PART I - CHARTER ORDINANCES[1]

Footnotes:
*--- **(1)** ---*
***Editor's note**—Codified in this Part I are the Charter ordinances of the city. The original Charter ordinances and any amendments are indicated in the history note immediately following the section. The Charter ordinances have been organized by subject and given section numbers. The number before the dash refers to the article number. The number after the dash refers to the position of the section within the article. Obvious misspelling and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.*

***State Law reference**— Charter ordinances, Wis. Stats. § 66.0101.*

ARTICLE I. - IN GENERAL

[Sec. 1-1. - Reserved.]

ARTICLE II. - COMMON COUNCIL[2]

Footnotes:
*--- **(2)** ---*
***Cross reference**— Common council, § 2-31 et seq.*

***State Law reference**— Common council, Wis. Stats. § 62.11.*

Sec. 2-1. - Compensation.

(a) Pursuant to the authority granted to cities under the authority of Wis. Stats. § 66.01(4), the City of Milton hereby elects not to be governed by the portion of Wis. Stats. § 62.09(6) which relates to the frequency of payment of salaries paid to the mayor and aldermen.

(b) Hereafter, the salaries established for the offices of mayor and aldermen shall be paid on a quarterly basis. Salaries for a quarter shall be paid by the 15th day of the month following the close of a quarter.

(Charter Ord. of 8-18-1970, 8-18-1970/10-19-1970)

State Law reference— Compensation, Wis. Stats. § 62.09(6).

Sec. 2-2. - Appointment of committees.

On the third Tuesday in April, the mayor shall appoint the following committees:

A. Personnel/finance committee (including, but not limited to, city revenue, budget, spending, priorities for capital spending, salaries, grievances, union negotiations, hiring, firing.)

1. Members: three aldermen.

   Ex-officio: Mayor - In the event the mayor's presence constitutes a quorum, he shall have a vote on the committee.

2. Areas of jurisdiction:

   Administrator

   City clerk-treasurer office

   Assessor

   City attorney

Personnel matters

B. Public works committee (including, but not limited to, streets, sidewalks, sanitation, sanitary and storm sewers, water utility, public property.)

1. Members: three aldermen.

   Ex-officio: Mayor - In the event the mayor's presence constitutes a quorum, he shall have a vote on the committee.

2. Areas of jurisdiction:

   Department of works -

   Street department

   Sewage treatment plant

   Parks - recreation

   Community buildings

C. Public safety committee (including, but not limited to, protection of property, persons, public safety.)

1. Members: three aldermen

   Ex-officio: Mayor - In the event the mayor's presence constitutes a quorum, he shall have a vote on the committee.

2. Areas of jurisdiction:

   Police department

   Fire department

   Ambulance

   Building inspection

   Civil defense

   Justice court

The mayor shall designate the chairman of all standing committees. He shall appoint all special committees and designate the chairman of each. All committee appointments except designation of chairman shall be subject to confirmation by a majority vote of the council by roll call vote.

(Charter Ord. of 4-8-1976; Charter Ord. of 11-18-1986, 11-18-1986/1-26-1987)

State Law reference— Council committees, Wis. Stats. § 62.09(1).

ARTICLE III. - OFFICERS AND EMPLOYEES
DIVISION 1. - GENERALLY

Secs. 3-1—3-25. - Reserved.
DIVISION 2. - ADMINISTRATOR/FINANCE DIRECTOR

Sec. 3-26. - Creation.

The office of the city administrator/finance director is created. Any reference in this Code to finance director shall mean the city administrator/finance director.

(Charter Ord. of 9-17-1996, 9-17-1996/11-5-1996; Ord. No. 176, § 2.15(1), 2-18-2003/4-1-2003)

Sec. 3-27. - Appointment.

The city administrator/finance director shall be appointed by a two-thirds vote of the common council from a list of not less than three nor more than five candidates, such list to be presented to the common council by the personnel and finance committee. Rules governing the selection of candidates, including qualifications, interviews and other pertinent information shall be prepared by the personnel and finance committee and approved by the common council.

(Charter Ord. of 9-17-1996, 9-17-1996/11-5-1996; Ord. No. 176, § 2.15(2), 2-18-2003/4-1-2003)

Sec. 3-28. - Term of office.

The city administrator/finance director shall hold office for a two-year term, subject to an annual evaluation. During the term of office, subject to removal for cause by a three-fourths vote of all the members of the common council, pursuant to Wis. Stats. § 17.12(1)(d). The appointment may be terminated by the administrator/finance director upon 30 days' written notice to the mayor and common council of such termination.

(Charter Ord. of 9-17-1996, 9-17-1996/11-5-1996; Ord. No. 176, § 2.15(3), 2-18-2003/4-1-2003)

Sec. 3-29. - Duties and responses.

The city administrator/finance director shall serve as chief administrative officer of the City of Milton under the general direction and policy guidance of the mayor and common council. Said city administrator/finance director shall be responsible for the administrative direction of all departments and offices of municipal government, subject only to such statutory and municipal ordinance limits which may apply and shall be responsible to only the common council of the whole and the mayor. It is the intent of this Charter ordinance that the city administrator/finance director shall have clear authority to administer the day-to-day operations of all departments of the municipal government subject only to such statutory and municipal ordinance limitations.

(Charter Ord. of 9-17-1996, 9-17-1996/11-5-1996; Ord. No. 176, § 2.15(4), 2-18-2003/4-1-2003)

Sec. 3-30. - Additional duties.

