ch. 193, Fireworks*Title 7, Ch. 6, of the City Code*

- A. The definition of “fireworks” in § 193-1 was taken from § 167.10, Wis. Stats., but no longer matches the definition in the statute. Compare in particular the wording of Subsections I through N with the current wording of § 167.10(1)(i) to (n). Perhaps § 193-1 could be revised to refer to the definition in the statute rather than repeating it. Pursuant to § 167.10(5)(a)1, Wis. Stats., a local ordinance can define “fireworks” to include all items under § 167.10(1) (intro) and (1)(e), (f), (i), (j), (k), (L), (m) and (n).

Decision:

- Amend the definition of “fireworks” to read “*FIREWORKS – As provided in § 167.10(1)(intro) and (1)(e), (f), (i), (j), (k), (L), (m) and (n), Wis. Stats.*”
- Amend the definition of “fireworks” to read “*FIREWORKS – As provided in § 167.10(1), Wis. Stats.*”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).
- B. In § 193-3, Use, Subsection A refers to “Subparagraph (c)(3)f” which would translate to Subsection C(6) but there is no such subsection in this chapter. Subsection C, Who may obtain permit, corresponds to § 167.10(3)(c), Wis. Stats., except that the statute includes a Subsection 6 which reads “Any individual or group of individuals.” It appears that § 193-3C(6) could be added, to read “*Any individual or group of individuals,*” or § 193-3A could be amended to delete “*Subparagraph (c)(3)f if the display is open to the general public.*”

Decision:

- Add § 193-3C(6) reading “*Any individual or group of individuals.*”
- Amend § 193-3A to delete the phrase “*Subparagraph (c)(3)f if the display is open to the general public.*”
- Revise as follows: _____
- Revise as follows: (attach revisions separately).
- C. In § 193-3B, Permit exceptions, the City may want to add a new Subsection B(7) pursuant to § 167.10(3)(b)7 and (5)(e), Wis. Stats., as follows:
- (7) *The possession of fireworks in the City while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance. Subsection A of this section applies to a person transporting fireworks under this subsection if, in the course of transporting the fireworks through the City, the person remains in the City for a period of at least 12 hours.*

Decision:

- Amend § 322-32 as indicated above.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Art. IV, Parades, Races and Similar Nonvehicular Uses

Title 7, Ch. 9, of the City Code

- A. This article governs the nonvehicular use of streets, such as parades and marathons, as authorized by § 349.185, Wis. Stats. This article appears suitable.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 333, Taxicabs

Title 7, Ch. 11, of the City Code

- A. Statutory authority for licensing taxicabs is found in § 349.24, Wis. Stats. This chapter appears suitable.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 341, Transient Merchants

Title 7, Ch. 4, of the City Code

6/10

- A. Statutory authority for regulating transient merchants is found in § 66.0423, Wis. Stats. This chapter appears suitable.