ADMINISTRATIVE COMMITTEE AGENDA

Date and Time: **Monday, July 1, 2019 at 8:00AM CDT**
Location: **City Hall, 101 South Boulevard, Baraboo, WI 53913**
Room: C205 ***Dennis O Thurow*** **Committee Room**

Notices:

Full Paper to Members:	Alderpersons: John Alt, John Ellington & Heather Kierzek
Full Paper to Others:	Mayor, Mike Palm
Paper excluding Closed Session:	Library for subsequent posting
E-mail:	Clerks and Donna Munz
Outlook Meeting Calendar:	Administrator, Ed Geick; City Attorney, Emily Truman; Police Chief, Mark Schauf; Finance Director, Cynthia Haggard; City Engineer, Tom Pinion; Clerk, Brenda Zeman
Citizen or other notices:	Becky Diller, Rev. Peter Heide, Maday Lange

1. Call to Order:
   a. Roll call of members.
   b. Note Compliance with Open Meeting Law.
   c. Approve minutes – May 6, 2019.
   d. Approve agenda.

2. Action Items:
   a. Review and recommendation to the Council to amend the City Code regulating licensing of intoxicating liquor and fermented malt under §12.02 to include placing restrictions and conditions on the "click and collect" sale of alcohol and to include bringing the section into compliance with Chapter 125, Wisconsin Statute. ***See the following attachments:***
      i. City Attorney's Memorandum
      ii. Proposed Changes to Ordinance
      iii. League of Wisconsin Municipalities Legislative Bulletin 2019-20 Summary
      iv. Article by Claire Silverman from the League of Wisconsin Municipalities
      v. US News and World Report article
      vi. Madison Ordinance
      vii. Ft. Atkinson Ordinance
      viii. Summary of the Proposed Bill Re: Operator's Licenses
      ix. Walmart Proposal including Floorplan

   b. Review and recommendation to Council the amendment of ordinance s. 1.60, <u>Public Record Retention Schedule</u>. ***See the following attachments***:
      i. Record Retention Schedule-Draft
      ii. Approval to use General Record Schedule
      iii. Municipal GRS Revised 8-2018
   c. Consider application for keeping chickens. ***See the following attachments***:
      i. Maday Lange @ 515 4th Avenue
      ii. City Ordinance 9.10(3)(b)(i)(1-5)
      iii. Email communication from Peter Heide

3. Information Items:
    a. Councilmember Training: Council Handbook.
    b. Date and time of next meeting: August 5, 2019 at 8:00AM CDT

4. Adjournment:
    John Alt, Chairman

For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com.

Agenda prepared by Cynthia Haggard, (608) 355-2700 Agenda
posted by Donna Munz on June 28, 2019

Any person, who has a qualifying disability as defined by the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Baraboo City Clerk at 101 South Boulevard, Baraboo, Wisconsin or by phone (608) 355-2700 during regular business hours at least 48 hours before the meeting to ensure reasonable arrangements are made to accommodate each request.

Administrative Committee **May 6, 2019**

Present: Alderpersons John Alt, John Ellington and Heather Kierzek
Absent: -
Also Present: Mayor, Mike Palm; Police Chief, Mark Schauf, City Attorney, Emily Truman, Finance Director, Cynthia Haggard and City Clerk, Brenda Zeman.
Citizen Present: Karen Zimmerman (1721 Birch Street)

The meeting was called to order by Chairman John Alt at 12:00PM CDT., with roll call and noting compliance with the Open Meetings Law.

Moved by Ellington to approve the minutes of February 4, 2019, seconded by Alt and unanimously carried.

Motion by Kierzek to approve agenda, seconded by Ellington and unanimously carried.

Review and recommendation to City Council to update agreement to participate in the Wisconsin Public Employers group health insurance.

Zeman stated that the resolution needs to be updated, getting rid of some of the old handbooks.

Motion to recommend the Council consider an updated resolution by Ellington, seconded by Kierzek and unanimously carried.

Consider Request for Excessive Household Animals -Sally Wehler

Schauf mentioned the City received a request from Sally Wehler about the excessive household animal ordinance. Her mother passed leaving her with a third dog at 1801 Birch Street. One of the dogs is reported as being in poor and failing health. Schauf has spoken with the Community Service Officer who is familiar with this case. The Community Service Officer has no concerns with the Committee's favorable recommendation.

Citizen Zimmerman requested assurance that the three dogs are not a precedence, so that once the third dog is gone, another one cannot be added.

Schauf explained the ordinance: The approval is specific to the animals that she has. If one of the animals were to pass, or finds an alternate placement, she would not be allowed to replace the dog.

Motion to recommend the Council to consider request for excessive household animals by Ellington, seconded by Kierzek and unanimously carried.

Member comments
The next meeting will be June 3, 2019 at 8:00AM CDT. Meeting location will be 101 South Boulevard. Moved by Ellington to adjourn, seconded by Kierzek and unanimously carried. Meeting adjourned at 12:10PM CDT.

Respectfully submitted,
Cynthia Haggard, Finance Director

Action Item 2.a. Attachments

OFFICE OF THE CITY ATTORNEY
MEMORANDUM

To: Administrative Committee
City Clerk Brenda Zeman
Chief of Police Mark Schauf

From: Emily Truman, Baraboo City Attorney

RE: "Click and Collect" Alcohol Sales and Proposed Amendments to §12.02, City Code

Date: June 25, 2019

Several retailers in Wisconsin now offer a service referred to as "click and collect" or "curbside service," where a customer is able to order groceries or other goods online or through a mobile app and the store brings the goods to the customer's car – saving the customer a trip inside the store. This has recently expanded to include the "click and collect" sale of alcohol. See attachments from the League of Wisconsin Municipalities and US News and World Report on "click and collect" alcohol sales.

Walmart, located in the city of Baraboo, has notified the City that it would like to amend its current alcohol license to include a larger description of the premises that will be covered by the license. By expanding the premises description to include an outdoor area where customers can park and have their goods delivered to them, Walmart will effectively be able to offer "click and collect" alcohol sales. See attachment for information provided by Walmart regarding their proposal.

State law and city Code do not prohibit "click and collect" alcohol sales, although a municipality does have the ability to place restrictions and conditions on the activity to ensure the sales are conducted lawfully. Examples of these restrictions include:

- Limiting the time pickup can occur (e.g., pickup can only occur between 8 a.m. and 8 p.m.).
- Cut off time for when an order can be placed for same day pickup (e.g., orders placed after 4 p.m. cannot be picked up the same day).
- Placing a minimum amount of time between when an order is placed and when it can be picked up (e.g., pickups can't occur within two hours of when the order was placed).
- Requiring that employees who physically give the alcohol to the customer in their car are subject to the same regulations as employees handling in-store sales.

Attached to this memo is a proposed update to the City's current Alcohol License Ordinance, at §12.02, Baraboo Municipal Code, which includes new language which mirrors language currently used by other communities for the regulation of "click and collect" alcohol sales.

In addition to the proposed new language regulating "click and collect" alcohol sales, there are other suggested changes to §12.02, which will bring the Code into full compliance with Chapter 125 of the State Statute. The most significant change is the requirement that all licenses, except provision operator's licenses, be approved by the Council rather than having this duty delegated to the City Administrator (note that there is a proposed bill before the State to allow a city official, such as a City Administrator or City Clerk, the ability to approve Operator's Licenses on behalf of the governing body - see attached for a summary from the League.). The City Clerk, as the City officer in charge of licensing for the City, has reviewed and approves of the proposed changes.

PROPOSED CHANGES TO SECTION 12.02 – SHOWING MARKED CHANGES

12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) STATE STATUTES ADOPTED. Except as otherwise specifically provided for in this section~~Chapter~~, the provisions of Ch. 125, Wis. Stats., ~~defining and describing the sale, possession, procurement, dispensing, transfer and otherwise regulating intoxicating liquors and fermented malt beverages, exclusive of any regulations for which the statutory penalty is a term of imprisonment,~~ are adopted and by reference made a part of this ~~Chapter~~ section as if fully set forth herein. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions or modifications of the statutory regulations in Ch. 125, Wis. Stats., are ~~intended to be~~ made a part of this ~~Chapter~~ section in order to secure to the extent legally practical uniform statewide regulation of alcohol beverages in the State of Wisconsin.

~~(2)~~

(2) DEFINITIONS. Unless otherwise specified in this section, ~~As used in this section,~~ the ~~following definitions apply:~~

~~(a) Legal Drinking Age. Twenty one years of age but includes persons who have attained the age of nineteen on or before August 31, 1986.~~

~~(b) Underage Person. A person who has not attained the legal drinking~~definitions contained in §125.02, Wis. Stat., shall apply to this section ~~age~~.

(3) LICENSES REQUIRED.

(a) No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto, whenever such license is required by state statute.

(b) A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale.

(c) No license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment, except as otherwise permitted by state statute.

(~~3~~4) LICENSE APPLICATION. In addition to the license, application conditions and restrictions imposed by in §125.04, Wis. Stat., and §12.01, City Code, the following shall apply:

~~Application for a license to sell or deal in alcohol beverages shall be submitted to the City Clerk in writing on forms furnished by the City Clerk. Applications shall contain such reasonable and pertinent information as the Council may from time to time require. Each application shall be signed and sworn to by the applicant, if an individual, or by all partners, if a partnership, or by a~~

duly authorized agent or officer of a corporation, limited liability company, club or other entity eligible for an alcohol beverage license. (a) All matters statements submitted by an applicant shall be true. Any person and/or applicant who submits an untrue statement in connection with any license application under this section shall be subject to a penalty as provided in §25.04 of this Code or §125.04(3)(j), Wis. Stat.. It shall be grounds for denial of a license if the applicant makes an untrue statement on any license application.

(b) Applications shall be filed with the City Clerk not less than 15 days prior to the granting of the license except that applications for Temporary Class "B" licenses to be issued under §125.26(6), Wis. Stats. shall be filed with the City Clerk not less than 5 business days prior to the granting of the license.

(c) All applications shall be accompanied by the appropriate fee and the cost of publication, if applicable, however no fee shall be required to be paid more than 15 days prior to the date the license is to be issued, as per §125.04(8), Wis. Stat..

(d) As applicable, applicants shall attach a copy of their Seller's Permit to the license application.

(e) AFurther, as a condition of granting a license, the applicant shall consent to a personal photograph and sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant and its officers, partners and agents. (1773 11/08/94)

(45) APPLICATION INVESTIGATION AND REVIEW.

(a) The City Clerk shall notify the City Administrator, the Chief of Police, the Zoning Administrator, the Building Inspector, and the Fire Inspector, or their respective designees, regarding all license applications, except operator's license applications which shall only be submitted to the City Administrator and Chief of Police. These officials shall cause an investigation to be made to determine whether the applicant and/or the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the City Administrator Clerk the information derived from such investigation.

(b) THe City Administrator Clerk shall review and consider said reports and shall apply the licensing standards set forth in this section and in Ch. 125 Wis. Stats., and if the City Administrator Clerk finds that there is no reasonable basis for denying the license applied for, he/she shall be authorized to grant therecommend the issuance of the license to the Administrative Committee, who shall then make a recommendation to the Common Council.

(c) If the City Administrator Clerk determines that there is any reasonable basis for denying a license, or that the license application should be reviewed and considered by the Council, he/she shall file his/her report and recommendations with the Administrative Committee. The Administrative Committee shall review and consider all reports filed with the Committee and shall file its report and recommendations with the Common Council, including any additional conditions or requirements that the Committee finds are necessary to fulfill the purpose and intent of this section. After reviewing the application and the reports referred to it by the Administrative Committee, the Council shall grant or deny the issuance of the license.

(e) Any person objecting to the granting of any license under this section shall file his/her objections and the basis therefore in writing with the City Clerk within 3 business ~~working~~ days after the date of the last publication date of the legal notice published in the City newspaper pursuant to §125.04 Wis. Stats., or if the publication of a legal notice is not required, then any objections shall be filed within 3 busiessn~~working~~ days of the filing of the application with the City Clerk.

(f) It shall be the duty of the City Clerk whenever an alcohol beverage license shall have been granted by ~~the City Administrator or the~~ Common Council, and the applicant shall have produced and filed with the City Clerk, proof of the satisfaction of any conditions or requirements imposed as a condition of granting the license and a receipt showing payment of any sums required for such license to issue to such applicant a license in accordance with the provisions of this section and of the laws of the State of Wisconsin. (1773 11/08/94, 2116 04/15/03)

(i) Provisional Operator's License. – A provisional operator's license ~~may~~shall be issued by the City ~~Administrator~~Clerk or his/her designee pursuant to §125.17(5)(1)(a), Wis. Stats., and consistent with the regulations of §125.17(5), Wis. Stat. regarding Provisional Operator's Licenses. ~~This license shall only be issued in order to enable the applicant to complete a Responsible Beverage Server Training Course and only if the applicant is enrolled in a certified training course at the time the provisional license is issued. Only one provisional operator's license shall be issued per each application. A provisional operator's license shall be valid for a period not exceeding sixty (60) days or until a regular license is issued, whichever occurs first. The City Administrator, or his/her designee, shall be authorized to issue a provisional operator's license to a person who files a certified copy of a valid operator's license issued by another municipality~~

~~In all other cases, before a new provisional license is issued, the City Administrator, or his/her designee, after consultation with the Police Chief, shall be satisfied that, except for the need to complete a Responsible Beverage Server Training Course, the applicant has met or will be able to meet the minimum licensing qualifications and requirements for the Administrator to grant a regular operator's license or a conditional operator's license pursuant to the current Standards Regarding Issuance of Bartender Licenses established by the Common Council. A provisional operator's license shall further be subject to the restrictions set forth in Wis. Stats. §125.17(5). (1713 12/21/93, 1848 01/23/96, 2095 09/24/02, 2159 07/27/04)~~

(~~5~~6) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as set forth in the City's Official Fee Schedule.

