

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Board of Trustees - 01/15/2018

FROM: Loren White, Trustee

DESCRIPTION: Ordinance No. 18-001: An ordinance to amend; Chapter 2, Article II, of the Village of Weston Municipal Code, renaming the following Committees:
Section 2.214(2) Standing Committees, ~~Personnel Committee~~ to **Human Resources Committee**,
Section 2.214(3) ~~Property and Infrastructure Committee~~ to **Public Works and Utility Committee**,
Section 2.214(4) ~~Community Life and Public Safety Committee~~ to **Public Safety Committee**,

In amending the above sections there are attendant references throughout remaining chapters of the municipal code which have corresponding amendment requirements. This ordinance accomplishes the committee name changes and the attendant amendments to sections of chapters of the Village of Weston Municipal Code.

ACTION:	<input checked="" type="checkbox"/> Approve	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION:

Should the Board of Trustees approve the name changes of the committees in the Village of Weston Municipal Code, Chapter 2, Administration: Personnel Committee to **Human Resources Committee**, Property and Infrastructure Committee to **Public Works and Utility Committee**, and Community Life and Public Safety to **Public Safety Committee**. After having done so, should the Board of Trustees make the attendant changes throughout the Village of Weston Municipal Code where these committees are cited or referred to?

BRIEF:

The Village of Weston committee members and general public have expressed that there exists an unclear meaning to the following committee names and therefor their functions; Personnel Committee, Property and Infrastructure Committee, Community Life and Public Safety. When the Village Board changes the names of these committees, references to and assignments of tasks to these committees throughout Ordinances of the Village of Weston Municipal Code make the corresponding name changes in those sections necessary. The proposed names are; Personnel

Committee to **Human Resources Committee**, Property and Infrastructure
Committee to **Public Works and Utility Committee**, Community Life and Public
Safety Committee to **Public Safety Committee**.

The additional changes to the various Sections of Articles in Chapters of the Village of Weston Municipal Code are enumerated in Ordinance No. 18-001

FISCAL IMPACT: NONE

RECOMMEND: To make the name changes of standing committees as proposed, and further to amend sections of articles of chapters of the Village of Weston Municipal Code where there are attendant references.

COMMITTEE: N/A

REQUEST: To approve Ordinance No. 18-001.

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- Additional briefer with this agenda item.
 - Additional reference documents which have been attached to this report Ordinance No. 18-001.

ORDINANCE NO. 18-001

**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN AN ORDINANCE
AMENDING:**

SECTION 2.214(2);

SECTION 2.214(3);

**SECTION 2.214(4); of ARTICLE II. Village Board, Division 3. Committees, CHAPTER
2, ADMINISTRATION**

SECTION 10.122(d)(1);

SECTION 10.122(d)(2);

SECTION 10.122(g);

SECTION 10.123(d)(1);

SECTION 10.123(d)(2);

SECTION 10.123(d)(3);

SECTION 10.123(d)(4);

**SECTION 10.123(g); of ARTICLE I. Animal Control and Licensing, CHAPTER 10
ANIMALS**

SECTION 10.205(a);

SECTION 10.205(b);

SECTION 10.205(c);

SECTION 10.207(b); of ARTICLE II. Dangerous Animals, CHAPTER 10 ANIMALS

SECTION 10.301(d);

SECTION 10.301(d)(1); of ARTICLE III. Hunting, CHAPTER 10 ANIMALS

SECTION 18.148(n);

**SECTION 18.148(q); of ARTICLE IX. MOBILE FOOD VENDORS, CHAPTER 18
BUSINESSES**

**SECTION 34.306(c); of ARTICLE III. False Fire Alarms, CHAPTER 34 FIRE
PREVENTION AND PROTECTION**

SECTION 50.102(9); of CHAPTER 50 NUISANCES

CREATING:

**SECTION 54.116(e)1.e.; of ARTICLE I. In General, CHAPTER 54 OFFENSES AND
MISCELLANEOUS PROVISIONS**

AMENDING AND RENUMBERING:

**SECTION 54.116(e)1.e.; of ARTICLE I. In General, CHAPTER 54 OFFENSES AND
MISCELLANEOUS PROVISIONS**

AMENDING:

SECTION 86.4.102(3);

SECTION 86.4.115(5)(c)1.;

SECTION 86.4.116(1);

SECTION 86.4.116(1)(b);

SECTION 86.4.116(2);

SECTION 86.4.116(3);

SECTION 86.4.116(3)(c);