In addition to the general duties and responsibilities previously set forth herein, the city administrator/finance director shall:

A. Be responsible for preparation of the annual city budget, in accordance with such guidelines as may be provided by the common council, coordinating with the city clerk, all department heads, personnel and finance committee, and the mayor. This budget shall be submitted to the common council for approval on a date set by the council. Administers the budget as adopted by the city [common] council.
B. Keep informed concerning current developments in the field of municipal administration, and from time to time, submit recommendations or suggestions to improve the municipal government.
C.

Keep informed concerning current state and federal legislation affecting the City of Milton, WI 53563 and submit appropriate reports and recommendations to the common council.

D. Keep informed concerning the availability of state and federal funds for local programs, and assist department heads and the common council in procuring such funds.

E. Supervise the city clerk, police chief, director of public works, and any other department heads of the city.

F. Direct, coordinate and expedite the activities of all city departments, except where such authority is vested by Wisconsin statute or municipal code in boards, commissions or other city offices.

G. Perform the duties of personnel director, participating with department heads in the employment, training, and evaluation of all city personnel; recommend salary and wage rates for employees not covered by collective bargaining agreements; and participate in all labor negotiations for the city. For administrative positions required by statute or ordinance to be appointed by the mayor and confirmed by the common council, the city administrator shall submit the names of qualified individuals for consideration by the mayor and council.

H. Develop policies and procedures for the City of Milton subject to the approval of the common council.

I. Work closely with all department heads to ensure that such personnel and other city employees receive adequate opportunities for training to improve their knowledge and skills; and act as the approving authority for all requests by city employees to attend conferences, meetings, training schools, etc., pertaining to their employment.

J. In coordination with the mayor and clerk, prepare the agenda for all meetings of the common council together with such supporting data as may be required. Nothing herein shall be so construed as to give the city administrator authority to limit or in any way prevent matters from being considered by the council.

K. Attend all meetings of the common council, assisting the mayor and the councilmembers as required in the performance of their duties.

L. Carry out all directives of the common council which require administrative implementation, reporting promptly to the mayor and [any] difficulties encountered therein.

M. Meet regularly with the mayor to keep the mayor currently informed about the actions of the administrator/finance director's office.

N. Keep the common council informed about the activities of the administrator/finance director's office, either by written report or oral briefings at regular meetings of the council.

O. Keep informed concerning current developments pertinent to the responsibilities of the city plan and industrial development commissions, advise the mayor and the common council on matters before those bodies; and serve as an ex-officio member of both bodies.

P. Establish procedures to facilitate communications between citizens and the municipal government to ensure that complaints, grievances, recommendations, and other matters receive prompt attention by a responsible official; and to ensure that all such matters are expeditiously resolved.

Q. Act as press officer of the city under direction of the mayor. As such the city administrator shall be the principal spokesman on all matters within the city administrator's authority and responsibility; and shall ensure that the news media are kept fully informed about the operations of the city government.

R. Residency requirements: The city administrator/finance director shall establish residency within the City of Milton within six months from the date of hire.

(Charter Ord. of 9-17-1996, 9-17-1996/11-5-1996; Ord. No. 176, § 2.15(5), 2-18-2003/4-1-2003)

Secs. 3-30—3-50. - Reserved.

DIVISION 3. - ASSESSOR[3]

Footnotes:
--- (3) ---
State Law reference— *Assessor, Wis. Stats. § 62.09(1)(a).*

Sec. 3-51. - Assessor.

The assessor shall be appointed at the first regular meeting of the common council in January of even-numbered years by the mayor, subject to confirmation by a majority vote of the members of the common council. Such term shall be for two years and begin on January 15 succeeding their appointment.

(Charter Ord. of 5-7-1968, 5-7-1968/6-6-1968)

ARTICLE IV. - ELECTIONS[4]

Footnotes:
--- (4) ---
Cross reference— *Elections, § 2-721 et seq.*

State Law reference— *Elections, Wis. Stats. § 5.01 et seq.*

Sec. 4-1. - Registration of electors.

(1) *Elector registration required.* In accordance with the provisions of Wis. Stats. § 6.27(2), elector registration is hereby required as a prerequisite to voting at all municipally held elections in the City of Milton after the 1st day of January 1971.

(2) *Initial registration.* Any qualified elector may register for the 1971 elections at the polls the day of the November 3, 1970 general and referenda election or at the city hall any time thereafter during regular office hours. Elector registration for the initial election will close at 5:00 p.m. on the second Wednesday preceding the first 1971 municipal election. Electors who fail to register before the deadline may qualify to vote by using the procedure set forth in Wis. Stats. § 6.55.

(3) *Special registration deputy.* Registration at the November 3, 1970 election shall be by the regular election officials or, at the discretion of the common council, by a special registration deputy appointed by the clerk-treasurer, for each ward.

(4) *Registration requirements.* The registration of all electors for election after January 1, 1971, within the City of Milton shall be in accordance with the registration requirements set forth in Wisconsin statutory requirements.

(Special Ord. No. 2, 10-20-1970/1-1-1971)

Charter Ordinance Disposition Table

The following table indicates the disposition of the Charter ordinances of the city:

Charter Ord. No.	Adoption Date	Referendum Date	Description	Part I Disposition

—	6-6-1968	—	Assessor	3-51
—	6-6-1968	—	Clerk-treasurer	Amended
—	8-18-1970	—	Council compensation	2-1
—	10-20-1970	—	Registration of electors	4-1
—	4-8-1976	—	Council committees	2-2
—	11-15-1983	—	Library employees	Repealed
—	11-18-1986	—	Amends Charter Ord. of 4-8-1976 on council committees	2-2
—	6-19-1990	—	Repeals Charter Ord. of 11-15-1983 regarding public library employees	—
—	9-17-1996	11-5-1996	Relating to city administrator/finance plan	3-29 et seq.
—	9-17-1996	—	Amends Charter Ord. of 6-6-1968 to delete reference to the treasurer	—
176	2-18-2003	4-1-2003	Amends Charter ordinance on city administrator	3-29 et seq.