~~(a) Class "A" Fermented Malt Beverages.~~
~~(b) Class "B" Fermented Malt Beverages. A 6-month license may not be renewed in the same calendar year.~~
~~(c) Class "B" Fermented Malt Beverage Picnic License Issued Pursuant to §125.26(6), Wis. Stats.~~
~~(d) Wholesalers Fermented Malt Beverages.~~
~~(e) "Class A" Intoxicating Liquor.~~
~~(f) "Class B" Intoxicating Liquor. The license fee to bona fide clubs and lodges situated and incorporated or chartered in the State of Wisconsin for at least 6 years shall be, as provided by the Official Fee Schedule, as required by Ch. 125, Wis. Stats. The fee for licenses issued for less than one year shall be prorated.~~
~~(g) Pharmacist's License.~~

~~(h) Operator's License.~~

~~(i) Provisional Operator's License. – A provisional operator's license may be issued by the City Administrator or his/her designee pursuant to §125.17(5), Wis. Stats. This license shall only be issued in order to enable the applicant to complete a Responsible Beverage Server Training Course and only if the applicant is enrolled in a certified training course at the time the provisional license is issued. Only one provisional operator's license shall be issued per each application. A provisional operator's license shall be valid for a period not exceeding sixty (60) days or until a regular license is issued, whichever occurs first. The City Administrator, or his/her designee, shall be authorized to issue a provisional operator's license to a person who files a certified copy of a valid operator's license issued by another municipality~~

~~In all other cases, before a new provisional license is issued, the City Administrator, or his/her designee, after consultation with the Police Chief, shall be satisfied that, except for the need to complete a Responsible Beverage Server Training Course, the applicant has met or will be able to meet the minimum licensing qualifications and requirements for the Administrator to grant a regular operator's license or a conditional operator's license pursuant to the current Standards Regarding Issuance of Bartender Licenses established by the Common Council. A provisional operator's license shall further be subject to the restrictions set forth in Wis. Stats. §125.17(5). (1713 12/21/93, 1848 01/23/96, 2095 09/24/02, 2159 07/27/04)~~

~~(j) Temporary Operator's License. Not to exceed 14 days in one year.~~

~~(k) Transfer of License to Another Premises.~~

~~(l) Temporary "Class B" Wine License Issued Pursuant to §125.51(5m), Wis. Stats.~~

~~(m) Issuance of Duplicate Original License. (1628 11/12/91)~~

~~(n) "Class C" Wine License.~~

~~(a) 'Provisional Retail License. A one-time only provisional retail license may be issued by the City Administrator or his/her designee pursuant to §125.185, Wis.Stats. A provisional retail license shall be valid for a period not exceeding 60 days or until a regular license is issued, whichever occurs first. Before this license is issued, the Administrator shall be satisfied that the following standards will be met:~~

~~1. The applicant has met or will be able to meet the minimum licensing qualifications and requirements.~~

~~2. The licensed premises has undergone all required inspections and meets all applicable codes.~~

~~1. No objection to the issuance of the license has been filed with the Administrator by any City officials or officers, or by a third party.~~

~~4. The applicant and the premises will be able to satisfy all prerequisites for the issuance of a regular license within the period of the 60 day provisional license. (1849 01/23/96)~~

(7~~6~~) OPERATOR'S LICENSE. ~~All applications for an operator's license shall be filed in the office of the City Clerk. Each application shall be accompanied by the required license fee. A~~Applications for operator's license shall be reviewed and considered in accordance with Subs. (4) above. A regular operator's license shall be valid for a period of not more two years and shall expire on June 30. A conditional operator's license issued pursuant to the Current Standards Regarding Issuance of Bartender's Licenses established by the Common Council shall be valid for a period of one year and shall expire on June 30. All applications shall be filed on or before June 15, provided that nothing shall prevent the ~~City Administrator or the~~ Council from granting any licenses that are applied for at any other time for a fraction of the license period if the required license fee is paid. (1773 11/08/94, 2096 09/24/02)

~~(7) LICENSES REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.~~

(8) QUALIFICATIONS FOR LICENSES~~ AND PERMITS~~. The City incorporates the qualifications and eligibility criteria for licenses as provided for in §125.04, Wis. Stat., and §12.01, City Code.

~~(a) Natural Persons. Licenses related to alcohol beverages, issued to natural persons under this section, may be issued only to persons who:~~

~~1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.~~

~~2. Have been residents of this State continuously for at least ninety (90) days prior to the date of the application. (2159 07/27/04)~~

~~3. Have attained the legal drinking age except an operator's license may be issued to applicants who have attained the age of 18. (1477 11/10/87, 1487 12/08/87)~~

~~4. Are free from all infectious or contagious diseases and the City may require the applicant to produce a written certification to said effect by a duly licensed medical physician. (1469 05/12/87)~~

~~5. Have submitted proof that the person to whom such license is to be issued is the holder of a seller's permit under Ch. 77 of the Wisconsin Statutes or the City has been informed by an employee of the Wisconsin Department of Revenue that the Department will issue a seller's permit to the applicant. (1741 05/31/94)~~

~~6. Have successfully completed within the two years prior to the date of application a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the Board of Vocational, Technical and Adult Education or a comparable training course that is approved by the Wisconsin Department of Revenue or the Educational Approval Board, unless the applicant held within the past two years, a Class "A", or "Class A" or "Class C" license, or a Class "B" or "Class B" license or permit or a manager's or operator's license. (1741 05/31/94)~~

~~(b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to §§111.321, 111.322 and 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.~~

~~(c) Corporations and Limited Liability Companies. No license or permit may be issued to any corporation or limited liability company unless the corporation or limited liability company meets the qualifications under pars. (a) 1 and 5 and (b) above and unless the agent of the corporation or limited liability company and the officers and directors of the corporation or the members or managers of the limited liability company meet the requirements under pars. (a) 1 and 3 and (b) above, and unless the agent of the corporation or limited liability company meets the qualifications under pars. (a) 2, 4 and 6. (1741 05/31/94, 1863 04/16/96)~~

~~(d) Operators' Licenses. Paragraph (a)2. above does not apply to applicants for operators' licenses.~~

(9) LIQUOR LICENSE QUOTAS.

(a) "Class B" Liquor License Quota. The number of retail "Class B" liquor licenses issued under this section is limited as provided in §125.51(4), Wis. Stats.

(b) "Class A" Liquor License Quota. The number of "Class A" liquor licenses issued under this section is limited to one license for each 1,500 population of the City.

(10) LICENSE CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of a retail "Class A," "Class B," Class "B", Class "A", or "Class C" alcohol beverage license, the following conditions and restrictions shall apply: (1970 04/21/99)

(a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.

(b) Violation by Agents or Employees. A violation of this section by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.

(c) Sales to Underage Persons Prohibited. No alcohol beverages shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(d) Sales by Clubs. No club licensed under §125.51(3)(e), Wis. Stats., shall sell alcohol beverages except to members and guests invited by members.

(e) Cessation of Operations. If any licensee shall suspend or cease doing business for 6 consecutive months or more, his "Class A" retail liquor license or his "Class B" intoxicating liquor license or his
Class "B" fermented malt beverage license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 6-month period.

(f) Transfer of License. No license shall be transferable from person to person except as provided by §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.

(g) Location of Premises Restricted. No ~~Retail~~ "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises licensed prior to June 30, 1947, or licensed prior to the location of the institutions enumerated above.

(h) Safety and Health Requirements. No "~~retail~~ Class B" license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also conform to all ordinances and regulations of the City.

(i) Employment of Underage Persons. No ~~retail~~ "Class B" licensee shall employ any underage person, but this shall not apply to hotels, restaurants or grocery stores.

(j) Clear View of Premises Required. No premises licensed for sale of alcohol beverages shall permit the view of the interior to be substantially obstructed from the street or sidewalk by the use of curtains, blinds, screens, posters, advertising signage, lighting, or in any other manner. The premises shall be properly and adequately lighted during the hours in which the sale of alcohol beverages is permitted. (2232 08/08/2006)

(k) Disorderly Conduct and Gambling Prohibited. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

(l) Wearing Apparel. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

1. The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts below the top of the areola at all times. The lower portion of such costume,
uniform or attire must be of nontransparent material and completely cover the person's pubic genitals and the buttocks at all times.

2. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubis area, genitals and buttocks at all times.

(m) Nude Dancing in Licensed Establishments Prohibited. (1970 04/21/99)

1. ~~FINDINGS: See original ordinance No. 1970 for findings by City Council.~~

It shall be unlawful for any person to perform or engage in, or for any licensee or manager or agent of a licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

~~i.~~

~~ii.~~i. Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; and/or

~~iii.~~ii. Shows any portion of the female breasts below a point immediately above the top of the areola; and/or

~~iv.~~iii. Shows the covered male genitals in a ~~discernble~~discernible turgid state.

2. The provisions of this subsection do not apply to the following licensed establishments: theaters, per-forming art centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

3. For the purposes of this subsection, the term "Licensed Establishment" means any establishment licensed by the Common Council of the City of Baraboo to sell alcohol beverages pursuant to Ch. 125, Wis. Stats., and the ~~The~~ term "Licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A" or "Class C" license granted by the Common Council of the City of Baraboo pursuant to Ch. 125, Wis. Stats.

(n) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in §15.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(o) Loud Noise Prohibited. No licensee shall permit or allow the use or operation of sound amplifying equipment on the licensed premises in such manner that the sound emanating from said equipment through any open window, open doorway or other opening of the licensed premises is unreasonably loud so as to disturb the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(p) Leaving Premises With Open Container Prohibited. No licensee shall permit or allow any person to leave the licensed premises with an open container that contains any alcohol beverage.

(q) Premises to be Promptly Vacated at Closing Hour. No alcoholic beverage shall be sold or consumed upon any licensed premises after the official closing hour for said licensed prem-ises, and said premises shall be promptly vacated at such closing hour by all persons except the owner and regular employees of the licensed premises except that a licensed premises whose principal business is the furnishing of some other commodity or service may remain open after the official closing hour solely for the furnishing of such other commodity or

services, provided that all alcoholic beverages contained in such premises be placed in padlocked cases promptly at the closing hour and shall be kept padlocked during official closed hours. (1493 02/23/88)

(r) Unlawful to Deliver Off Premises. (1629 11/12/91) No retail alcohol beverage licensee or permitee shall deliver any alcohol beverage to the purchaser thereof at any location other than on the licensed premises, where "deliver" means the actual transfer of physical possession.

~~1. "Deliver" means the actual transfer of physical possession.~~

~~2. No retail alcohol beverage licensee or permitee shall deliver any alcohol beverage to the purchaser thereof at any location other than on the licensed premise"Deliver" means the actual transfer of physical possession.s.~~

(s) Compliance w~~W~~ith Code. No new or renewal licenses shall be issued for any premises with an outstanding violation of any applicable building, plumbing or electrical code or of any code relating to fire hazards or the prevention of fires. If any such violation exists, it shall be cause for withholding the license or renewal thereof until the necessary corrections have been made and certified by the building inspector or the fire chief and if such violations are not corrected within a reasonable time, the license may be denied. (1714 12/22/93)~~.~~

(t) Assignment of Vacant or Surrendered Alcohol Licenses. The City of Baraboo shall use the following criteria and priority for the assignment of alcohol licenses that become vacant, are surrendered, or unused:

1. In circumstances in which an alcohol license is surrendered, but where the premises are sold, leased, or will otherwise be used by a new business owner, the new business owner shall have first claim upon the surrendered license, regardless of whether there are other pending applications for an alcohol license.

2. ~~2.~~ In circumstances in which an alcohol license is vacant or surrendered, and the premises will not be used by a new business owner, the following criteria shall be applied:

~~a~~i. If there are issued reserve licenses, the regular license shall be offered first to the owner of the oldest reserve license. If the license is not claimed, it shall then be offered to the next oldest reserve license, and so on, for as many reserve licenses as may be outstanding.

ii. ~~b. I~~If the City holds only one remaining license (regular or reserve), such license shall only be assigned after review by the Administrative Committee and approval of the Council.~~"~~ (2439 01/26/16)

(11) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

(a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.

(b) Retail Class B Licenses. For consumption on the premises where sold, between the hours of 2:00 a.m. and 6:00 a.m. except on Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m.; on January 1, there are no closing hours. Between the hours of 12:00 midnight and 8:00 a.m. daily, no person may sell any packaged fermented malt beverage in the original package for consumption off the premises. Between the hours of 9:00 p.m. and 8:00 a.m. daily, no person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises. (1499 03/22/88, 1514 05/24/88)

(c) Reserved. (Repealed by Ord. 1500 03/22/88)

(d) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, and bowling alleys and golf courses, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (c) above.

(e) Presence on Premises After Closing Hour Restricted.

1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.

2. Any person, including, but not limited to, employees, licensees, owners or agents of a premises for which an alcohol beverage license has been issued, while on the licensed premises after closing, must be actively engaged in bona fide business activities and shall not consume alcohol beverages. (1864 04/16/96)

(f) Hours of Sale for Retail "Class A" Intoxicating Liquor License. No person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises between the hours of 9:00 p.m. and 6:00 a.m. daily.

(g) Hours of Sale for Retail "Class A" Fermented Malt Beverage License. No person may sell any packaged fermented malt beverage in the original package for consumption off the premises between 12:00 midnight and 6:00 a.m. daily.

(12) SALE OF INTOXICATING LIQUOR, FERMENTED MALT BEVERAGES AND WINE IN ORIGINAL PACKAGE. (1515 05/24/88; 2373 01/24/2012))

(a) Sale Restrictions. Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any "Class B" intoxicating liquor license or Class "B" fermented malt beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

(12M) ONLINE ORDERING AND CURBSIDE PICKUP OF ALCOHOL BEVERAGES. (XXXX XX/XX/19)

(a) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining an "Extension of Premises" from the Common Council, upon recommendation of the Administrate Committee, to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order, or

1. The licensed establishment shall file a detailed operation plan with their "Extension of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.

2. Failure of licensee to provide a detailed operation plan with their "Extension of Premises" application shall result in the City Clerk not forwarding the "Extension of Premises" form to the Administrative Committee for consideration.

(b) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

1. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.

2. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.

3. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.

4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.

5. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

(c) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.

(d) Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:

1. The name of the purchaser.
2. The type of identification card presented and the number and expiration date of that identification card.
3. The purchaser's date of birth.
4. The license plate of the vehicle into which the order is being loaded.

(e) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

(f) There shall be a minimum four-(4) hour waiting period between order time and pick-up time.

(g) Orders placed after 2:00 p.m. cannot be picked up until the following day.