SECTION 86.4.116(4)(a); ARTICLE IV. SEWERAGE UTILITY, CHAPTER 86 UTILITIES

SECTION 86.5.103(h);

SECTION 86.5.103(h)(1);

SECTION 86.5.103(i); ARTICLE V. DIVISION 1. STORMWATER UTILITY CHAPTER 86 UTILITIES

OF THE MUNICIPAL CODE FOR THE VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

That it is the desire of the Village Board to rename several of its committees:

Personnel Committee,

Property and Infrastructure Committee,

Community Life and Public Safety,

WHEREAS the Village of Weston has determined that there exists an unclear meaning to the above committee names and therefor their functions,

WHEREAS in addition to the committee name changes, references to and assignments of tasks to these committees throughout Ordinances of the Village of Weston Municipal Code make the corresponding name changes in those section necessary,

THEREFORE, the Village board hereby ordains,

SECTION 1:

Sec. 2.214. Standing committees.

(2) ~~Personnel Committee~~ Human Resources Committee

Sec. 2.214. Standing committees.

- (3) ~~Property and Infrastructure Committee~~ Public Works and Utility Committee

Sec. 2.214. Standing committees.

- (4) ~~Community Life & Public Safety Committee~~ Public Safety Committee

Sec. 10.122. Kennels.

(d) *Grant or denial of license.*

- (1) The ~~Community Life and Public Safety (CLPS) Committee~~ Public Safety Committee shall review the application and shall make a recommendation to the Board of Trustees whether to grant or deny the license based on the material submitted in the application, the submitted operational plan and its compliance with Chapter 94 Article 4 Sec. 94.4.05(12), Chapter 94 Article 16 Secs. 94.16.04 and 94.16.06.
- (2) The Village Board, after receiving a recommendation from the ~~CLPS Committee~~ Public Safety Committee, shall vote to grant or deny the license. In addition to the operational plans of subsection (f) below, the plan commission, ~~CLPS Committee~~ Public Safety Committee or board may impose additional conditions on the grant of any license under this section; and failure to comply with such conditions may be cause for revocation of the license.
- (g) *Term of license.* Licenses issued under this subsection shall expire annually on June 30. Renewals of licenses may be granted by the Village Board after recommendation by the ~~CLPS Committee~~ Public Safety Committee.

Sec. 10.123. Animal Fanciers.

(d) *Grant or denial of permit; Notice.*

- (1) Following review and approval by the Humane Officer, the ~~CLPS Committee~~ Public Safety Committee shall review the application and shall make a recommendation to the Board of Trustees on whether to grant or deny the license.
- (2) The ~~CLPS Committee~~ Public Safety Committee may, but is not required to hold a hearing before deciding whether to recommend to the Village board to grant or deny a license under this section. If the ~~CLPS Committee~~ Public Safety Committee chooses to hold a hearing, a copy of the notice of the meeting at which the hearing will be held shall be mailed to the owners of property within 300 feet of the applicant's property and the owners of the property immediately across the street at least 14 days prior to the hearing.

- (3) If the ~~CLPS Committee~~ Public Safety Committee does not hold a public hearing on the license application, a copy of the meeting notice at which the application will be acted upon shall be mailed to the owners of property within 300 feet of the applicant's property and the owners of property immediately across the street at least 7 days before the meeting.
- (4) The Village board, after receiving a recommendation from the ~~CLPS Committee~~ Public Safety Committee, shall vote to grant or deny the license. In addition to the operational plans of subsection (f) below, the plan commission, ~~CLPS Committee~~ Public Safety Committee or board may impose additional conditions on the grant of any license under this section; and failure to comply with such conditions may be cause for revocation of the license.
- (g) *Term of license.* Licenses issued under this subsection shall expire annually on December 31. Renewals of licenses may be granted by the Village Board after recommendation by the ~~CLPS Committee~~ Public Safety Committee.

Sec. 10.205. Appeal process for dangerous and prohibited dangerous animal.

- (a) Whenever an owner or caretaker wishes to contest an order of the chief of police or the chief's designee to declare an animal dangerous under subsection (c) or prohibited dangerous under Sec. 10.204, he or she shall, within seventy-two (72) hours after receipt of the order, deliver to the Village Clerk, a written objection to the order, addressed to the ~~Community Life & Public Safety Committee~~ Public Safety Committee, stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the ~~Community Life & Public Safety Committee~~ Public Safety Committee to be reviewed at the next regular meeting. The ~~Community Life & Public Safety Committee~~ Public Safety Committee shall act as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared dangerous or prohibited dangerous.
- (b) After the hearing, the owner or caretaker shall be notified of the ~~Community Life & Public Safety Committee~~ Public Safety Committee's determination.
- (c) If the owner or caretaker wishes to further contest the determination, he or she may, within five (5) days of receiving the ~~Community Life & Public Safety Committee~~ Public Safety Committee's decision, seek a review of the decision by the circuit court.