ARTICLE III. - BOARDS, COMMITTEES, COMMISSIONS[4]

Footnotes:

*--- **(4)** ---*

***Cross reference—** Board of health, § 30-31; historic preservation commission, § 34-41 et seq.; board of appeals for official map; powers and duties, § 58-38.*

DIVISION 1. - GENERALLY

Secs. 2-101—2-120. - Reserved.

DIVISION 2. - BOARD OF HEALTH

Sec. 2-121. - City governed by county health ordinance.

The city shall be governed by the county public health ordinance.

(Code 1968, § 2.07)

Secs. 2-122—2-140. - Reserved.

DIVISION 3. - BOARD OF REVIEW[5]

Footnotes:
*--- (**5**) ---*
***State Law reference**— Appointment, Wis. Stats. § 70.46; proceedings, Wis. Stats. § 70.47; removal, Wis. Stats. § 17.14.*

Sec. 2-141. - Constitution.

The board of review of the city shall be composed of the clerk, mayor and the common council.

(Code 1968, § 2.08(1))

Sec. 2-142. - Duties, powers and procedures.

(a) The board of review shall have the duties and powers prescribed by Wis. Stats. § 70.47. The board of review shall conduct its proceedings according to Wis. Stats. Chapter 70, including any subsequent amendments or revisions.

(b) The board of review shall grant a taxpayer an extension of 60 days for a hearing related to the taxpayer's objection provided that the taxpayer complies with the requirements of Wis. Stats. §70.47(7)(c). A request for an extension shall be submitted to the board's clerk at least 48 hours before the board's first scheduled meeting. The 60-day extension period under this section may be further extended by the board if the taxpayer shows good cause.

(Code 1968, § 2.08(2); Ord. No. 273, 7-15-2008)

Sec. 2-143. - Compensation.

The members of the board of review shall serve without compensation.

(Code 1968, § 2.08(3))

Secs. 2-144—2-160. - Reserved.

DIVISION 4. - PLAN COMMISSION[6]

Footnotes:
*--- (**6**) ---*
***Cross reference**— Planning and development, ch. 58.*

***State Law reference**— Plan commission, Wis. Stats. § 62.23.*

Sec. 2-161. - Constitution.

The city plan commission shall consist of seven members as follows: the mayor, who shall be its presiding officer, the director of public works, an alderperson and four citizens. Citizen members shall be persons of recognized experience and qualifications.

(Code 1968, §§ 2.09(1), 9.10(1); Ord. No. 204, § 2.09(1), 5-18-2004)

Sec. 2-162. - Appointment.

(a) *Alderperson member.* The alderperson member of the plan commission shall be elected by a 2/3 vote of the common council upon creation of the commission and during each April thereafter.

(b) *Citizen members.* Three citizen members shall be appointed by the mayor upon creation of the commission to hold office for a period ending one, two and three years, respectively, from the succeeding May 1, and thereafter annually during April one such member shall be appointed for a

term of three years.

(c) *Additional citizen members.* The additional citizen members, who shall be appointed by the mayor, shall be first appointed to hold office for a period ending one year from the succeeding May 1 and thereafter annually during April.

(Code 1968, §§ 2.09(2), 9.10(2); Ord. No. 204, § 2.09(2), 5-18-2004)

State Law reference— Similar provisions, Wis. Stats. § 62.23(1)(d).

Sec. 2-163. - Qualifications.

All citizen members shall be persons with recognized experience and qualifications and shall hold office until their respective successors are selected and qualified.

(Code 1968, §§ 2.10(1), 9.10(3))

Sec. 2-164. - Compensation.

The members shall be compensated as determined by the common council.

(Code 1968, § 9.10(4))

Sec. 2-165. - Organization.

The city plan commission shall organize annually at its first meeting in May by the election of such officers as may in their judgment be necessary. The commission may also formulate any lawful rules for its operation and procedures in accordance with common council rules.

(Code 1968, § 9.10(5))

Sec. 2-166. - Vacancies.

All vacancies on the city plan commission shall be filled for the unexpired term in the same manner as appointment for the full term.

(Code 1968, § 9.10(6))

Sec. 2-167. - Removal.

Any member shall be removed by the mayor for cause upon written charges and after public hearing.

(Code 1968, § 9.10(7))

Sec. 2-168. - Meetings.

Regular meetings shall be held at least monthly as specifically determined by the plan commission. Special meetings may be called by the presiding officer or upon written request of two commission members. Notice of special meeting shall be given by personal service to all members at least 24 hours prior to the called special meeting. Minutes shall be kept by the secretary and filed with the city clerk.

(Code 1968, § 9.10(8))

Sec. 2-169. - Quorum.

Four members shall constitute a quorum to transact any business, but all actions shall require the affirmative approval of a majority of all of the members of the plan commission.

(Code 1968, § 9.10(9))

Sec. 2-170. - Plan commission review.

The common council or other public body or officer of the city having authority thereon shall refer to the city plan commission, for its consideration and report before final action is taken by the common council or public body or officer, the following matters:

(1) The location and architectural design of any public building;
(2) The location of any statue or other memorial;
(3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale or acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other manorial or public grounds;
(4) The location, extension, abandonment or authorization for any public utility whether public or privately owned;
(5) All land divisions of land in the City or within the territory over which the city is given platting jurisdiction by Wis. Stats. ch. 236;
(6) The location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and
(7) The abandonment or repeal of any ordinance adopted pursuant to this chapter. Unless such report is made within 30 days or such longer period as may be stipulated by the common council, the common council or other public body or officer may take final action without it.