(h) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

(i) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

(j) The pick-up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.

(k) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.

~~(b) Hours of Sale for Retail "Class A" Intoxicating Liquor License. No person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises between the hours of 9:00 p.m. and 6:00 a.m. daily.~~

~~(c) Hours of Sale for Retail "Class A" Fermented Malt Beverage License. No person may sell any packaged fermented malt beverage in the original package for consumption off the premises between 12:00 midnight and 6:00 a.m. daily.~~

(13) OUTDOOR ALCOHOL IN B-1 CENTRAL BUSINESS DISTRICTS. (2423 10/14/2014)

The sale and consumption of alcohol outdoors in the B-1 Central Business District shall comply fully with the requirements of this section. All outdoor licensed premises must be applied for and approved as licensed premises.

(a) Sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise upon the sidewalk shall be regulated by the requirements of this section.

1. Use of the sidewalk shall comply with the requirements of §8.04, Ordinances, related to sidewalk use permits. The sidewalk premise must be contiguous to the licensed premise. An unimpeded minimum clearance of four (4') feet shall be maintained for pedestrian traffic upon the sidewalk.

2. The sidewalk shall be an approved premise for the licensee.

3. Alcohol shall only be served to patrons who are seated at tables. Customers shall not be allowed to congregate or stand, regardless of whether they are consuming alcohol.

4. Alcohol shall only be served to patrons in conjunction with an order of food.

5. The sidewalk use area shall be vacated by 10:00 PM.

6. No amplification of sound is allowed in the sidewalk area.

(b) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be an approved premise for the licensee.

2. The approved premises shall be contiguous to the indoor premises.

3. The outdoor premise must be surrounded by a solid (so as to restrict the passing of alcohol outside the fence and to limit noise) structure fence six feet in height. Entry to the outdoor premise shall be restricted to entry from the building and not from a public way. However, for premises contiguous with the Baraboo River, only a three foot fence shall be required.

4. The outdoor premises shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.

5. All outdoor licensed premises shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.

6. The outdoor licensed premises shall only be used for serving food and permitted alcohol beverages and no part of said area shall be used for recreational activities, such as, for example, volleyball, horseshoes, darts, softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted.

7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down-directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

(13M~~A~~) OUTDOOR ALCOHOL IN B-3 HIGHWAY ORIENTED BUSINESS DISTRICTS (2489 04/24/2018)

The sale and consumption of alcohol outdoors in the B-3 Highway Oriented Business District shall comply fully with the requirements of this section.

~~(c)~~(a) Sidewalk sale and consumption. The sale and consumption of alcohol beverages upon the sidewalk is prohibited.

~~(d)~~(b) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be described in detail on the license application and must be on the same lot as the licensed indoor premises. Alcohol possession and consumption in any area of not described in detail on the license application is strictly prohibited.

2. The outdoor area must be surrounded by a fence which is (a) a minimum of three feet

in height, (b) a minimum of 50 percent opaque (meaning the spaces between the pickets are equal to or less than the width of the pickets), and (c) maintained in a structurally sound and attractive manner.

3. Entry to the outdoor area shall be restricted to entry from the same lot as the licensed indoor premises and not from a public way.

4. The outdoor area shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.

5. The outdoor area shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.

6. The outdoor area may be used for recreational activities, such as, for example, volleyball, horseshoes, darts, and softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted, except with a special permit. However, no recreational activities shall be allowed on parcels that ae contiguous with a residential zoning district. For purposes of determining contiguity, any parcel used by, or serving the business, including parking, shall be considered a portion of the licensed business.

7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

~~(e)~~(c) Outdoor Musical Entertainment Permit. Entertainment in an outdoor licensed premise shall be allowed by special permit based upon the following requirements:

1. Musical Entertainment shall be allowed no more than four times per calendar year.

2. The requirements of subsection (c), supra, are met. However, amplification of voices and instruments shall be allowed so long as the entertainment does not violate §9.06(2), Ordinances, Loud and Unnecessary Noise.

3. All permits for Musical Entertainment shall be approved by the Chief of Police, who, in consultation with the Fire Inspector, may set additional specific requirements to be met prior to the issuance of a permit. Such restrictions shall be reasonably based upon the size of the premises, and the location of the premises in proximity to residential property.

(14) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE.

~~Restrictions.~~ Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premise for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except ~~the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities that normally constitute activities of a customer of the premises.~~

~~(b) Exceptions. Paragraph (a) above shall not apply to:~~

~~1. An underage person who is a resident, employee, lodger or boarder on the licensed premises.~~

~~2. An underage person who enters a "Class A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.~~

~~3. Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.~~

~~4. Ski chalets, golf clubhouses, curling clubs and private tennis clubs.~~

~~5. Licensed restaurants where the principal business is that of a restaurant.~~

~~6. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.~~

~~7. An underage person who enters a Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or the licensed operator must be on the premises at all times.~~

~~8. An underage person attending a visual or performing arts center, stadium, or grandstand with a fixed seating capacity exceeding center, stadium, or grandstand with a fixed seating capacity exceeding 500 persons, for purposes of attending a performance, when the center, stadium, or grandstand operator has requested that minors be allowed to be present and such request has been approved in writing by the Police Chief, based upon the consideration of factors such as whether the performance primarily appeals to an adult audience or an underage audience, the hours of the performance, and such other factors as the Chief may deem relevant. A denial of a request under this section may be appealed to the Administrative Committee for review. (2304 05/12/2009)as permitted by §125.07(3)(a)1-16, Wis. Stat.

(15) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES.

~~(a) Restrictions.~~ Pursuant to §125.07(4)(b), except as provided by §125.07(4) ~~and~~ (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

~~(b) Exceptions. An underage person may possess alcohol beverages if employed by any of the following:~~

~~1. A brewer.~~

~~2. A fermented malt beverages wholesaler.~~

~~3. A permittee other than a Class "B" or "Class B" permittee.~~

~~4. A facility for the production of alcohol fuel.~~

~~5. A retail licensee or permittee under the conditions specified in §125.32(2) or §125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.~~

~~6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.~~

(16) REVOCATION OR SUSPENSION OF LICENSE. (2311 07/28/2009)

~~Procedure. Except as hereinafter provided, t~~The provisions of §125.12~~(2) and (3)~~, Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses ~~or permits~~ granted under this section, in addition to the following provisions:~~.~~

~~(a) Revocation or suspension proceedings may be initiated upon written complaint by the Mayor or Chief of Police or by the Council upon its own motion.~~

~~(b) No violations of §12.02 may be considered under this Subsection unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this Subsection. (§125.12(1)(b)2, Stats.)~~

~~(c)~~(a) Summons. Upon the filing of the complaint, the Administrative Committee shall issue a summons, signed by the City Clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the Committee on a day and time and at a place named in the summons, not less than three (3) days and not more than ten (10)~~-~~ days from the date of issuance, and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Ch. 801, Wis. Stats., for service in civil actions in circuit court.

~~(d)~~(b) Procedure on Hearing.

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the Committee finds the allegations sufficient, the license shall be revoked. The Clerk shall give notice of the revocation to the person whose license is revoked.

2. The Administrative Committee shall serve as the hearing agency for the Common Council. The chair of the Committee or the chair's designee shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in §227.45, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.

3. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. All proceedings and testimony shall be recorded on tape and transcribed unless waived by both the complainant and licensee. If either party requests a stenographic recording and transcription, City staff shall make the necessary arrangements, but the expense shall be borne by the requesting party. The City Clerk shall mark and receive all exhibits admitted into the record.

4. Within twenty (20) days of the completion of the hearing, the Committee shall submit a report to the Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the Common Council should take with respect to the license. The Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the

objection to the Common Council. The Common Council shall determine whether the arguments shall be represented orally or in writing or both.

5. If the Common Council, after considering the Committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided below. If the Common Council rejects or modifies the report, the Common Council shall adopt appropriate findings of fact and conclusions of law. If the recommendation of the Administrative Committee is based upon a stipulation of the parties, the Common Council may accept or reject the recommendation by a simple majority vote. If the Common Council rejects the recommendation, the matter shall be referred back to the Committee for a full fact-finding hearing. If the recommendation is based upon a full fact-finding hearing, the recommendation shall become the decision of the Common Council unless reversed or modified by a simple majority vote. No further evidence shall be allowed before the Common Council.

6. If the City Council, after considering the Committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to the report recommending suspension or revocation, the license shall be suspended for not less than three (3) days nor more than ninety (90) days or revoked, except that, if a complaint under §125.12(2)(ag)4, Stats., is found to be true the license shall be revoked.

7. The decision of the Common Council shall be a final determination for purposes of judicial review. If the complaint is found to be true, the licensee shall pay to the City the actual cost of the proceedings.

8. The City Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

9. If the Common Council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the Common Council finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The Common Council or committee may require the complainant to provide security for such costs before issuing the summons under §3125.12~~8.10(1~~(2)(ar). (§125.12(2)(b)4, Stats.)

~~(e)~~(c) Effect of Revocation. ~~When a license is revoked under this subsection, the revocation shall be recorded by the City Clerk and no other license issued under this chapter shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of the revocation.~~See §125.12(2)(c), Wis. Stat.

~~(f)~~(d) Judicial Review. ~~The action of the Common Council in granting or failing to grant, suspending or revoking any license, or the failure of the Common Council to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the city. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the Common Council in the manner provided in Chapter 801, Wis. Stats., for service in civil~~

~~actions and a copy of the pleadings shall be served on the applicant or licensee. The Common Council, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals. (~~See §125.12(2)(d) Stats.~~)~~

~~(g)~~(e) Nonrenewal of License. The Police Chief may, after investigation, commence an action before the Administrative Committee to hear evidence and make a recommendation to the Common Council that a license issued pursuant to this chapter not be renewed. The Chairperson shall, in writing, notify the licensee of the consideration of nonrenewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for nonrenewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subdivisions (c) and (d) shall apply.

~~(h)~~(f) Other Provisions. Any license issued pursuant to Chapter 12 of the Baraboo Code of Ordinances shall be subject to such further regulations and restrictions as may be imposed by the Common Council of the City of Baraboo by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations her/his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this ordinance in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

~~(i)~~ Point Values for Alcohol Beverage Violations and Revocations and Suspensions.

~~(j) Purpose and Definitions. The purpose of this subsection is to administratively interpret those portions of §12.02, Baraboo Code of Ordinances, relating to establishing an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.~~

~~(k)~~(g) ~~Point Schedule. The scale of demerit points is listed according to the type of alcohol beverage violation.~~ A~~This~~ demerit point system ~~is~~ shall be used to identify habitually troublesome license holders who have repeatedly violated state statutes and Baraboo Ordinances, for the purpose of recommending suspension or revocation of their alcohol beverage licenses. The scale of demerit points is listed according to the type of alcohol beverage violation.

~~2.~~1. Violations, How Calculated. In determining the accumulated demerit points against a license within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.

2. Formal Expression of Concern. In those instances in which a licensee has accumulated four (4) demerit points in a 12-month period as determined by the Police Chief, the

Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern.

3. Suspension or Revocation of License. The Administrative Committee shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated seven (7) points in a twelve-month period as a result of court imposed convictions or who have had referred to it reports from the Police Chief which, if believed, would result in seven (7) demerit points in twelve (12) months.

   ~~i.~~

   ~~ii.~~i. ~~Formal Expression of Concern. In those instances in which a licensee has accumulated four (4) demerit points in a 12-month period as determined by the Police Chief, the Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern.~~

   i. If the demerit point accumulation, calculated from the date of violation, meets or exceeds seven (7) points in a 12-month period, the Committee may suspend the license. If suspended, the suspension shall be for not less than three (3) days or more than ninety (90).

   ~~iii.~~ii. If the demerit point accumulation, calculated from the date of violation, meets or exceeds 10 points in a 12-month period, the Committee may revoke the license. If the license is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation.

~~3. This ordinance amendment shall apply only to violations that would trigger a formal expression of concern which occur after this ordinance is adopted.~~

4. Severability. The several terms and provisions of this section shall be deemed severable, and if any provision hereof or the application hereof to any person or circumstances is held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

5. Demerit Points: The following demerit points shall be issued for the offenses as shown:

Code Section	Offense	Demerit Points
§12.02(12M)	"Click and collect" violation	2
§12.02(10)(c)	Traffic to underaged person	2
§12.02(1) adopting §125.07(2) Stats	Traffic to Intoxicated Person	2
§12.02(14)	Underaged person on premises	1
§12.02(10)(n)	Failure to post license	1
§12.02(10)(a)	Failure to allow premises inspection	2
§12.02(10)(o)	Noise violations	1
§12.02(11)(b)	Sales/dispense after hours	1
§12.02(10)(q)	Open after hours	1
§12.02(10)(p)	Leaving with open container	1
§12.02(10)(k)	Gambling	1
§12.02(10)(j)	Unobstructed view violation	1
§12.02(10)(l)	Improper wearing apparel	2
§12.02(1) adopting §125.68(2) Stats	No licensed bartender on premises	2
§12.02(10)(k)	Disorderly Conduct	½
§12.02(8)(c)	No licensed agent	2
	Any other offense under Ch. 125 Statutes or Ch. 12, B Baraboo Ordinances	1

(17) NONRENEWAL OF LICENSE. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Council.

(18) ~~LIMITING CLASS "B" LICENSED PREMISES. (1613 06/25/91) No Class "B" license or permit may be granted for any premises where any other business is~~

~~conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:~~

~~(a) A hotel.~~

~~(b) A restaurant, whether or not it is part or located in any mercantile establishment.~~

~~(c) A combination grocery store and tavern.~~

~~(d) A combination sporting goods store and tavern.~~

~~(e) A combination novelty store and tavern.~~

~~(f) A bowling alley or recreation premises.~~

~~(g) A club, society or lodge that has been in existence for six months or~~

~~prior to the date of filing application for the Class "B" license or permit.~~RESERVED.