Sec. 10.207. Impoundment.

- (b) The owner or caretaker of the animal shall be liable to the village for the costs and expenses of impounding an animal unless the chief of police or the chief's designee fails to declare the animal dangerous or prohibited dangerous or the determination is ultimately overturned by the ~~Community Life & Public Safety Committee~~ Public Safety Committee or a reviewing court.

Sec. 10.301. Permitted activity zones.

- (d) *Special permits.* In *Archery Zones*, special permits for unrestricted small game, waterfowl, and large game hunting may be granted upon application to the Village Board through the Village of Weston ~~Community Life & Public Safety Committee~~ Public Safety Committee. Such permits shall be valid from July 1 to June 30 of each year and shall cover the Wisconsin small game season, waterfowl season, and big game hunting season including "special" seasons. Small game and waterfowl season hunting restrictions shall also apply to these permits.

Archery zoned *Special Permits* shall be restricted to; rimfire rifles and handguns; air rifles; and shotguns firing shot size and type as permitted by the Wisconsin Department of Natural Resources.

- (1) Applications for *Special Hunting Permit(s)* shall be submitted to the Village of Weston ~~Community Life & Public Safety Committee~~ Public Safety Committee for their review and recommendation at the next available meeting.

The application will be reviewed by the ~~Community Life & Public Safety Committee~~ Public Safety Committee to assess the location of the area to be hunted, the terrain, vegetation density, its proximity to; residences, businesses, schools, commercial structures, public parks, major roadways, and the probability of stray shots striking persons, or structures.

The Village Board of the Village of Weston shall have the final authority to grant or deny such permits.

An applicant may appeal the denial of a special hunting permit to the Village of Weston, Village Board.

Sec. 18.148. Mobile Food Vendors License.

- (n) *Approval.* Upon the completion of an investigation, the Chief of Police shall submit a report regarding the fitness of the applicant to conduct the proposed business based on the accuracy or omission of the statements made in the application. The Chief of Police shall return the application to the Village Clerk for the referral to the ~~Community Life and Public Safety Committee~~ Public Safety

Committee, who shall make the recommendation of action to the Village Board. Upon the return of the application from the Village Board, the Clerk shall either issue the license to the applicant or notify the applicant by mail, or email, and in writing that the application was denied, along with the reasons therefore, based on the approval or denial, respectively.

(q) ***Suspension, Revocation or Non-Renewal.***

- (1) The ~~Community Life and Public Safety Committee~~ Public Safety Committee may make a recommendation to suspend, revoke or fail to renew a license issued under this Article to the Village Board. Cause for suspending, revoking or non-renewal of a license shall include one of the following reasons:
 - i. Violation by licensee, its manager or an employee of a provision of this Article, Chapter 94 or any other municipal ordinance applicable to the business of the licensee.
 - ii. Violation of the Marathon County Health Department, the State food and health regulations, or any other regulations relating to the handling and serving of food to the general public.
 - iii. Fraud, misrepresentation or false statements contained in the license application submitted under this article or made in carrying on the business of the licensee.
 - iv. Conviction of the licensee, its manager, or an employee of a felony or misdemeanor substantially related to the mobile food vending operation.
 - v. Conducting mobile food vending operations in such a manner as to constitute a menace to the health, safety and welfare of the general public.
- (2) Appeal of the decision of the Village Board appeal the denial of the license through the appeal procedure provided by ordinance or resolution of the Village Board, or if none has been adopted, then under the provisions of Wis. Stats. §§ 68.07 through 68.16.
- (3) No applicant who has had a license denied, or licensee who has had their license suspended, revoked or non-renewed may make any further application for a license under this Chapter for a one-year period.

Sec. 34.306. Service Fees.

- (c) The Service Fees established by this Chapter shall be calculated periodically based on employee labor rates, equipment costs and the Department service costs and established by the Village ~~Community Life and Public Safety (CLPS) Committee~~ Public Safety Committee via a fee schedule adopted by the Village Board.

Sec. 50.102. Property Maintenance Code

- (9) ***Compliance Inspection.*** An inspection performed in conjunction with a lawful order of the Chairperson of the Weston ~~Community Life and Public Safety Committee~~ Public Safety Committee, Village Administrator, Chief of Police, Village Fire Inspector, Zoning Administrator or Building Inspector or their designees for the purpose of certifying the fulfillment of an official requirement listed in the order.