(Code 1968, § 9.10(10))

Sec. 2-171. - Powers and duties.

The city plan commission shall exercise the general powers and duties enumerated in Wis. Stats. § 62.23, as well as the following specific powers:

(1) *Land divisions.* To review and approve or deny preliminary certified survey maps and subdivision plats. To review and recommend to the common council the approval or denial of final certified survey maps and subdivision plats. Conditions of approval may be attached to preliminary or final approval.
(2) *Conditional uses.* To hear and grant a conditional use permit after review and a public hearing, provided that conditional uses and structures are in accordance with the purpose and intent of this chapter and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.
(3) *Substitutions.* To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alterations are to be made. Whenever the commission permits such a substitution, the use may not thereafter be changed without application.
(4) *Unclassified use.* To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.
(5) *Temporary uses.* To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the commission and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.

(6) *Site plan approval.* To review and approve or deny site plans for residential buildings with three or more units and for commercial and industrial sites.

(Code 1968, § 9.10(11))

Secs. 2-172—2-190. - Reserved.

DIVISION 5. - BOARD OF ZONING APPEALS[7]

Footnotes:
--- (7) ---
Cross reference— *Zoning, ch. 78.*

Sec. 2-191. - Composition; appointments.

The board of zoning appeals of the city shall consist of five members and two alternates, designated as alternate no. 1 and alternate no. 2, who will be residents of the city appointed by the mayor and confirmed by a majority vote of the common council. Members shall be appointed for staggered terms. The mayor shall be designated the chairperson.

(Code 1968, § 2.10(9.15(2), (6)))

Sec. 2-192. - Alternates.

Alternate no. 1 shall act, with full power, only when a member of the board of zoning appeals refuses to vote because of interest or when a member is absent. Alternate no. 2 shall act only when alternate no. 1 so refuses or is absent or when more than one member of the board so refuses or is absent. The provisions in Wis. Stats. § 62.23(7), with regard to removal and the filling of vacancies, shall apply to such alternates.

Sec. 2-193. - Powers and duties.

The board of zoning appeals shall have such powers and duties prescribed by chapter 78 of this Code (zoning) and Wis. Stats. § 62.23.

Sec. 2-194. - Conflict of interest.

Any member who has any interest in a matter before the board of zoning appeals shall not vote thereon and shall remove himself from his official position during the time such matter is being heard and decided.

(Code 1968, § 9.15(4))

Sec. 2-195. - Building inspector.

The building inspector shall attend meetings for the purpose of providing technical assistance when requested by the board of zoning appeals.

(Code 1968, § 9.15(5))

Sec. 2-196. - Official oaths.

All members of the board of zoning appeals shall take the official oath in accordance with Wis. Stats. § 19.01 within ten days of receiving notice of their appointment.

(Code 1968, § 9.15(6))

Sec. 2-197. - Vacancies.

Vacancies shall be filled for unexpired terms in the same manner as appointments for full terms.

(Code 1968, § 9.15(7))

Sec. 2-198. - Compensation.

Compensation shall be as determined by the common council.

(Code 1968, § 9.15(8))

Sec. 2-199. - Organization.

The board of zoning appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

(Code 1968, § 9.15(9))

Sec. 2-200. - Meetings.

Meetings shall be held at the call of the chairperson and at such other times as the board may determine and shall be open to public.

(Code 1968, § 9.15(9)(A))

Sec. 2-201. - Minutes and records.

Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the board of zoning appeal's determination, and its finding of facts. The secretary shall keep records of the board's examinations and other official actions, all of which shall be immediately filed with the city clerk and shall be a public record.

(Code 1968, § 9.15(9)(B))

Sec. 2-202. - Quorum.

If a quorum is present, a majority vote of the members present shall be necessary to exercise the powers in section 2-203.

(Code 1968, § 9.15(9)(C); Ord. No. 386, § I, 10-24-2013)

Sec. 2-203. - Powers.

The board of zoning appeals shall have the following powers:

(1) *Errors.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building inspector or any other administrative officer or body in the enforcement of codes, regulations or ordinances under their jurisdiction.

(2) *Variances.* To hear and grant appeals for variances from the terms of this chapter 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 and purposes of this chapter shall be observed and the public safety and welfare secured, and substantial justice done. Use variances shall not be granted, nor shall a variance be granted, where the conditions exist as a result of a self-imposed hardship.

(3) *Interpretations.* To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the city plan commission has made a review and recommendations.

(4) *Permits.* The board may reverse, affirm wholly or partly, or modify the requirements appealed from, and may direct the issuance of a permit.

(Code 1968, § 9.15(10)(A)—(D))

Sec. 2-204. - Assistance.

The board of zoning appeals may request assistance from other city officials, departments, committees, and boards.

(Code 1968, § 9.15(10)(E))

Sec. 2-205. - Oaths.

The chairperson, or in the chairperson's absence the acting chairperson, shall administer oaths and may compel the attendance of witnesses.

(Code 1968, § 9.15(10)(F))

Secs. 2-206—2-230. - Reserved.

DIVISION 6. - LIBRARY BOARD[8]

Footnotes:
*--- (**8**) ---*
***State Law reference**— Library board, Wis. Stats. § 43.54(1)(a)—(d).*

Sec. 2-231. - Constitution.

The library board shall consist of seven members. Five members shall be citizens of the city, one school administrator, or his representative, to represent the public school district, and one member of the common council. Such members shall be appointed by the mayor and confirmed by a majority vote of the common council. All members shall be appointed for three years from the succeeding July 1.