(19) ENFORCEMENT. Any person violating any provision of this section ~~(12.02) or any condition included on a license application or on the license itself or who provides any false or inaccurate information on a written application~~ shall be subject to a penalty as provided in §25.04 of this code. Nothing in this sub-section shall in any way diminish the authority of the Common Council to suspend, revoke, or non-renew any license issued pursuant to this section for any violation of this section or grounds enumerated in this section or in Ch. 125 of Wisconsin Statutes. (2166 11/26/04)

April 22, 2019 | Number 16

LEAGUE OF WISCONSIN MUNICIPALITIES

LEGISLATIVE BULLETIN 2019–20

View as Webpage

BILL ALLOWS GOVERNING BODIES TO DELEGATE DECISION TO ISSUE OPERATOR'S LICENSES

Senator Chris Kapenga (R-Delafield) and Rep. Dan Knodl (R-Germantown) plan to introduce a bill the League, the Towns Association, and the Wisconsin Tavern League support. (Yes, you read that correctly.) The bill, LRB-2011, allows municipal governing bodies to delegate a designated official the authority to issue operator's licenses (aka bartender's licenses).

The bill would give local governments the option to pass an ordinance delegating the issuance of operator's licenses to a municipal official, such as the clerk or an administrator.

Senator Kapenga and Rep. Knodl are currently seeking co-sponsors for the bill.

Municipal Regulation of "Click and Collect" Alcohol Sales[1]

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities

"Click and Collect" describes a practice where consumers order online from a retailer's website and then pick up their orders at a local store. The use of Click and Collect has become increasingly popular as retailers in competitive markets look for innovative ways to serve customers, and customers have become accustomed to the comfort and convenience of ordering online.

Notably, many grocery stores and other similar retailers have begun offering Click and Collect and, for a small fee or free with a minimum order, will assemble the grocery order and deliver it curbside when the customer arrives to pick it up. It's not hard to imagine the convenience factor as being off the charts for, among others, persons with busy work schedules, persons with small children in tow, and those with limited mobility.

While Click and Collect sales do not typically require municipal oversight or approval, oversight and/or approval may be desirable and/or necessary when the online sale includes alcohol beverages and, in particular, when the sale involves curbside delivery. Recently, some retailers with alcohol licenses have sought municipal approval to expand the description of their premises to include designated parking stalls used for the Click and Collect deliveries. This is necessary since state law requires the licensed premises to be "particularly described" and include all areas where alcohol is stored or sold.[2]

To amend described premises during the license year, the licensee must file a written request with the municipality. The governing body has discretion to approve or disapprove the change.[3] Municipalities can impose conditions in connection with allowing amendment of the premises but are limited in imposing conditions once the request to amend the premises description has been granted.[4]

This legal comment briefly summarizes state law requirements that come into play when Click and Collect involves the sale of alcohol beverages.

Wisconsin law requires the following for alcohol sales:

1. Face-to-face sales to consumers at the licensed premises.[5]
2. Purchaser must be of legal drinking age (21 or older).
3. Seller must be a licensed operator or under the immediate supervision of a licensed operator.
4. No sales can be made to intoxicated persons.

In order to satisfy the requirement that the sale be face-to-face and that it take place on the licensed premises, an online order for alcohol beverages should not be consummated when the order is placed but, rather, when the order is picked up by the customer with the customer signing the credit card or paying at the retailer's licensed premises. If the customer is picking up curbside, those parking spaces must be included in the licensee's described premises since that is where the sale is taking place.

The requirement that all persons selling alcohol possess an operator's license or be under the immediate supervision of someone with an operator's license effectively means that those delivering alcohol curbside should have an operator's license. "Immediate supervision" has been interpreted to mean that the person supervising must be able to see those being supervised at all times.[6]

Municipalities that receive requests to amend premise descriptions to allow Click and Collect with curbside delivery of alcohol must decide whether such sales should be allowed and, if so, what conditions are appropriately imposed to ensure that any such sales are done lawfully.

► p.16

1. This article was inspired by a Nov. 7, 2017 memo on Click and Collect Alcohol Sales written by Julia Sherman at the Wisconsin Alcohol Policy Project.
2. Wis. Stat. §§ 125.25(3), 125.26(3), 125.28(3), 125.51(2)(c) and 125.51(3)(d).
3. *Alberti v. City of Whitewater*, 109 Wis.2d 592, 327 N.W.2d 150 (1982). See also Wis. Stat. sec. 125.04(3)(h).
4. *Wisconsin Dolls, LLC v. Town of Dell Prairie*, 2012 WI 76. The Wisconsin Alcohol Policy Project's Nov. 7, 2017 memo on Click and Collect Alcohol Sales mentioned a variety of conditions that municipalities were considering or had adopted.
5. Wis. Stat. §§ 125.272 and 125.51(6).
6. OAG 9-10-62 (informal opinion).

Municipalities should review a retailer's policies for the Click and Collect operation before granting an expansion of the licensed premises and may want to include those policies as license conditions. Municipalities that want to allow Click and Collect alcohol sales may want to also adopt an ordinance governing such sales. A Wisconsin Alcohol Policy Project memo on Click and Collect[7] suggests that municipalities inquire about the following before granting an expansion of the licensed premises to allow Click and Collect alcohol sales:

- What hours will alcohol orders be allowed?
- How is an alcohol order assembled?
- Who assembles the entire order? Is an itemized tape prepared?
- When is the credit card charged for the order?
- Is the individual who delivers the order a licensed operator?
- What equipment is provided to staff (e.g., is ambient light sufficient or is a flashlight needed to read the Id, a scanner to record the credit card sale or ID)?
- Is the newly licensed area under video surveillance?
- When is the ID checked?
- Does the seller determine that the name on the order is the same name on the ID?

The memo notes that in addition to provisions relating to the above factors, some municipalities have adopted or considered the following provisions:

- A requirement that the system allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
- Notification of police when an apparently underage person or intoxicated person attempts an alcohol purchase.
- Imposing a minimum waiting period between order time and pick-up time for alcohol and tobacco.
- Requiring that images of the transaction (purchaser, ID card, vehicle, license plate) be captured and retained for a minimum period of time.
- Prohibiting tasting events in the parking lot.

Although municipalities may differ regarding whether Click and Collect alcohol sales should be permitted, those municipalities that wish to allow it should take measures to ensure that such sales are in compliance with state law.

Intoxicating Liquors 955

About the author:

Claire Silverman is Legal Counsel for the League. Her responsibilities include supervising the legal services provided by the League, answering questions of a general nature for officials and employees of member municipalities, writing legal articles for the League's magazine and amicus briefs in appellate cases involving issues of statewide concern to municipalities, organizing an annual institute for municipal attorneys, and educating local officials on a variety of topics pertaining to their duties. In addition, she coordinates legal material for the League's web page. Claire joined the League staff in 1992. Contact Claire at cms@lwm-info.org

7. See footnote 1.

Editor's Note:

If you are generally interested in municipal responsibility/authority for handling local health matters, please request the Legal Comment "Health 65," authored by Claire Silverman, League Legal Counsel, and published in the June 1999 *The Municipality*.

Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
Municipal / Transportation / Land Surveying
Airports / Planning / Construction Management
Racine, Wisconsin ■ (262) 634-5588 ■ www.nmbsc.net

ACCURATE
DELIVERING MUNICIPAL ASSESSMENTS
Creative Contract Options • Interactive Web Site
Municipality/Taxpayer Satisfaction
(920) 749-8098 • 800-770-3927
AccurateAssessor.com

U.S.News & WORLD REPORT CIVIC

More Wisconsin Grocers Seek to Offer Curbside Alcohol Pickup

More Wisconsin grocers are asking municipalities for liquor license extensions so they can take alcohol purchased online out to customers' vehicles.

By **Associated Press**, Wire Service Content May 18, 2019

MADISON, WIS. (AP) — More Wisconsin grocers are asking municipalities for liquor license extensions so they can take alcohol purchased online out to customers' vehicles.

Walmart and Pick 'n Save first started offering curbside pickup of beer, wine and spirits in the Milwaukee and Fox Valley areas in 2017. Other stores quickly followed, but the practice has been met with criticism that it could allow minors to buy alcohol or make liquor access easier in a state that's known to overindulge, Wisconsin Public Radio reported.

Residents ages 25 to 34 are driving the trend toward online grocery shopping, but grocers are hoping that older shoppers will also embrace it.

"The millennials have really been the early adopters of the overall e-commerce trend," said James Hyland, vice president of communications for Roundy's Supermarkets. "Clearly, they're the demographic that appreciates the curbside alcohol pickup option. The demographic, though, is really spread across the entire spectrum of our customer base."

Hyland said Wisconsin has a few municipalities that don't allow curbside pickup of alcohol, "but they're the exception rather than the rule."

The city of Neenah is among those that have been asked to amend retail liquor licenses to allow for the pickup option, though it hasn't happened yet.

Alderwoman Marge Bates said the practice could worsen binge drinking in the Fox Valley.

Former Madison Alderwoman Ledell Zellers said she has mixed feelings about the practice, but she voted to allow grocery stores to use curbside pickup at a Tenney-Lapham neighborhood meeting in March.

"People with kids, you know, don't want to bring their kids in," Zellers said. "They can just pick things up including beer or wine. The other side of it is, as most people probably know, we are a state that is known for drinking and sometimes binge drinking."

Wisconsin Grocers Association President Brandon Scholz said he expects online grocery sales to grow rapidly.

"Does it exacerbate an existing problem? Does it create a new problem? I think those are legitimate discussions people should have, but when you get right down to it this is a customer service issue," Scholz said. "This is something people want. It's not being forced on anybody."

—

Information from: Wisconsin Public Radio, http://www.wpr.org

Copyright 2019 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Tags: Wisconsin

RECOMMENDED

U.S. News Ranks the Best States

The 10 Best U.S. States for Education

LEGISTAR #49691 – Substitute Body

DRAFTER'S ANALYSIS: This ordinance is created in response to the trend in retail grocery and general merchandise stores of customers ordering their merchandise online and then picking the items up at the store. Customers pre-select the items they wish to purchase and the items are gathered and bagged by the retailer and delivered to the customer's vehicle. These transactions are commonly referred to as "Click and Collect". Retailers wanting to engage in this practice must file a Change of Premises application and appear before the Alcohol License Review Committee, which will make a recommendation to the Common Council, in order to expand their licensed premises to include a designated area outside the store in which a customer can park their vehicle for purposes of picking up their online order. State law requires licensing of any portion of a premise on which alcohol beverages will be sold, consumed, stored or delivered. This ordinance will provide regulations designed to prevent underage purchase of alcohol beverages either directly or through a straw party and to ensure that individuals who are intoxicated are not allowed to pick up a "Click and Collect" order.

****

The Common Council of the City of Madison do hereby ordain as follows:

1. New Subsection (4) entitled "Online Ordering and Curbside Pickup of Alcohol Beverages" of Section 38.07 entitled "General Restrictions" of the Madison General Ordinances is created to read as follows:

"(4) <u>Online Ordering and Curbside Pickup of Alcohol Beverages</u>.

(a) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining a "Change of Premises" from the Madison Common Council, upon recommendation of the Alcohol License Review Committee (ALRC) to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.

1. The licensed establishment shall file a detailed operation plan with their "Change of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.
2. Failure of licensee to provide a detailed operation plan with their "Change of Premises" application shall result in the City of Madison Clerk's Office not forwarding the "Change of Premises" form to the ALRC for consideration.

(b) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

1. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.
2. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.
3. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.
4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.
5. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

(c) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.

(d) Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:

1. The name of the purchaser.

2. The type of identification card presented and the number and expiration date of that identification card.
3. The purchaser's date of birth.
4. The license plate of the vehicle into which the order is being loaded.

(e) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

(f) There shall be a minimum four- (4) hour waiting period between order time and pick-up time.

(g) Orders placed after 2:00 p.m. cannot be picked up until the following day.

(h) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

(i) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

(j) The pick- up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.

(k) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.

(l) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to a forfeiture of not less than $250, nor more than $1000 plus court costs and fees. Licensees are also subject to demerit point assessment for violations of this subjection."

2. Current Subsections (4) through (21) of Section 38.07 entitled "General Restrictions" of the Madison General Ordinances are hereby renumbered Subsections (5) through (22), respectively.

3. Subdivision (c) entitled "Demerit Point System" of Subsection (4) entitled "Alcohol Beverage License Demerit Point System" of Section 38.10 entitled "Revocation, Suspension or Nonrenewal of License" of the Madison General Ordinances is amended by amending therein the following:

"(c) Demerit Point System. Use of the following demerit point schedule by the City is not an exclusive remedy and does not preclude the City from seeking other remedies, including immediate suspension, revocation or nonrenewal of a license pursuant to Chapter 38, MGO. The City may seek such suspension, revocation or nonrenewal notwithstanding the fact that the licensee has accumulated less than one hundred (100) demerit points.

Ordinance Section Number	**Type of Violation**	**Point Value**
38.10(4)(c)	Click and Collect regulations	25"

ORDINANCE #779

ONLINE ORDERING AND CURBSIDE PICK-UP OF ALCOHOL BEVERAGES

The City Council of the City of Fort Atkinson does hereby ordain as follows:

That Chapter 6, ALCOHOL AND NONINTOXICATING BEVERAGES, Article II, Alcohol Beverages, Division 1, Generally, Sec. 6-38, Online Ordering and Curbside Pick-Up of Alcohol Beverages, be created as follows:

Sec. 6-38. Online Ordering and Curbside Pick-Up of Alcohol Beverages

(a) *Online Ordering and Curbside Pickup of Alcohol Beverages.*

(1) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining an "Extension of Premises" from the Fort Atkinson City Council, upon recommendation of the License Committee to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.

a. The licensed establishment shall file a detailed operation plan with their "Extension of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.

b. Failure of licensee to provide a detailed operation plan with their "Extension of Premises" application shall result in the City of Fort Atkinson Clerk's Office not forwarding the "Extension of Premises" form to the License Committee for consideration.

(2) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

a. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the licensed establishment.

b. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.

c. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.

d. No alcohol sales are permitted if the purchaser fails to present valid photo identification.

e. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

(3) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.

(4) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

(5) There shall be a minimum four (4) hour waiting period between order time and pick-up time.

(6) Orders placed after 2:00 p.m. cannot be picked up until the following day.

(7) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

(8) The employee to deliver the purchase to the customer's vehicle must be a licensed operator of the City of Fort Atkinson.

(9) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

(10) The pick- up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers and must be within 150 feet from the pick-up door and not in a fire lane.

(11) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.