Sec. 54.116. Escorts and Escort Services.

(e) ***Standards for license issuance.***

- (1) To receive a license to operate an escort service, an applicant must meet the following standards:
- a. If the applicant is an individual:
 - i. The applicant shall be at least eighteen (18) years of age;
 - ii. Subject to Wis. Stats Chapter 111, the applicant shall not have been convicted of or pleaded *nolo contendere*, or no contest, to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction;
 - iii. The applicant shall not have been convicted of a felony, misdemeanor or ordinance violation which substantially relates to the licensed activity;
 - iv. The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.
 - b. If the applicant is a corporation:
 - i. All officers, directors and others required to be named under Sec. 54.116(d)(2) shall be at least eighteen (18) years of age;

- ii. Subject to Wis. Stats. [Chapter 111](#), no officer, director or other person to be named under Sec. 54.116(d)(2) shall have been convicted of or pleaded *nolo contendere*, or no contest, to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction;
 - iii. No officer, director or other person required to be named under Sec. 54.116(d)(2) shall have been convicted of a felony, misdemeanor or ordinance violation which substantially relates to the licensed activity.
 - iv. No officer, director or other person required to be named under Sec. 54.116(d)(2) shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.
- c. If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
- i. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
 - ii. No persons having a financial interest in the partnership, joint venture or other type of organization shall, subject to Wis. Stats. [Chapter 111](#), have been convicted of or pleaded *nolo contendere*, or no contest, to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction;
 - iii. No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of a felony, misdemeanor or ordinance violation which substantially relates to the licensed activity;
 - iv. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this ordinance within five (5) years immediately preceding the date of the application.
- d. No license shall be issued unless the Everest Metro Police Department has investigated the applicant's qualifications to be licensed.
- e. [The village clerk shall forward the Escort and Escort Service license application\(s\) to the Public Safety Committee. The Public Safety Committee shall review the Escort and Escort Services license application](#)

to ensure that all provisions applicable to the granting of such license(s) have been complied with. After review, the Public Safety Committee shall forward its recommendation to the village board for final action

- e.f. If any charges are currently pending which, if resulting in a conviction, would disqualify the applicant pursuant to subsections (e) (1) (a), (b) and (c) above, the ~~Community Life and Public Safety Committee~~ Public Safety Committee may postpone action on the application until such time as the charge is resolved. Should the ~~Community Life and Public Safety Committee~~ Public Safety Committee fail to act upon an application within sixty (60) days of the resolution of the charge, the application shall be deemed granted.

Section. 86.4.102 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (3) *Approving Authority*: shall mean the ~~Property and Infrastructure Committee~~ Public Works and Utility Committee that manages the Weston Municipal Utilities.

Section 86.4.115. Enforcement, Abatement, and Penalties.

- (5) *Orders to Show Cause*. When the Village finds that a *User* has violated or continues to violate any order or enforcement action issued herein, the Village may order the *User* to appear before the Director of Utilities to show cause why the proposed enforcement action should not be taken.

(c) *Appeals*.

1. A person aggrieved by a decision of the Director of Utilities or designated hearing examiner in an order-to-show-cause proceeding may seek review of the decision before the ~~Property and Infrastructure Committee~~ Public Works and Utility Committee.
2. Review shall be limited to the record before the Director of Utilities or hearing examiner at the order to show cause hearing.

Section 86.4.116 Appeals.

- (1) *Notice of Appeal*. Any *User* directly aggrieved by any decision of the Village other than a decision arising out of a hearing to show cause under Section 86.4.116(5) may file a notice of appeal with the ~~Property and Infrastructure Committee~~ Public Works and Utility Committee.

- (a) The notice shall state the grounds upon which the aggrieved *User* contends the decision should be modified or reversed.