(Code 1968, § 2.11(1))

Sec. 2-232. - Advisory members.

The mayor may appoint as many additional advisory members as he deems necessary. Such members shall have no voting power.

(Code 1968, § 2.11(2))

Sec. 2-233. - Officers.

At its annual meeting in July, the library board shall organize by election, from among their members, a president and such officers as they deem necessary.

(Code 1968, § 2.11(3))

Sec. 2-234. - Duties and powers.

The library board shall have the duties and powers prescribed by Wis. Stats. ch. 43.

(Code 1968, § 2.11(4))

Secs. 2-235—2-260. - Reserved.

DIVISION 7. - BOARD OF POLICE COMMISSIONERS[9]

Footnotes:
--- (9) ---
State Law reference— *Board of police commissioners, Wis. Stats. § 62.13.*

Sec. 2-261. - Creation.

There is hereby created a board of police commissioners of the city, pursuant to Wis. Stats. § 62.13.

(Code 1968, § 2.13(1))

Sec. 2-262. - Membership and appointment.

The board of police commissioners shall consist of five citizens of the city, which commissioners shall be appointed by the mayor with the consent and approval of the common council. No appointment shall be made which will result in more than three members of the board belonging to the same political party.

(Code 1968, § 2.13(2))

Sec. 2-263. - Terms of office.

Members shall serve for five years. Thereafter, the mayor shall annually appoint one commissioner for a term of five years, in accordance with Wis. Stats. § 62.13.

(Code 1968, § 2.13(3))

Sec. 2-264. - Power and authority.

The board of police commissioners shall have the power and authority prescribed in Wis. Stats. § 62.13.

(Code 1968, § 2.13(4))

Secs. 2-265—2-290. - Reserved.

DIVISION 8. - EMERGENCY MEDICAL SERVICES COMMISSION

Sec. 2-291. - Creation.

There is hereby created a board of emergency medical services commission of the city.

(Code 1968, § 2.14(1))

Sec. 2-292. - Membership and appointment.

The emergency medical services commission shall consist of six citizens of the city, members to include one doctor and one nurse when possible, and one common council representative. Such commissioners shall be appointed by the mayor with the consent and approval of the common council. A quorum to do business will consist of four members.

(Code 1968, § 2.14(2))

Sec. 2-293. - Terms of office.

Members of the commission shall serve for a term of two years. Three commissioners shall be appointed each year by the mayor for a two-year term from the second succeeding Tuesday in April. The terms of the commission shall be staggered so that three commissioners are appointed each year. Upon adoption of this division, all existing commission members' terms shall be reduced to two years, and existing commission members shall be replaced or reappointed on the expiration date of their present term.

(Code 1968, § 2.14(3))

Sec. 2-294. - Power and authority.

(a) The emergency medical service commission shall have the power and authority to:
   (1) Organize and advise the emergency medical services and prescribe rules and regulations for the management of the EMS department.
   (2) Interview personnel for the coordinator's position. To recommend the coordinator for the emergency medical services to the common council for approval.

(b) The coordinator shall appoint subordinates subject to approval by the emergency medical services commission.

(Code 1968, § 2.14(4))

Sec. 2-295. - Disciplinary actions.

The emergency medical services coordinator shall have the authority to prescribe disciplinary procedures against emergency medical technicians. Should any emergency medical technician desire to appeal a penalty prescribed by the coordinator, the aggrieved EMT shall first exhaust the city EMS grievance procedure. If the grievance is not satisfactorily adjusted by the city EMS grievance board, the appeal shall then be made to the emergency medical services commission.

(Code 1968, § 2.14(5))

Sec. 2-296. - Other powers.

The emergency medical services commission shall have the power to discipline, suspend or terminate the coordinator. If the coordinator disputes the decision of the commission, he shall have the right to appeal the disputed decision to the common council.

(Code 1968, § 2.14(6))

Secs. 2-297—2-320. - Reserved.

DIVISION 9. - PARKS AND RECREATION COMMISSION[10]

Footnotes:
*--- (**10**) ---*
Cross reference— *Parks and recreation, ch. 54.*

State Law reference— *City park boards, Wis. Stats. § 27.08.*

Sec. 2-321. - Creation.

There is hereby created a board of parks and recreation commission of the city.

(Code 1968, § 2.16(1))

Sec. 2-322. - Membership, appointment and term of office.

The parks and recreation commission shall consist of eight citizens of the city, appointed annually by the mayor and approved by the common council, one of whom shall be a member of the common council. The recreation director and public works director shall be ex-officio nonvoting members. Initially, three individuals shall be appointed for two-year terms, and four individuals shall be appointed for a one-year term. The member of common council will be appointed annually. Members of the parks and recreation commission shall serve without salary or other compensation. The commission shall elect a chairperson of the commission. The commission may adopt rules for its government and procedure. Four members of the commission shall constitute a quorum for the transaction of business. The chairperson will be a voting member only in the event of a tie.

(Code 1968, § 2.16(2))

Sec. 2-323. - Powers and duties.

The parks and recreation commission shall have the following powers and duties:

(1) With respect to parks, the commission shall have the powers and duties provided by Wis. Stats. §§ 27.08—27.10. The acceptance of gifts of money or property or the acquisition of property or privileges for park purposes, as defined in Wis. Stats. § 27.08, can be accomplished only upon the recommendation of the commission and approval by the common council by resolution, but the dedication of land, or money in lieu thereof, to the city for park, recreation or other public purposes in connection with the subdivision of land, shall be deemed to have been approved by the common council in and by its act of accepting the final plat in connection with which such dedication is made.