(12) Penalty. Any license or person who violates any provision of this subsection shall be subject to forfeiture as determined by resolution of the City Council and subject to section 1-10 (Penalty Provisions) and section 6-32 (Penalties) of the city's Code of Ordinances. If a business receives two or more violations within licensing period, the City Council may revoke the extension of premises description.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect and be in force from and after the date of its passage and publication.

Adopted: May 21, 2019.

_____
President of the City Council

ATTEST:

_____
Michelle Ebbert, City Clerk

Compliance & Ethics
Online Grocery Pickup Procedure Guide

Placing Order

- Customers visit grocery.walmart.com and can view an assortment of products – determined by their store
    - Listed products are initially based on the Customer's location and updated when the Customer selects their preferred store

- Prior to checking out, the Customer must login (or create) their account, select a desired pickup store, and designate a time slot for picking up their order

- Once the customer has built their basket and presses checkout, Customer completes the order by supplying Walmart with payment information

- Walmart authorizes and holds the card information, but funds <u>are not</u> transferred from the card

- Where allowed by state and local law, customers can include alcoholic beverage product in their online grocery order through walmart.com/grocery.

- All alcoholic beverage product item pages are flagged with a notification explaining the restrictions around purchasing this product *(pictured below)*.

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

The sale of alcohol to minors is prohibited.

At delivery or pickup, you must show a valid photo ID and provide a signature confirming that you are age 21 or over. Accepted forms of ID are: Driver's Licenses, State-issued Identification Cards, U. S. Passports, Military Identification Cards, U.S. Immigration Cards, or Tribal IDs in specific states, or other similar government issued IDs that are recognized within the state. Drivers will not deliver to anyone who appears to be intoxicated. No discounts, coupons or tax-exempt sales may be applied to alcohol. An order of alcohol totaling 20 gallons or more will not be allowed.

Show less

- If the customer checks out with an alcoholic beverage product in their basket, an acknowledgement box must be checked by the customer *(pictured below)* prior to placing the order

Alcohol Disclosure

☐ By checking this box, you confirm that you are at least 21 years old and will not resell any alcohol you purchase.

*red text indicates a control related to alcohol

Compliance & Ethics
Online Grocery Pickup Procedure Guide

Picking / Staging

- On the day a customer is scheduled to pick up an order, a Walmart associate – known as a "Personal Shopper" – will "shop" for the customer's order in the store

- All shopping is completed on the pickup day to ensure the Customer receives the freshest products

- If a product is not available in-store, it is either substituted or removed from the customer's order
    - Alcohol beverage products are never substituted – if they are not available in-store, they are removed from the customer's order and the customer is not charged

- Alcohol beverage products are assigned to a "Restricted" commodity group to ensure only Personal Shoppers who have received appropriate training and are of a legal age – per the governing jurisdiction – will be allowed to pick these products
    - **In Wisconsin**, Personal Shoppers must hold an operator/bartender license issued by their local municipality

- The picking carts – used by our Personal Shoppers "shop" for Customers – are equipped with a roll of stickers labeled with the word "alcohol"
    - Orders containing alcohol beverage products are bagged and labeled with an alcohol sticker *(pictured right)*
    - This sticker enables our Personal Shoppers to clearly identify items that are subject to additional regulatory restrictions

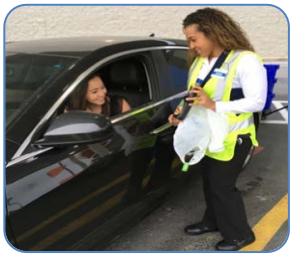
- All picked orders are kept in a secure backroom staging area, not open to the public, and only where Walmart employees are permitted to enter

*red text indicates a control related to alcohol

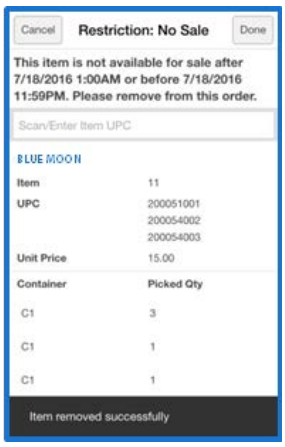
Compliance & Ethics
Online Grocery Pickup Procedure Guide

Customer Pickup: Order Review

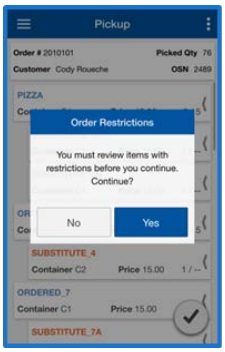
- Online Grocery Pickup is currently offered between 8am – 8pm (*to better serve our customers, select locations offer additional time slots*), 7 days a week (*except holidays or other store closures*)
- When the customer arrives, they "check-in" via the store's offered methods (phone, app-based, kiosk, *options vary by location*)
- The Personal Shopper assigned to dispense the order uses the handheld device to identify the order number and pull the appropriate totes from the staging areas

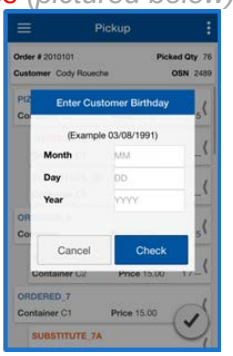


- Prior to putting the customer's order in their vehicle, the Personal Shopper uses their handheld device to review the order with the customer – reviewing substituted items, fragile items, out of stock items, and completing age verification (*as needed, based on products in the order*)
- This review allows the Customer to ensure they are getting what they want and provides the Customer an opportunity to return or reject any item(s)
- Only Personal Shoppers meeting the age requirements within the governing jurisdiction are allowed to handle and/or dispense orders with alcohol beverage products
- If a Customer's order includes alcohol beverage product, the personal shopper is prompted by their handheld device that there are restricted items in their order



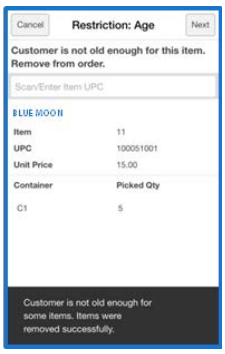
- If alcohol is not allowed to be sold at the time of dispense, the associate is notified (*via their handheld device*) that sale of the product is currently restricted, the items are automatically removed from the customer's digital basket (*the customer will not be charged*), and the personal shopper will remove the physical product from the order *(pictured right)*
- The personal shopper will request valid identification – as described in our alcohol disclosure – and enter the customer's date of birth from the provided identification into their handheld device *(pictured below)*





*red text indicates a control related to alcohol

- After age verification:
    - If the customer is confirmed over 21, the customer can sign for the order, and the personal shopper can place the final order into the customer's vehicle
    - If the customer is under 21 and/or cannot provide a valid ID, the alcohol beverage products are removed from the customer's order and the customer is not charged for these products. *(pictured right)*



Customer Pickup: Dispensing

- Once the customer and personal shopper have:
    - Reviewed any substituted items, fragile items, and out of stock items
    - Removed any rejected products that the customer no longer wants
    - Verified the customer's age and identification if the order contained any age restricted items (and if necessary, removed age restricted items)
- The customer signs for the order, the customer's account is charged with the final order amount (after removing the cost of any products removed from the customer's order)
- The personal shopper places the all approved products into the customer's vehicle, and the transaction is considered complete

*red text indicates a control related to alcohol

1396 *Baraboo, WI*

Check-In

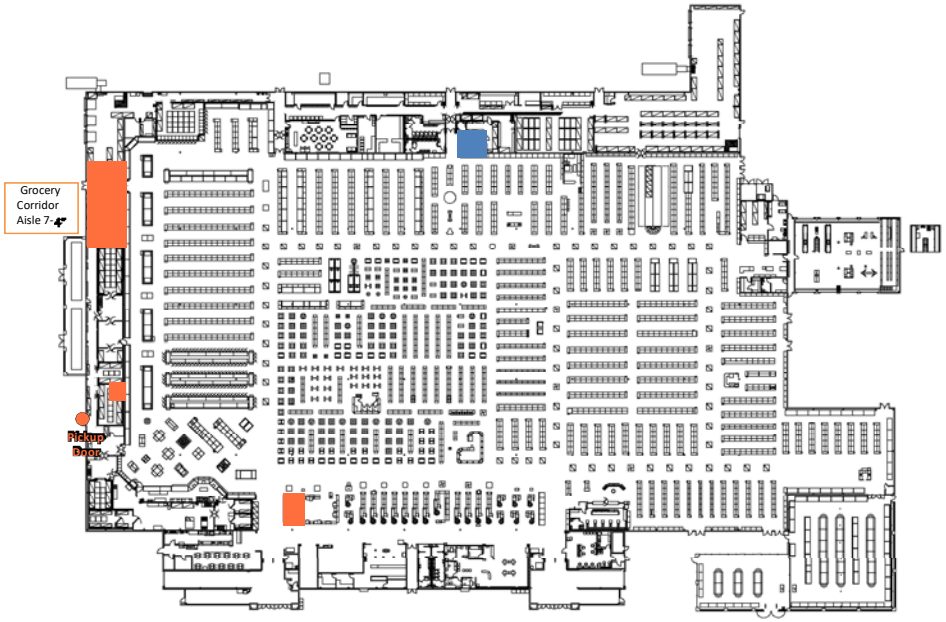
Inlane (Tower)

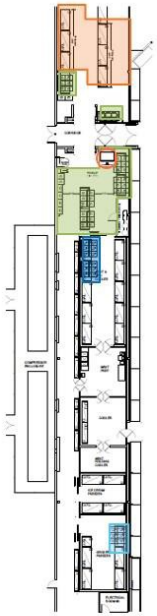
Solution

Canopy

Stall Quantity

10





145 OPD

Action Item 2.b. Attachments

NBO-
The City of Baraboo, Wisconsin

Background: In November of 2018, the Council authorized the City Administrator to submit a request to the Wisconsin Records Board to adopt the newly created Wisconsin Municipal Records Schedule. This schedule is written specifically for use by municipalities and authorizes a municipality to retain certain schedules for less time that would otherwise be allowable per law. It also authorizes the City to bypass notifying the Wisconsin Historical Society prior to the destruction of certain records. The Wisconsin Public Records Board and State Historical Society have authorized the City to adopt and use the Wisconsin Municipal Records Schedule. To make the adoption formal, the City's record retention ordinance needs to be updated.
Fiscal Note: (check one) [x] Not Required [ ] Budgeted Expenditure [ ] Not Budgeted ***Comments:***

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. Section 1.60 of the Baraboo Municipal Code is amended as follows:

1.60 **PUBLIC RECORDS RETENTION ORDINANCE**. (1818 06/27/95 - Certified copy of Ord. sent to Wis. Public Records and Forms Board on 07/10/95, XXXX XX/XX/19)

(1) PURPOSE. The purpose of this Ordinance is to adopt the Wisconsin Municipal Records Schedule and to authorize destruction of City records pursuant to the Schedule. Legal custodians may destroy a record prior to the time set forth in the Schedule only if such record has been photographically reproduced as an original record or converted to optical disc or electronic format pursuant to §16.61(5) Wis. Stats. Any record not covered by this ordinance or by any State Statute or administrative regulation shall be retained seven years.

(2) DEFINITIONS.

(a) "Legal Custodian" means the person responsible for maintaining records pursuant to §19.33 Wis. Stats.

(b) "Record" has the meaning defined in §19.32(2), Wis. Stats.

(c) "Wisconsin Municipal Records Schedule" or "Schedule" means the General Records Schedule for Wisconsin Municipal and Related Records approved by the Public Records Board on August 27, 2018, and which

DRAFT

may be amended and updated by the Public Records Board from time to time.

(3) WISCONSIN MUNICIPAL RECORDS SCHEDULE ADOPTED. The Wisconsin Municipal Records Schedule is hereby adopted by reference. A copy of the Schedule shall be kept on file in the office of the City Clerk.

(4) RESERVED.

(5) WATER UTILITY RECORDS. Records of the Baraboo Water Utility shall be retained in accordance with regulations established and published by the Public Service Commission of Wisconsin. (2033 11/14/2000)

(6) NOTICE TO STATE HISTORICAL SOCIETY REQUIRED. Unless notice is waived by the State Historical Society of Wisconsin, at least 60 days' notice shall be given by the Legal Custodian to the Society prior to the destruction of any record as provided in §19.21(4)(a), Wis. Stats. Notice to the State Historical Society shall be required for any record not listed on the Wisconsin Municipal Records Schedule.

(7) RESERVED.

(8) DESTRUCTION AFTER REQUEST FOR INSPECTION. No record subject to a pending public records request may be destroyed until after the request is granted or until 60 days after the request is denied. If any action is commenced under §19.37, Wis. Stats., the requested record may not be destroyed until after a Court Order is issued and all appeals have been completed as provided in §19.35(5), Wis. Stats.

(9) DESTRUCTION PENDING LITIGATION. No record subject to pending litigation shall be destroyed until the litigation is resolved.

(10) RESERVED.

(11) PUBLIC RECORDS BOARD REVIEW. The Public Records board approved the City's adoption of the Wisconsin Municipal Records Schedule on January 25, 2019, and by the Wisconsin Historical Society approved the City's adoption of the Schedule on January 30, 2019.

2. This Ordinance shall take effect upon passage and publication as provided by law.

Mayor's Approval: _____

Clerk's Certification: _____

DRAFT

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the _____ day of _____, 20__, and is recorded on page ____ of volume _____.

City Clerk: _____

DRAFT

PRB-002 (R11/2017)

Notification of General Records Schedule Adoption

Schedule Title: General Records Schedule - WI Municipal + Related Records Date: 8/27/18

Instructions:

Complete and send the original and 2 copies to: State Archivist, Wisconsin Historical Society (WHS), 816 State St., Madison, WI 53706.

- Do not opt out of a record series because your agency does not create or use these types of records. Signing the form does not obligate an agency to create records. It only requires that records be retained in accordance with the retention time periods and dispositions if such records exist. See the Introduction to General Records Schedules for more information.
- Attach a brief narrative explaining your rationale for opting out of each record series. When a separate schedule is prepared, identify that the record series is in lieu of the general schedule and cross reference the specific series.

NOTE: Destruction or transfer of records is not permitted until this form is signed by the WHS and the Public Records Board.