- (b) The notice shall be received by the ~~Property and Infrastructure Committee~~ Public Works and Utility Committee within thirty (30) days of the decision of the Village.
 - (c) The filing of the notice of appeal shall stay enforcement of the decision pending resolution of the appeal.
 - (d) A fee of \$100 shall accompany any appeal. This fee may be refunded if the appeal is sustained in favor of the appellant.
- (2) **Notice of Hearing.** Upon receipt of a notice of appeal, the Village will schedule a hearing before the ~~Property and Infrastructure Committee~~ Public Works and Utility Committee and will serve notice of the hearing on the aggrieved *User* no less than ten (10) days before the hearing date.
- (a) The hearing notice shall specify the time and place of the hearing.
 - (b) Service of the hearing notice may be made on any agent, officer, or authorized representative of the appellant *User*.
- (3) **Authority of Property and Infrastructure Committee.** The ~~Property and Infrastructure Committee~~ Public Works and Utility Committee shall have the authority to:
- (a) Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;
 - (b) Take evidence;
 - (c) Issue a decision based on its review of the hearing evidence provided. The ~~Property and Infrastructure Committee~~ Public Works and Utility Committee may set such terms and conditions in its decision as are necessary and appropriate to protect the *Sewerage System*.
- (4) **Hearing Process.**
- (a) The ~~Property and Infrastructure Committee~~ Public Works and Utility Committee shall preside over a hearing under this subsection and shall take evidence.
 - (b) The *User* shall have the burden of proof as to why the challenged decision should not be upheld.
 - (c) Any testimony taken must be under oath. A transcript will be made available to any member of the public or any party to the hearing upon request and payment of the usual charges thereof. Such request must be made within ninety (90) days of the hearing.

- (5) **Judicial Review.** Any party to a proceeding under this Section resulting in a final determination may seek review thereof by certiorari within 30 days of receipt of the final determination.
- (6) **Relation to Wis. Stat. Chapter. 68.** The Village elects not to be governed by Wis. Stat. Chapter. [68](#) with respect to this Ordinance. Accordingly, the procedures set forth in this section apply in lieu of those in Wis. Stat. §§ [68.01 to 68.12](#).

Section 86.5.103. Rates and charges.

- (h) The Village of Weston elects not to be subject to the administrative review procedure provisions contained within Wisconsin Statutes [Chapter 68](#), and establishes the following as its municipal review procedure: As a condition precedent to challenging any stormwater utility charge, the charge must be timely paid in full under protest to the Village. An appeal shall be to the Village ~~Property and Infrastructure Committee~~ [Public Works and Utility Committee](#) and can be undertaken only by filing a written appeal with the Village Clerk concurrent with the date of payment. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount of charge that the appellant considers to be appropriate. Failure to timely and properly appeal shall deprive the Village ~~Property and Infrastructure Committee~~ [Public Works and Utility Committee](#) of jurisdiction to hear the appeal.
- (1) In considering an appeal, the Village ~~Property and Infrastructure Committee~~ [Public Works and Utility Committee](#) shall determine whether the stormwater utility charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Village ~~Property and Infrastructure Committee~~ [Public Works and Utility Committee](#) shall conduct a formal hearing at such time and place as designated in a hearing notice to the appellant, providing a minimum of five (5) business days notice to the appellant. The decision shall be based upon the evidence presented. The Director of Public Works shall notify the appellant in writing of the determination by first class mail addressed to the individual and at the address listed within the appeal. Service is conclusive upon mailing.
- (i) An aggrieved party may appeal the decision of the Village ~~Property and Infrastructure Committee~~ [Public Works and Utility Committee](#) to the Village Board by filing a written appeal with the Village Clerk no later than thirty (30) calendar days after the date of mailing the decision of the ~~Property and Infrastructure Committee~~ [Public Works and Utility Committee](#). The written appeal shall specify all grounds for challenge to the Village ~~Property and Infrastructure Committee~~ [Public Works and Utility Committee](#) decision and shall again state the amount of charge that the appellant considers to be appropriate. The appeal must specifically address the Village ~~Property and Infrastructure Committee~~ [Public Works and Utility Committee](#)'s conclusions and shall not merely repeat the bases for the initial appeal. Failure to timely and properly appeal shall deprive the Board of jurisdiction to hear the appeal.

In considering an appeal, the Village Board shall determine whether the stormwater utility charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Village Board shall consider the appeal in the same manner as a new resolution, pursuant to its rules for procedure in existence at the time of consideration. The Village Clerk shall provide written notice no later than five (5) business days to the address listed within the appeal of the time and place of the Board's consideration of the appeal. The Board shall base its decision upon the information presented at its meeting. The Village Clerk shall notify the appellant in writing of the Board's determination by first class mail addressed to the individual and at the address listed within the appeal. Service is conclusive upon mailing.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3: SECTION 4: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 15 th day of January 20 18

VILLAGE BOARD, VILLAGE OF WESTON

By: Loren White
Loren White, Vice-President

ATTEST: Sherry Weinkauff
Sherry Weinkauff, Clerk

APPROVED: 1-15-18

ADOPTED: 1-15-18

PUBLISHED: 1-20-18