(2) The parks and recreation commission shall have jurisdiction over the parks, tennis courts, ice skating facilities, adult and youth recreation programs, ball diamonds, and playgrounds throughout the city, and shall have the power to adopt rules and regulations therefor, including the establishment of user fees. All matters which pertain to the foregoing shall be referred to the parks and recreation commission prior to official action being taken thereon by the common council, or any committee thereof.

(3) A master plan for park development may be created and maintained by the parks and recreation commission, with the advice and assistance of the city attorney, which shall be subject to approval by the common council. Such plan shall be a projection and anticipation of major maintenance needs, development of existing and future park plans and park programs.

(4) Function as a tree board and develop and administer a comprehensive city tree management program with the aid of the director of public works in accordance with article IV, chapter 66 of this Code.

(Code 1968, § 2.16(3))

Sec. 2-324. - Additional powers and duties.

The parks and recreation commission shall have all the powers conferred by law upon park and recreation commissions and shall be chargeable with all the duties so required, such as recommend, oversee work and oversee funds of all parks, playgrounds and recreational activities as part of properties within the city. The parks and recreation commission is specifically empowered and directed:

(1)

To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the city and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.

(2) To acquire in the name of the city for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the city of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the commission to the common council and approved by the common council by resolution.

(3) With prior common council approval, to buy or lease lands in the name of the city for park purposes within or without the city and, with the approval of the common council, to sell or exchange property no longer required for its purpose.

(4) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the city park system and recreation program, subject to budgetary approval by the common council.

(5) To establish such rules and regulations to promote the quiet, orderly and suitable use of the city parks and playgrounds as the commission shall deem necessary.

(6) To establish rules and regulations, including user fees as deemed necessary as approved by the common council and desirable for the proper use, care and operation of parks, park facilities, recreation programs and other activities; provided, however, that such rules and regulations do not conflict with the laws of the state or this Code.

Unless otherwise provided, the parks and recreation commission shall perform such other and further duties as may be necessary for the proper carrying out of the purposes of the commission and as specified in Wis. Stats. § 27.08(2).

(Code 1968, § 2.16(4))

Sec. 2-325. - Record.

The parks and recreation 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.

(Code 1968, § 2.16(5))

Sec. 2-326. - Budget.

The parks and recreation commission shall assist in preparing an annual budget for submission to the city administrator, which budget shall reflect the commission's recommendations as to maintenance or acquisition of city parks, open spaces, park and related facilities, recreation programs and equipment. Such annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the park and recreation system. The parks and recreation commission shall cooperate with other city departments in manpower and machinery exchanges.

(Code 1968, § 2.16(6))

Sec. 2-327. - Monetary contributions.

All moneys donated to the city specifically for park or recreation use shall be deposited in city accounts as a nonlapsing fund or reserve for such specific use.

(Code 1968, § 2.16(7))

Sec. 2-328. - Rules.

The parks and recreation commission is hereby authorized to adopt rules and to adopt regulations for the proper use, care and operation of the property (under their control), provided that such rules and regulations shall not conflict with the laws of this state or any rules or regulations enacted by the common council.

(Code 1968, § 2.16(8))

Secs. 2-329—2-350. - Reserved.

DIVISION 10. - TOURISM DEVELOPMENT COMMITTEE[11]

Footnotes:
*--- **(11)** ---*
***State Law reference—** Creation of commission, Wis. Stats. § 66.0615(1m).*

Sec. 2-351. - Creation.

There is hereby created a tourism development committee of the city.

(Code 1968, § 2.17(1))

Sec. 2-352. - Membership, appointment and term of office.

The tourism development committee shall consist of seven citizens of the Greater Milton Area, appointed annually by the mayor and approved by the common council, two of whom shall be members of the common council, three of whom shall be citizens at large, two of whom shall be MACCIT Board representatives of the Milton Area Chamber of Commerce, Industry and Tourism (MACCIT), and two ex-officio members, one of whom shall be a representative of the Janesville Area Convention and Visitors Bureau, Inc., and one of whom shall be a representative of the Rock County Economic Development and Planning Agency. Initially, the individuals appointed as citizens at large shall be appointed for two-year terms and the individuals appointed as representatives of MACCIT shall be appointed for a one-year term to be followed by a two-year term. The common council members are yearly appointees, and the ex-officio members are permanently appointed positions to the board. Members of the committee shall serve without salary or other compensation. The mayor shall select the chairperson of the committee to serve for a one-year term during the first meeting of the committee in May of each calendar year. The committee may adopt rules for its government and procedure. Four members of the committee shall constitute a quorum for the transaction of business.

(Code 1968, § 2.17(2); Ord. No. 364, § I, 11-7-2012)

Sec. 2-353. - Responsibilities and duties.

The tourism development committee shall have the following responsibilities and duties:

(1) With respect to promoting and developing tourism, the committee shall have the responsibilities and duties to accept gifts of money or property for tourism purposes, and can be accomplished only upon the recommendation of the committee and approval by the common council by

resolution.

(2) A master plan for tourism development may be created and maintained by the tourism development committee which shall be subject to approval by the common council. Such plan shall be a projection and anticipation of major promotional needs, and development of existing and future tourism plans and programs.

(Code 1968, § 2.17(3))

Sec. 2-354. - Additional responsibilities and duties.

The tourism development committee is specifically empowered and directed to:

(1) Adopt rules and regulations to promote tourism within the corporate limits of the city.

(2) Acquire in the name of the city for tourism development purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the city of money or other property, real or personal, either absolutely or in trust, for tourism development purposes shall be accepted only after they have been recommended by the committee to the common council and approved by such common council by resolution.

(3) Apply for and acquire grants and intergovernmental aid for tourism development purposes only after they have been recommended by the committee to the common council and approved by such common council by resolution.