Wisconsin Government Agency: City of Baraboo

Address: 101 South Blvd, Baraboo, WI 53913

This is to notify the Wisconsin Historical Society and the Public Records Board that the agency named above has reviewed the general records schedule and taken the following action (check appropriate box):

☒ Opt In: We adopt the entire schedule. (Available for University of Wisconsin [UW] System and Local Units of Government)

☐ Opt In With Revisions: We opt (out of), (in to), (circle one) the following record series. (Available for UW System and Local Units of Government) List the specific retention schedule numbers and titles:

☐ Opt Out: We opt out of the general records schedule (in whole), (in part), (circle one). (Available for State Agencies) ***(All applicable records disposition must cease until separate retention schedules are developed and approved by the Public Records Board.)*** List the specific retention schedule numbers and titles:

Agency Head/Deputy Signature: Edward L. Geick	Date Signed: 1-11-19
Agency Records Officer Signature: Donna M. Zemon	Date Signed: 1-17-19

The Public Records Board and Wisconsin Historical Society acknowledge your Notification of Adoption. You are hereby authorized to retain, transfer, and dispose of records as indicated on the schedule.

State Archivist Signature: [illegible]	Date Signed: 1/25/19
PRB Executive Secretary Signature: Linda Roth	Date Signed: 1/30/19

General Records Schedule

Wisconsin Municipal and Related Records

Approved by the Public Records Board:

August 27, 2018

Expiration: August 27, 2028

For use by all units of Wisconsin Government at the Municipal level

Wisconsin Municipal Records Schedule

Table of Contents

Introduction: 2

I. Applicability: 2

II. Purpose: 3

III. Implementation: 3

IV. Using the Schedule: 4

V. Confidential Records and Personally Identifiable Information (PII) 6

VI. Additional Schedules: 7

Administrative Records 8

Cemetery Records 21

Community Development/Public Services 24

Election Records 29

Finance Records 34

Public Works 38

Revenue Records 50

Introduction:

Records are a basic tool of transacting business on behalf of all local government units. They are the foundation for government accountability. Records management is regulated by Wisconsin state law, and accordingly, the Wisconsin Municipal Records Schedule (WMRS), upon adoption, provides legal authorization to dispose of records on a regularly scheduled basis. The schedule serves as a mechanism for consistent retention and disposition of similar types of records across all municipal governments and provides assurance of accountability to the public.

The schedule was developed following guidelines for complying with legal, fiscal, and archival requirements for records retention and facilitates cost-effective management of records commonly found in municipal governments.

Wisconsin Statute § 19.21(1) defines public records as "all property and things received from the officer's predecessor or other persons and required by law to be filed, deposited, or kept in the officer's office, or which are in the lawful possession or control of the officer or the officer's deputies." Records are defined by Wisconsin Statute § 19.32(2) as "any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority." Public records are also defined as being "all books, papers, maps, photographs, films, recordings, optical discs, electronically formatted documents, or other documentary materials, regardless of physical form or characteristics, made or received by any state agency or its officers or employees in connection with the transaction of public business" (Wis. Stat. § 16.61(2)(b)).

I. Applicability:

This record schedule is available for adoption by all Wisconsin municipal governments. Most municipalities do not create or receive all of the records listed within the WMRS. The inclusion of a schedule in the WMRS does not mean that a local government is responsible for creating those records. Rather, it provides guidance for records that are actually created or received by your particular unit.

Records retention guidelines apply regardless of record format. Records covered by the WMRS may be retained in electronic, paper, or other formats. The schedule applies to all records: born digital (including those created or transmitted via e-mail), data contained in database systems, tapes/cartridges and other types of electronic records and information systems maintained by agencies. Municipalities must also meet the standards and requirements for the management of electronic records outlined in Chapter Adm. 12.

II. Purpose:

Record schedules are intended to be used by records creators as a tool to SIMPLIFY their records management responsibilities, not to make them more complex. It is the intention of the WMRS to streamline municipal records management by:

- Providing clear and uniform guidance for the retention and disposition of records common to most municipal governments;
- Eliminating the need for individual municipalities to develop and obtain Wisconsin Public Records Board approval of records retention/disposition schedules;
- Facilitating uniformity in the retention and disposition of records across all municipalities; and
- Promoting the cost-effective management of municipal records.

III. Implementation:

The WMRS is a schedule that municipalities MAY adopt to manage their records. Municipalities ARE NOT required to adopt the schedule for use. The WMRS does not replace the ability of municipalities to create and adopt records schedules through the creation of ordinances. See Additional Options below for more information.

To adopt the Schedule:

- Submit the Notification of General Schedules Adoption (PRB-002) form to:

  State Archivist
  Wisconsin Historical Society
  816 State St.
  Madison, WI 53706

- The Wisconsin Public Records Board (PRB) will acknowledge your Notification of Adoption by returning a signed copy of the adoption to the municipality.
- After confirmation of PRB approval, municipalities should enact an ordinance adopting the WMRS as their official schedule.

Municipalities are expected to supersede any previously approved, unique, ordinances which cover records included in the adopted Municipal Schedule. Retain any approved schedules in existing ordinances for records that ARE NOT covered by the Municipal Schedule.

Additional Options:
Wis. Stat. § 19.21(4) provides municipalities with the authority to schedule the retention of public records by creating ordinances. Municipalities that choose not to adopt the WMRS are encouraged to use the retention periods provided in the WMRS when creating their own schedules. Any municipality that decides to draft their own schedule must submit that schedule for approval to

the PRB before adopting it as an ordinance. Upon PRB approval, the schedule can be adopted for use by enacting an ordinance. Municipalities may also adopt other General Records Schedules provided by the PRB.

Municipalities also have the option of adopting separate Records Disposition Authorizations (RDAs) for records that are created specifically by that unit of government. Consult the PRB for more information about the RDA creation process.

IV. Using the Schedule:

The WMRS is arranged in five different sections covering the record series created by municipal governments. Some sections are broken down into subsections to provide easier reference. The following is an example of the format used in each section and an explanation of the information found in each column.

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Subsection				

- Record Series Title – Descriptive title of the record series. This is a basic title, not necessarily universally used by all municipalities.
- Series Description – Brief overview of the records that are included in the record series.
    - If a specific statute or legal source defines a retention period for the records it is identified in this field.
- Retention – Indicates the minimum time period a record series must be maintained and a description of what initiates the start of the retention clock.
    - **Creation:** Is used when the creation of the record initiates the retention time period. (*Example*: If a RDA existed for ABC Annual Reports, the event might be written as *Creation+ 3 years* meaning an ABC Annual Report must be retained for three years after it is created.)
    - **Fiscal:** Is used if the retention time period is initiated by the end of a fiscal year. (*Example*: RDAs that exist for annual budgets might be written as *Fiscal+ 6 years* meaning a budget would have to be retained for six years after the end of that fiscal year.)
    - **Event:** Is used if a specific event other than Creation or Fiscal initiates the retention time period. (*Example*: A RDA that exists for a housing relocation program has the event written as *"Event+ 5 years; Event=Approval Letter for Relocation Plan"*. In this scenario, it means all records associated with this RDA have to be retained for five years after the official letter was sent by the state to approve the relocation plan.)

    - **Permanent:** Is used if the records need to be maintained permanently by the creating municipality. See the Guidelines for the Permanent Retention of Records.
    - General references on retention periods for municipal records are found in Wis. Stat. § 19.21(4)(b), Wis. Stat. § 19.21(6), or Wis. Stat. § 19.21(8).
- Confidential – Indicates whether or not records contain information that is required by statute to be kept confidential. See Section V of this guide for more information on confidential records.
- WHS Notification – Wis. Stat. § 19.21(4)(a) requires that all municipal public records must be offered for transfer to the Wisconsin Historical Society 60 days prior to their destruction. This field indicates if notification to the Wisconsin Historical Society is required before records can be destroyed. Column will either state NOTIFY or WAIVED.
    - **Waived:** The Wisconsin Historical Society has determined the record series has low historical value and waived the notification period as indicated Wis. Stat. § 19.21(4)(a). Municipalities are free to destroy any waived records without notification once they reach their required retention period.
    - **Notify:** You are required to send written notification to the Wisconsin Historical Society before destruction. Please contact the Wisconsin Historical Society with questions on how to properly notify on the destruction of public records.
    - **N/A:** indicates that the retention is permanent.

Final Disposition:

Municipal records, which have met the retention time outlined in the WMRS, have only two dispositions: Destroy or transfer to the Wisconsin Historical Society. Records that are held beyond their retention period but are not destroyed are still subject to all public records laws.

- Destruction: Records identified as "waived" in this schedule may be destroyed without notifying the Wisconsin Historical Society. Local units should dispose of all public records in a manner that ensures they are completely destroyed.
    - If records contain confidential information, or "information that can be associated with a particular individual through one or more identifiers or other information or circumstances" (Wis. Stat. § 19.62(5) including, but not limited to names, addresses, social security numbers, and banking information it must be destroyed confidentially. This means that these records must be disposed of in a way that renders them unreadable and unable to be reconstructed. Typically, this can be achieved by cross cut shredding or pulping. Many organizations disposing of confidential information choose to hire a vendor to handle the process.
    - **Note on records older than 75 years**: the waived designation does not apply. Notification should be given on any records 75 years or older regardless if they have been indicated in the schedule as having been waived.
- Transfer: Records identified as "notify" must be offered, in writing, to the Wisconsin Historical Society. Per Wis. Stat. § 19.23(2), the Wisconsin Historical Society assumes title control and public records responsibility of all transferred records. Obsolete municipal records may not be transferred to local historical societies or other repositories because the statutes do not specify other institutions can hold title to public records. Only the records creators and the Wisconsin Historical Society are identified in statutes as being official holders of title.

- Permanent: Records identified as “permanent” have been identified as containing significant historical information and long term business value. Therefore municipalities are responsible for ensuring the long-term preservation of these records. The Wisconsin Historical Society will, in certain circumstances, accept “permanent” records for transfer if the municipality is unable to maintain these records.

Records that have passed their retention period should not be destroyed if any of the following conditions apply:

- Records are required for financial or performance audits either currently underway or known to be planned.
- Records are subject to a “legal hold” because they may be relevant to an existing, pending, or anticipated legal proceeding.
- A related open records request has been received and not completed, or statutorily required time periods have expired.

V. Confidential Records and Personally Identifiable Information (PII)

Confidential Records:
Some records series may contain confidential or restricted access records. The WMRS identifies any record series containing information required by Wisconsin Statute, administrative rule, or other legal authority to be kept confidential or protected from public access. The confidential column is marked “yes” if ANY records in the series may contain confidential information.

Even when specific confidentiality statutes do not apply, application of substantive common law principles through the balancing test considerations under Wis. Stat. § 19.35(1)(a), may affect disclosure of the record under the public records law.

When an individual or an individual’s representative makes an open records request for records containing personally identifiable information about that individual, there is no balancing test, but the disclosure exceptions under Wis. Stat. §19.35(1)(am), must be considered. Wis. Stat. §19.35(1)(am) exceptions include:

- endangering an individual’s life or safety;
- endangering the security of a prison, including the security of the population or staff;
- identifying a confidential informant; and
- records collected or maintained in connection with complaints, investigations, or other circumstances that may lead to various administrative or court proceedings.

It is strongly recommended that local governments consult with legal counsel when responding to an open records request. Additional resources on open records requests can be found by visiting the Wisconsin Department of Justice, Office of Open Government’s website.

Personally Identifiable Information (PII):
Wisconsin law defines Personally Identifiable Information (PII) as "information that can be associated with a particular individual through one or more identifiers or other information or circumstances" (Wis. Stat. § 19.62(5)). The municipal unit is responsible for evaluating their record series to determine if PII is included. The inclusion of PII does not automatically restrict records, nor does it make them confidential. The confidential column is only marked "yes" in cases where specific statutes restrict access.

VI. Additional Schedules:

Municipal governments should be aware that there are additional schedules that apply to public records. All Wisconsin municipalities have the option of adopting any of the General Records Schedules that have been approved by the PRB. These schedules may cover additional record series not found in the WMRS. In some cases, the WMRS points to the General Schedules for covering some specific records series (such as personnel records). The complete list of approved general records schedules can be found on the Public Records Board website.

Municipalities should also be aware that there are two separate General Records Schedules for the following:

- Wisconsin School Districts
- Wisconsin Public Libraries and Library Systems

In addition, municipalities should check the schedule set by the Public Service Commission of Wisconsin (PSC) for Municipal Utilities. A complete list of records and schedules is located in "Investigation to Consider Proposed Changes to Records Retention Requirements for Electric, Gas and Water Utilities."

Municipal Court Records are scheduled by Supreme Court Rule 72, which specifies the retention periods for court records and requires municipal courts to give 60 day notice to the Wisconsin Historical Society prior to destroying obsolete records. Furthermore, SCR 72 states that notice is not required for records in which "the historical society has indicated, by blanket waiver, that it has no interest for historical purposes." The Wisconsin Historical Society has waived the sixty-day notification period for all municipal court records dated 1941 or later. This waiver applies to all municipal courts throughout the state and allows for the disposal of municipal court records without further notification. Municipal Courts are still obligated to maintain the records for the minimum time specified in SCR 72. Please contact the Wisconsin Historical Society if you have any questions regarding Municipal Court Records.

Table of Contents

Administrative Records

Requirements Specific to Administrative Records

The Administrative Records section is organized by the following subsections:

- Administration (general)
- Common Council/Village Board/Town Board
- Emergency Planning
- Human Resources/Personnel
- Legal
- Licenses and Permits
- Municipal Land Ownership
- Municipal Vehicles
- Payroll
- Real Property Titles

This section is intended to provide municipalities with schedules for the most common record series generally grouped under this topic. Municipalities that are in need of schedules for records not covered in this section are encouraged to review and consult the appropriate General Records Schedules listed below:

- Administrative Records General Schedule
- Fleet and Aircraft Management Records
- Human Resources and Related General Schedule
- Payroll & Related General Schedule

Municipal Court Records are scheduled by Supreme Court Rule 72, which specifies the retention periods for court records and requires municipal courts to give 60 day notice to the Wisconsin Historical Society prior to destroying obsolete records. Furthermore, SCR 72 states that notice is not required for records in which "the historical society has indicated, by blanket waiver, that it has no interest for historical purposes." The Wisconsin Historical Society has waived the sixty-day notification period for all municipal court records dated 1941 or later. This waiver applies to all municipal courts throughout the state and allows for the disposal of municipal court records without further notification. Municipal Courts are still obligated to maintain the records for the minimum time specified in Supreme Court Rule 72. Please contact the Wisconsin Historical Society if you have any questions regarding Municipal Court Records.

Note: Notification should be given on any records 75 years or older regardless if they are marked waived.

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Administration Records (general)				
Appointment Files	Materials documenting appointments and nominations to boards, task forces, councils, or other bodies. May include applications; cover sheets, letters of recommendation, resumes, and correspondence.	Event+2 years; Event=End of term	No	Notify
Appointment Files (not selected)	Unsuccessful appointments and nominations to boards, task forces, councils, or other bodies.	Event+1 year; Event=Position filled	No	Waive
Committee Records and Minutes (Excluding Common Council and Zoning Board)	Records of committees, boards, councils, and commissions, other than Common Council. Includes meeting minutes, agenda packets, reports, and resolutions. See Common Council section for retention of Common Council Minutes. See schedule for Zoning Board Records in Public Works Section.	Creation+7 years	No	Notify
Complaints (External)	File related to complaints regarding issues not related to a specific program. Complaints are not otherwise regulated by state or federal requirements.	Event+2 years; Event=Complaint resolution, dismissal or end of litigation	No	Waived

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Contracts and Agreements	Any contracts or agreements to which the municipality is a party.	Event+6; Event=End date or cancellation of contract	No	Waive
Correspondence (Senior Level or Elected Official)	Business-related correspondence (paper and electronic) of senior level staff and elected officials.	Event+6 months; Event=Separation from position/end of term Note: Correspondence that relates specifically to a program or project may need to be retained per that particular schedule	No	Notify
Correspondence (General Staff)	Business-related correspondence (paper and electronic) of non-appointed general staff.	Event+1 year; Event=Creation or receipt Note: Correspondence that relates specifically to a program or project may need to be retained per that particular schedule	No	Waive

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Grants	Records relating to grant-funded projects where the agency is the grant recipient or issuer, including the application process, the receipt and expenditure of grant funds, or denial.	Event+4 years; Event=Date of final report or notification of denial	No	Waive
House Number and Address Change File	Provides official control and reference source for city addresses.	Permanent	No	N/A
Internal Policies and Procedures	Established departmental policies and procedures. Note: May also be called administrative practices or directives or executive directives.	Event+7 years; Event=Date the policy/ procedure is superseded or made obsolete	No	Waive
Memorandums of Understanding (MOU) & Service Level Agreements (SLA)	Agreements between government units. Sometimes define agreements between a large government unit's separate divisions or bureaus.	Event+4 years; Event=Ending date of the MOU or SLA.	No	Waive
Notice of Removal of Human Corpse	Form for the removal of a human corpse if death occurs in a hospital, nursing home, or under hospice care at any location.	Event+2 months; Event=Date of death	No	Waive

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Oath of Office	Elected or appointed municipal officers may be required to take, and file in writing, an official oath within ten days after receiving notice of election or appointment.	Event+5 years; Event=End of term	No	Waive
Open Records Requests and Responses	Records relating to regular and reformulated, repetitious, systematic or continuing requests by individuals, groups or organizations for access to general information under the provisions of the Wis. Stats. §§ 19.35-19.37.	Event+3 years; Event=Response provided	No	Waive
Organizational Chart	Repository of the official organizational structure of offices.	Event; Event=Superseded	No	Waive
Organizational Planning	Includes division and unit strategic business and operational planning files such as, but not limited to, final plan and significant work papers.	Event+7 years; Event=Completion of plan	No	Notify
Petitions	Petitions submitted to municipalities for improvements or changes to existing municipal services/structures.	Event+7 years; Event=Petition approved or denied	No	Waived

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Press/News Releases	Information about municipality programs and events.	Creation+3 years	No	Notify
Proclamations	Proclamations issued by the mayor, commissioner, or elected executive on behalf of the municipality.	Event+1 year; Event=End of elected representative's final term	No	Notify
Reports (Annual)	Annual reports produced by all departments and programs.	Event+7 years; Event=Date of issue	No	Notify
Reports (Monthly)	Monthly reports of divisions/committees.	Creation+3 years	No	Waive
Subject Files (Senior Level or Elected Official)	Subject files (paper and electronic) of senior level staff such as department heads and elected officials.	Event+6 months; Event=Separation from position/end of term	No	Notify

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Common Council/Village Board/Town Board				
Affidavits of Publication	Records providing proof of publication for legal notices as required by law. (Note: See Wis. Stat. § 985.12 for more information on proof of publication).	Event+7 years; Event=Date of publication	No	Waive
Audio Tapes	Recordings of meetings used to produce minutes. Authority provided by Wis. Stat. § 19.21(7).	Event+90 days; Event=Date the minutes have been approved and published	No	Waive
Minutes (Common Council)	Official minutes of the Common Council/Village Board/Town Board.	Permanent	No	N/A
Ordinances	Official ordinances and any ordinance books kept by municipalities.	Permanent	No	N/A
Resolutions	Official records pertaining to resolutions passed by municipalities.	Permanent	No	N/A

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Emergency Planning[1]				
Continuity of Government Operational Plan and Documentation	Agency official plan and documentation of the Continuity of Operations Plan/Continuity of government plan.	Event; Event=superseded by revised plan	No	Waive
Critical Incident Management Plans	Critical incident management plans, local site security plans, local emergency action plans, life safety, and other similar documents.	Event+3 years; Event=superseded by revised plan	No	Waive
Disaster Recovery Records	Records created during the disaster recovery process.	Event+3 years; Event=Date recovery effort is complete [2]	No	Waive
Human Resources/Personnel				
Grievance Case File	Records of grievances filed by employees.	Event+7 years; Event=Date grievance is closed	Yes [3]	Waive

[1] No specific statutes restrict the records in this series. However, the balancing test per Wis. Stat. § 19.35(1)(a) should be applied prior to release.
[2] Note: When Federal Grant money is involved, the retention is 3 years from the date of the final Financial Services Report.
[3] No specific statutes restrict this type of record. However, the balancing test per Wis. Stat. § 19.35(1)(a) should be applied prior to releasing this type of record. Personnel files may contain patient health records which may be protected by Wis. Stat. § 146.82 and/or the Health Insurance Portability and Accountability Act (HIPAA).

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Personnel Files	Documents employee personnel actions during the employment of the employee. Applies to ALL employees.	Event+7 years; Event=End of employment/service	No [4]	Waive
Legal				
Attorney Opinions	Municipal attorney opinions given to answer specific questions regarding the interpretation and application of statutes and ordinances, or other legal matters.	Permanent	No [5]	N/A
Case Files	Files include, but are not limited to, pleadings and legal arguments, evidence, research, orders, legal summons and subpoenas issued. [6]	Event+7 years; Event=Close of case	No [7]	Notify on historically significant cases only [8]

[4] No specific statutes restrict this type of record. However, the balancing test per Wis. Stat. § 19.35(1)(a) should be applied prior to releasing this type of record. Personnel files may contain patient health records which may be protected by Wis. Stat. § 146.82 and/or the Health Insurance Portability and Accountability Act (HIPAA).
[5] Records may contain material protected by Attorney-Client Privilege Wis. Stat. § 905.03.
[6] Records may contain the client file with information pertaining to expenses, attorney notes, medical records, government agency filings, discovery such as requests for production of documents, deposition transcripts, and evidence.
[7] Records may contain material protected by Attorney-Client Privilege Wis. Stat. § 905.03.
[8] Historically significant case files include those that have established legal precedents; cases that received widespread attention from the public and news media; and cases recognized for their uniqueness. Examples of such cases include, but are not limited to, major civil rights cases, major labor relations cases, major environmental cases, cases dealing tribal governments and treaty rights, major cases with constitutional implications, and cases related to major prosecutions of public officials.

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Licenses and Permits				
License Applications	Includes license applications (approved and unapproved) and license stubs. Includes all non-alcohol related licenses including, but not limited to, non-intoxicating beverages, soda water beverages, food handling and sales, mobile home park licenses, restaurant, retail dairy products, pet, and animals. Also includes permits for the excavation of streets by private utility companies.	Creation+3 years	No	Waived
Liquor and Beer Licenses	Includes license applications (approved and unapproved) and license stubs. Authority provided by Wis. Stat. § 125.04(3)(i).	Creation+4 years	No	Waived
Permits	Permits for public space usage. Includes, but not limited to, burning, street usage, and parking permits. NOTE: See Public Works Section for retention of building permits.	Creation+5 years	No	Waived
Permits (septic tanks)	Permit for a septic tank. The permit records the location and ownership of the tank.	Permanent	No	N/A

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Municipal Land Ownership				
Land Titles, Conveyances and Easements	Documentation for municipal owned land. Also includes any legal rights granted to others that relate to municipal owned land.	Permanent	No	N/A
Sales of Facilities and/or Land (Case Files)	Includes appraisals and related valuations. Projects where a municipality plans or actually sells either facilities and/or land assets.	Event+6 years; Event=date of the completion of the transaction	No	Waived
Municipal Vehicles				
Motor Vehicle Control and Assignment Records	Documentation of agency motor vehicle assignments to employees. Includes completed documentation on reservations for pool cars, individual trips, driver profiles, check-in and checkout logs.	Event+1 year; Event=date the vehicle is disposed	No	Waived
Motor Vehicle and Heavy Equipment Maintenance Records	Records documenting service and repair orders to motor vehicles. These records normally include maintenance orders, logs, fiscal documents, such as requisitions or purchase orders for parts or services, vehicle warranties, operation and repair manuals and parts lists.	Event+1 year; Event=date the vehicle is disposed	No	Waived

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Vehicle Use Agreements	Agreements between individuals and municipalities required before driving a municipal owned vehicle.	Event+1 year; Event=termination of agreement or employment	No	Waived
Vehicle Inspection Reports	Inspections of municipal vehicles.	Event+1 years; Event=date the vehicle is disposed	No	Waive
Payroll[9]				
Employee Payroll & Benefit File	Includes various documents that are maintained throughout the employee's term of employment.	Event+7 years; Event=Employee retirement, transfer or termination	No	Waived
Monthly and Quarterly Payroll Reports	Includes, but is not limited to, quarterly report of federal income tax withheld; quarterly report, payroll summary; state's quarterly report of wages paid, and monthly memorandum report.	Event+5 years; Event=Report Issued (provided record has been audited)	No	Waived

[9] No specific statutes restrict this record series. However, the balancing test per Wis. Stat. § 19.35(1)(a) should be applied prior to releasing this type of information.

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Payrolls and Payroll Registers	Payroll listings showing gross and net pay, as well as deductions for state employees. Referred to on questions of back pay and income taxes.	Creation+4 years	No	Waived
Real Property Titles				
Title Documentation	Records documenting the title of land owned by the municipality including the abstract and certificate of title, opinions of title, and title insurance policies.	Permanent	No	N/A

Table of Contents

Cemetery Records

Requirements Specific to Cemetery Records

Municipalities and towns are required to assume ownership of abandoned private cemeteries. Cemeteries are considered abandoned if the cemetery association or other organization that once cared for the cemetery no longer exists and no legal owner can be found (Wis. Stat. § 157.115(1)).

- The municipality or town must care for the cemetery to the same standards as other municipal or town cemeteries.
- Six or more residents of your town or municipality may petition the circuit court to require that the town or municipality assume ownership or move any graves to another location.

Note: Notification should be given on any records 75 years or older regardless if they are marked waived.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Annual Report and Documentation	Includes the annual report to the cemetery board and the records needed to prepare the report. Authority provided by Wis. Stat. § 157.62(4).	Permanent	No	N/A
Care Funds	An accounting of amounts deposited in, amounts withdrawn from, other income accruing to, and the balance at the end of the reporting period of care funds of the cemetery, including the funds in Wis. Stat. § 157.11(9g)(a), Wis. Stat. § 157.12(3), and Wis. Stat. § 157.125. Including records that show, for each deposit, the name of the purchaser or beneficiary of the contract relating to the deposit and the item purchased. Authority provided by Wis. Stat. § 157.62(4).	Permanent	Yes Confidential per Wis. Stat. § 157.62(2)(c)	N/A

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Contract for Sale	Copy of each contract for the sale of a cemetery lot, mausoleum space, or cemetery merchandise. Authority provided by Wis. Stat. § 157.62(4).	Event=3 years; Event=After all of the obligations of the contract have been fulfilled	No	Waive
Grave Registration Records	Records that describe who is buried, the date of death, interment and location of the remains.	Permanent	No	N/A
Preneed Trust Funds	An accounting of amounts deposited in, amounts withdrawn from, income accruing to, and the balance at the close of the reporting period of any preneed trust funds of the cemetery. Including records that show, for each deposit, the name of the purchaser or beneficiary of the contract relating to the deposit and the item purchased. Authority provided by Wis. Stat. § 157.62(4).	Event+15 years; Event=Date of the deposit or withdrawal	Yes Confidential per Wis. Stat. § 157.62(2)(c)	Waive
Reburial of Human Remains	Includes records confirming an attempt to notify individuals specified in Wis. Stat. 157.112(3)(b)1.-4. when none of the individuals specified are available. Authority provided by Wis. Stat. § 157.112(3m).	Permanent	No	N/A

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Report for Final Disposition	Report for final disposition completed by the funeral director or other person preparing the body for burial or other final disposition. The reports are filed with the local register, but may also be filed with the cemetery to serve as a record of interment. Authority provided by Wis. Stat. § 135.06(1)(a)(1).	Permanent	No	N/A

Table of Contents

Community Development/Public Services

Requirements Specific to Community Development/Public Services

The Community Development/Public Services section is organized by the following subsections:

- Housing Program
- Outreach
- Parks
- Public Transportation
- Sanitation

This section is intended to provide municipalities with schedules for the most common record series generally grouped under this topic. Municipalities that are in need of schedules for records not covered in this section are encouraged to review the County General Schedule for reference on scheduling similar records. The County General Schedule cannot be adopted by municipalities for use, but the schedules can be used for creating record schedules through municipal ordinances.

Municipalities that have records pertaining to Public Health should use the County General Schedule to create ordinances to schedule those records.