(4) Have the powers necessary and convenient for the effective and efficient development, supervision and operation of a city tourism program, subject to budgetary approval by the common council.

(Code 1968, § 2.17(4))

Sec. 2-355. - Record.

The tourism development committee shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the city clerk.

(Code 1968, § 2.17(5))

Sec. 2-356. - Budget.

The tourism development committee shall assist in preparing an annual budget for submission to the city administrator, which budget shall reflect the committee's recommendations as to promoting and maintaining tourism, related facilities and programs. Such annual budget request shall contain estimates as to revenues as well as estimated expenditures for operating and maintaining a tourism promotion program. The tourism development committee shall cooperate with other city departments in manpower and other exchanges.

(Code 1968, § 2.17(6))

Sec. 2-357. - Monetary contributions.

All moneys donated to the city specifically for tourism promotion shall be deposited in city accounts as a nonlapsing fund or reserve for such specific use.

(Code 1968, § 2.17(7))

Sec. 2-358. - Rules.

The tourism development committee is hereby authorized to adopt rules and to adopt regulations for the promotion of tourism, provided that such rules and regulations shall not conflict with the laws of this state or any rules or regulations enacted by the common council.

(Code 1968, § 2.17(8))

Secs. 2-359—2-370. - Reserved.

DIVISION 11. - COMMUNITY DEVELOPMENT AUTHORITY

Sec. 2-371. - Findings; declaration of necessity.

(a) The city finds and declares that there exists within the city the need for blight elimination, clearance of undesirable conditions, urban renewal and community development programs and/or projects and housing projects (qualified redevelopment projects).

(b) The city has in existence a housing authority created under Wis. Stats. § 66.1201 operating within the city, which has some but not all of the authority to carry out the needs stated in subsection (a) of this section. Pursuant to Wis. Stats. § 66.1335, the existing housing authority would terminate and any programs and projects which have been begun by the housing authority shall, upon adoption of the resolution from which this division is derived, be transferred to and completed by the community development authority.

(Res. No. 20-03, § 1, 12-2-2003)

Sec. 2-372. - Creation; status as public body.

Pursuant to Wis. Stats. § 66.1335, there is hereby created a housing and community development authority which shall be known as the community development authority of the city. The community development authority (the "CDA") is deemed to be a public body and a body corporate and politic exercising necessary public powers, and having all the powers, duties and functions conferred on housing authorities, redevelopment authorities and housing and community development authorities by applicable law. The CDA is created for the purpose of carrying out all such blight elimination, clearance of undesirable conditions, urban renewal programs and projects and housing projects within the city.

(Res. No. 20-03, § 2, 12-2-2003)

Sec. 2-373. - Composition; powers; compensation.

The CDA shall consist of seven residents of the city as commissioners having sufficient ability and experience in the field of urban renewal community development and housing and who shall serve as the governing body ("commissioners") of the CDA. The powers of the CDA shall be vested in and exercised by the commissioners in office from time to time. The commissioners shall receive no compensation for their services.

(Res. No. 20-03, § 3, 12-2-2003)

Sec. 2-374. - Appointment ; vacancies.

The commissioners of the CDA shall be appointed by the mayor and confirmed by the common council as follows:

(1)

Two of the commissioners shall be members of the common council and shall serve during their term of office. The mayor may serve as one of the council appointees to the CDA, and shall serve during the mayor's term of office.

(2) The first appointments of the five commissioners who are not members of the common council shall be made for the following terms:

a. Two for terms of one year ending on the third Tuesday in April of 2004 and one each for terms of two, three and four years ending on the third Tuesday in April of 2005, 2006 and 2007, respectively. Thereafter, all commissioners who are not members of the common council should be appointed for terms of four years.

b. A commissioner who is not a member of the common council shall hold office until his or her successor has been appointed and qualified unless such commissioner's term is vacated earlier because of his or her change of residence, removal, resignation, incapacity or death.

(3) After the appointments of the original seven commissioners have been made and confirmed, vacancies occurring during any term shall be filled for the unexpired portion of the term and new appointments or reappointments of commissioners shall be made in the same manner in which the original appointments were made.

(Res. No. 20-03, § 4, 12-2-2003)

Sec. 2-375. - Meetings; quorum; bylaws.

Meetings of the CDA shall be held in compliance with the provisions of the Open Meetings Law, Wis. Stats. §§ 19.81—19.98. Four commissioners shall constitute a quorum of the CDA for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of the majority of commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of the quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt, and from time to time amend or repeal, such bylaws and other rules and regulations not inconsistent with applicable law, as it deems necessary in the performance of its functions, subject to the approval of the common council.

(Res. No. 20-03, § 5, 12-2-2003)

Sec. 2-376. - Selection of officers.

The CDA shall annually elect a chairperson and vice chairperson from among the commissioners. Vacancies occurring in the office of chairperson or vice chairperson shall be filled from among the commissioners for the unexpired portion of the term. Whenever the mayor of the city shall be appointed and confirmed by the common council as a commissioner of the CDA, the mayor shall act as chairperson of the CDA.

(Res. No. 20-03, § 6, 12-2-2003)

Sec. 2-377. - Powers and duties of CDA.

(a) The CDA shall have all the powers, duties and functions of a housing authority as set forth in Wis. Stats. §§ 66.1201—66.1213 inclusive, and all housing projects initiated by the CDA and approved by the common council shall be undertaken and carried out pursuant to such sections.

(b)

The CDA shall have all the powers, duties and functions of the redevelopment authority as set forth in Wis. Stats. § 66.1333, and all projects relating to blight eliminations, clearance of undesirable conditions, urban renewal and redevelopment programs initiated by the CDA and approved by the common council shall be undertaken and carried out pursuant to Wis. Stats. §§ 66.1105, 66.1301—66.1329, inclusive, Wis. Stats. §§ 66.1331, 66.1333 or Wis. Stats. § 66.1337 as determined appropriate by the common council on a project by project basis.

(c) The CDA is authorized to act as agent for the city in planning and carrying out community development programs and activities approved by the mayor and common council under the Federal Housing and Community Development Act of 1974, as amended, 42 USC 5300—5320.

(d) The CDA is further authorized to act as agent to perform all acts (except the development of the general plan of the city) which may be otherwise performed by the city plan commission under Wis. Stats. §§ 66.1105, 66.1301—66.1329, inclusive, Wis. Stats. § 66.1331 or Wis. Stats. § 66.1337.

(e) The CDA may issue bonds or notes from time to time in furtherance of its power and duties and as authorized by state law and the city hereby declares that such CDA bonds and notes are issued for an essential public and government purpose and are public instrumentalities.

(f) In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as conferred on it from time to time by the common council.

(Res. No. 20-03, § 7, 12-2-2003)

Sec. 2-378. - Construction.

The powers conferred upon the CDA pursuant to this division and pursuant to Wis. Stats. § 66.1335 as amended from time to time shall be in addition to and supplemental to the powers conferred upon a CDA by any other law, provided that insofar as this division or Wis. Stats. § 66.1335 is inconsistent with any other law, this division and Wis. Stats. § 66.1335 shall control.

(Res. No. 20-03, § 8, 12-2-2003)

Secs. 2-379, 2-380. - Reserved.

DIVISION 12. - ECONOMIC DEVELOPMENT COMMITTEE[12]

Footnotes:
*--- (**12**) ---*
***Editor's note**—Ord. No. 365, § I, adopted Nov. 7, 2012, added provisions to the Code designated as §§ 2-391—2-398. Inasmuch as there were already provisions so designated, the provisions have been redesignated as 2-381—2-388, at the discretion of the editor.*

Sec. 2-381. - Creation.

There is hereby created an economic development commission of the city.

(Ord. No. 365, § I, 11-7-2012)

Sec. 2-382. - Membership, appointment and term of office.

The economic development commission shall consist of seven citizens of the greater Milton area, appointed annually by the mayor and approved by the common council, two of whom shall be members of the common council, three of whom shall be citizens at large, two of whom shall be MACCIT Board appointed representatives of the Milton Area Chamber of Commerce, Industry and Tourism (MACCIT), and as an ex-officio member, a representative of the Rock County Planning and Economic Development Agency. Initially, the individuals appointed as citizens at large shall be appointed for two-year terms and

the individuals appointed as representatives of MACCIT shall be appointed for a one-year term to be followed by a two-year term. The common council members are yearly appointees and the ex-officio member is a permanently appointed position to the board. Members of the commission shall serve without salary or other compensation. The mayor shall select the chairperson of the commission to serve for a one-year term during the first meeting of the commission in May of each calendar year. The commission may adopt rules for its government and procedure. Four members of the commission shall constitute a quorum for the transaction of business.

(Ord. No. 365, § I, 11-7-2012)

Sec. 2-383. - Responsibilities and duties.

The economic development commission shall have the following responsibilities and duties:

(1) With respect promoting economic development, the commission shall have responsibilities and duties to accept gifts of money or property for economic development purposes, and can be accomplished only upon the recommendation of the commission and approval by the common council by resolution.

(2) A master plan for economic development may be created and maintained by the economic development commission which shall be subject to approval by the common council. Such plan shall be a projection and anticipation of major promotional needs, and development of existing and future economic development plans and programs.

(Ord. No. 365, § I, 11-7-2012)

Sec. 2-384. - Additional responsibilities and duties.

The economic development commission is specifically empowered and directed to:

(1) Adopt rules and regulations to promote economic development within the corporate limits of the city;

(2) Acquire in the name of the city for economic development purposes by a gift, devise or bequest, either absolutely or in trust, money, real or personal property, or any corporal right or privilege, provided gifts to the city of money or other property, real or personal, either absolutely or in trust, for economic development purposes shall be accepted only after they have been recommended by the commission to the common council and approved by such common council by resolution;

(3) Apply for and acquire grants and intergovernmental aid for economic development purposes only after they have been recommended by the commission to the common council and approved by such common council by resolution.

(4) Have the powers necessary and convenient for the effective and efficient development, supervision and operation of a city economic development program, subject to budgetary approval by the common council.

(Ord. No. 365, § I, 11-7-2012)

Sec. 2-385. - Records.

The economic development 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.

(Ord. No. 365, § I, 11-7-2012)

Sec. 2-386. - Budget.

The economic development commission shall assist in preparing an annual budget for submission to the city administrator, which budget shall reflect the commission's recommendations as to promoting and maintaining economic development, related facilities and programs. Such annual budget request shall contain estimates as to revenues as well as estimated expenditures for operating and maintaining an economic development program. The economic development commission shall cooperate with other city departments in manpower and other exchanges.

(Ord. No. 365, § I, 11-7-2012)

Sec. 2-387. - Monetary contributions.

All monies donated to the city specifically for economic development promotion shall be deposited in city accounts as a non-lapsing fund or reserve for such specific use.

(Ord. No. 365, § I, 11-7-2012)

Sec. 2-388. - Rules.

The economic development commission is hereby authorized to adopt rules and adopt regulations for the promotion of economic development, provided that such rules and regulations shall not conflict with the laws of this state or any rules and regulations enacted by the common council.

(Ord. No. 365, § I, 11-7-2012)

Secs. 2-389, 2-390. - Reserved.