The retention of public transportation surveillance recordings is covered by the schedule for surveillance recordings listed under the subsection Maintenance and Operations in the Public Works section.

Note: Notification should be given on any records 75 years or older regardless if they are marked waived.

Record Series Title	Series Description	Retention and Disposition	Confidential	Waive/Notify
Housing Program				
Program Files	Correspondence, breakdown of projects, HUD regulations, and supporting files.	Event+7 years; Event=Audit	No	Notify
Outreach				
Public Program Files	Outreach programs for municipality sponsored programs.	Event+7 years; Event=Superseded or end of program, whichever is first	No	Notify
Parks				
Park Master Plan	Master plans for parks and park systems. May include maps, drawings, photographs, and reports.	Superseded	No	Notify
Program Files	Records relating to programs, events, and activities.	Creation+3 years	No	Waived

Record Series Title	Series Description	Retention and Disposition	Confidential	Waive/Notify
Reservation Requests, Rental Agreements, Use Permits, and Contracts	Permits, agreements, and contracts for the use of parks, shelters, and facilities.	Event+3 years; Event=Date of reservation	No	Waived
Supervisors Daily Report of Work Completed	Summarizes progress made on a particular job, noting the time required, employees assigned and vehicles used.	Creation+2 years	No	Waived
Public Transportation				
Accessible Boarding Reports	Reports documenting the accessibility of vehicles.	Creation+5 years	No	Waive
Americans with Disabilities Act (ADA) Customer Eligibility Files	Files determining the eligibility of customers for ADA transit programs.	Event+6 years; Event=Termination of service or participation by customer	Yes Patient health information may be protected by Wis. Stat. § 146.82	Waive
Bus Route Schedules and Timetables	Documentation of transit schedules, timetables, routes, and route history.	Event+3 years; Event=Superseded	No	Waive

Record Series Title	Series Description	Retention and Disposition	Confidential	Waive/Notify
Dispatch Files	Boarding and alighting, extra board weekly projections and assignments, daily work schedules, and bid mark-ups.	Creation+7 years	No	Waive
Fare Information Files	Research, background, studies, and other materials used to determine fares.	Creation+7 years	No	Waive
Operation Reports	Daily, weekly, or other periodic reports summarizing transit system operations and ridership and lost and found reports.	Creation+3 years	No	Waive
Operator Assignment Records	Documentation of assignment of individual operators to routes and shifts.	Creation+3 years	No	Waive
Sanitation				
Composting Regulations	Documents pertaining to the disposal of yard waste.	Event+7 years; Event=superseded	No	Waive

Record Series Title	Series Description	Retention and Disposition	Confidential	Waive/Notify
Curbside Recycling Program	Documentation of the curbside recycling program including policies, procedures, and administration of the program.	Event+7 years; Event=superseded	No	Waive
Drop Off Site/Recycling Yard Waste	Site operation files and records.	Creation+7 years	No	Waive
Household Hazardous Waste Collection Center	Records related to the collection and disposal of paints, corrosives, flammables, toxics, used motor oil, and car/truck batteries.	Creation+30 years	No	Waive
Landfill/Garbage Dump Sites	Location of any fill, records of materials deposited, cover materials used, reports of leachate and methane leakage and treatment, source of fill materials, (household, commercial) source of cover materials, and inspection reports.	Permanent	No	N/A

Table of Contents

Election Records

Requirements Specific to Election Records

Additional information regarding election records is available through the Wisconsin Election Commission. Municipalities are encouraged to review the *Election Administration Manual* available on the Wisconsin Elections Commission Website for more in-depth information about managing election related records. Retention times in this section that are not specifically stated in Wisconsin Statutes are taken from the *Election Administration Manual.*

- Federal Election records must be maintained for 22 months as specified in Wis. Stat. § 7.23(1)(f).
- Recounts or Pending Litigation are subject to a longer retention pending litigation or recounts as specified in Wis. Stat. § 7.23(2).
- All other material not described below are identified by Wis. Stat. § 7.23(1)(k) as having a retention period of 90 days after the election.

Note: Notification should be given on any records 75 years or older regardless if they are marked waived.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Ballots and Equipment				
Applications for Absentee Ballots (Federal Elections)	Includes copies of proof of identification when submitted with application. Authority provided by Wis. Stat. § 7.23(1)(f).	Event+22 months; Event=Election [10]	No	Waived

[10] All materials and documentation associated with a federal election must be retained at least 22 months after the election. Federal elections include those for the office of President of the U.S., U.S. Senator, and U.S. House of Representatives (Wis. Stat. § 7.23(1)(f)).

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Applications for Absentee Ballots (State, County, Local Elections)	Includes copies of proof of identification when submitted with application. Authority provided by Wis. Stat. § 7.23(1)(k).	Event+90 days; Event=Election	No	Waived
Ballots (Federal Elections)	Federal election ballots. Authority provided by Wis. Stat. § 7.23(1)(f).	Event+22 months; Event=Election	No	Waived
Ballots (State, County, Local Elections)	State, county, local offices. Authority provided by Wis. Stat. § 7.23(1)(h).	Event+30 days; Event=Election	No	Waived
Ballots (Unused and related Materials)	Only applies to unused ballots and materials. Authority provided by Wis. Stat. § 7.23(1)(a).	Event+3 business days; Event=Completion of all election canvasses [11]	No	Waived

[11] Materials must be retained in event a petition for recount has been filed.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Detachable Recording Units	Data storage devices used in electronic voting equipment. Authority provided by Wis. Stat. § 7.23(1)(g).	Event+21 days; Event=Election [12]	No	Waived
Detachable Recording Units (Primary Elections)	Data storage devices used in electronic voting equipment. Authority provided by Wis. Stat. § 7.23(1)(g).	Event+14 days; Event=Election [13]	No	Waived
Campaign				
Campaign Finance Reports	Financial disclosure reports filed by candidates during election campaigns. Authority provided by Wis. Stat. § 7.23(1)(d).	Event+6 years; Event=date of receipt	No	Waived

[12] Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed 22 months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.

[13] Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed 22 months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Campaign Registration Statements	Statements filed by candidates for public office. Includes Notification of Non-candidacy for reelection forms. Authority provided by Wis. Stat. § 7.23(1)(d).	Event+6 years; Event=termination issued by the registrant	No	Waived
Reports and Lists				
Official Canvassers Statements	Prepared statement showing the results of each election. Authority provided by Wis. Stat. § 7.23(1)(i).	Event+10 years; Event=election	No	Waived
Election Notices	Includes proofs of publication and correspondence filed in connection with such notices. Authority provided by Wis. Stat. § 7.23(1)(j).	Event+1 year; Event=Election	No	Waived
Election Notices (Federal Elections)	Includes proofs of publication and correspondence filed in connection with such notices. Authority provided by Wis. Stat. § 7.23(1)(j).	Event=22 months; Event=Election	No	Waived
Election Voting and Registration Statistics Reports	Reports filed by municipal clerks on registration, voting, and absentee voting. Authority provided by Wis. Stat. §§ 6.275-6.276.	Event+22 months; Event=Election	No	Waived

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Ineligible Elector Registrations	Elector registrations deemed ineligible for voting. Status and reasons for ineligibility should be noted. Authority provided by Wis. Stat. § 7.23(1)(c).	Event+4 years; Event=When deemed ineligible	No	Waived
Poll (Voter) Lists	List compiled by election officials on election day showing the names and addresses of electors who actually cast votes in an election defined in Wis. Stat. § 5.02(14). Authority provided by Wis. Stat. § 7.23(1)(e).	Event+22 months; Event=Election	No	Waived

Table of Contents

Finance Records

Requirements Specific to Finance Records

The Finance section is organized by the following subsections:

- Budget
- Fiscal
- Purchasing

Municipalities are encouraged to adopt the following general schedules in instances where this schedule does not adequately provide coverage for all types of records that could be created:

- Budget and Related General Record Schedule
- Fiscal & Accounting Related Records General Schedule
- Purchasing & Procurement General Schedule

Note: Records in this series may contain confidential or restricted information. Even when specific confidentiality statutes do not apply, application of substantive common law principles through the balancing test considerations under Wis. Stat. § 19.35(1)(a), may affect disclosure of the record under the public records law. Please consult Section V: Confidential Records and Personally Identifiable Information (PII) of the Introduction for more information on this topic.

Note: Notification should be given on any records 75 years or older regardless if they are marked waived.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Budget				
Approved Annual Operating Budget	Records related to establishing the base level agency annual operating budget each fiscal year.	Fiscal+6 years	No	Waived

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Audit Reports	Reports that evaluate the financial holdings of the municipality.	Event+3 years; Event=Final report issued	No	Waived
Budget Documents/ Development	Records include final budget requests (forms or their equivalents), justifications/analysis, policy papers, related correspondence, and requests for information.	Fiscal+6 years	No	Waived
Final Budget Submittal	The final budget document for the municipality.	Fiscal+6 years	No	Waived
Municipal Borrowing				
Bond Records	All records associated with municipal bonds. Also includes the bond register, bond payment register, and any certificates of destruction when the bond agent has been authorized to destroy cancelled bonds, coupons, and promissory notes.	Event+7 years; Event=Bond issue expires or following payment of all outstanding matured bonds/notes/coupons, whichever is later	No	Waived

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Payments and Receipts				
Bank Statements/ Reconciliations	Statements received from institutions holding the municipality's funds.	Creation+7 years	No	Waived
Cashbook	Overall record accounting for receipts and disbursements, usually for fiscal or calendar year.	Event+7 years; Event=Audit	No	Waived
Collection & Disbursement Reports	Reports showing the amounts collected, amounts retained by county/local government, and portion sent to state.	Event+3 years; Event=Transaction date	No	Waived
Credit Card Receipts or Information Received from Sales	Credit card receipts and related documentation associated with credit card transactions.	Event+3 years; Event=Transaction date	No	Waived
Financial support records	Records used in reconciling bank statements and verifying expenditures. Includes, but not limited to, credit/debit notices, cash reconciliations, and deposit stubs.	Event+1 year; Event=Audit	No	Waived

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Issued Checks	Checks issued by the municipality that are outstanding or have been cleared by the bank.	Creation+7 years	No	Waived
Purchasing				
Contract and Request for Bid /Proposal File	Records pertaining to the procurement of all commodities and services which may require a contract. This includes both successful and unsuccessful bids.	Event+6 years; Event=End date of resulting contract or cancellation date of contract or bid/proposal	Yes [14] Some information may qualify for Trade Secret protection per Wis. Stat. § 19.36(5).	Waived
Vendor Performance Files	Documentation of vendors and contractors who fail to meet the terms and specifications of purchasing contracts.	Event+6 years; Event=End of contract	No	Waived

Table of Contents

[14] Some information may qualify for other legal protection such as copyright, patent, trademark or licensing. It is possible some vendors may identify information as confidential that is not actually protected by law.

Public Works

Requirements Specific to Public Works

Records in the Public Works section are arranged under the following subsections:

- Building Inspection
- Engineering
- Maintenance and Operations
- Planning and Zoning
- Utilities

The Public Works section is intended to provide municipalities with schedules for the most common record series generally grouped under this topic. Municipalities that are in need of schedules for records not covered in this section are encouraged to review and consult the appropriate General Records Schedules listed below:

- Facilities Management and Related Records

Wis. Stat. § 19.21(4)(b) defines the minimum retention cities, villages, and towns may set for water stubs, receipts of current billing, and customer's ledgers of any municipal utility as 2 years. In addition, municipalities should check the schedule set by the Public Service Commission of Wisconsin (PSC) for Municipal Utilities. A complete list of records and schedules is located in "Investigation to Consider Proposed Changes to Records Retention Requirements for Electric, Gas and Water Utilities."

Schedules specific to Police/First Responder records are not included in the WMRS. Consult the County General Schedule for records schedules for similar records which can be used as a basis for the creation of schedules and/or ordinances.

Surveillance recording schedule applies to municipally operated security footage for public buildings, street cameras, and public transportation. The schedule **does not apply** to footage recorded by police body cameras, patrol dashboard cameras, or any similar police recording device.

Municipalities should have adequate and clear procedures in place that explain the proper handling and destruction of surveillance recordings. Clear communication with appropriate municipal personnel will help to ensure that the record is not destroyed prematurely and public requests and/or any legal or program needs are met in a timely manner.

Note: Notification should be given on any records 75 years or older regardless if they are marked waived.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Building Inspections				
Building Inspection Records	Summary of inspection history of a particular property. Records include original building permit, site plans, certificate of occupancy, conditional use documents, comprehensive design reviews, and violations for both residential and commercial structures. Also includes inspection of plumbing, electrical, ventilation, heating, and air conditioning.	Event+1 year; Event=Life of building	No	Waived
Building Plan Review and Inspection	Conditionally approved building plans, calculations, and correspondence. Authority provided by Wis. Admin. Code § SPS 361.60(5)(f)1.b. Note: applies to certified municipalities only (see Wis. Admin. Code § SPS 361.60(2)).[15]	Event+4 years; Event=Construction completed	No	Waived

[15] Note: Refer to Wis. Admin. Code § SPS 361.60(5) for detailed information on the specific types of buildings that first class, second class, and other municipalities are authorized by the Department of Safety and Professional Services to review. Prior to applying this schedule, the Municipality must review and take the steps outlined in Wis. Admin. Code § SPS 361.60.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Building Plans: Residential 1 and 2 Family Dwellings	Includes architectural, design specs, structural and utility plans submitted for inspection review. Authority provided by Wis. Admin. Code § SPS 320.10(6)(a)2.	Event+4 years; Event=Construction completed	No	Waived
Building Inspection: Residential 1 and 2 Family Dwellings	Applications forms, correction orders, correspondence and inspection records. Authority provided by Wis. Admin. Code § SPS 320.10(6)(a)3.	Event+ 7 years; Event=Construction completed	No	Waived
Code Compliance Inspection Reports	Reports completed during field investigations to determine if buildings and system installations comply with the specifications of appropriate codes.	Permanent	No	N/A
Engineering				
Airport Improvement Petition File	Material submitted to the Department of Transportation when a municipality wants to make an improvement to the airport. Records may include public hearing records, briefs, reports and recommendations, and correspondence.	Event+7; Event=petition submitted to DOT	No	Waived
Airport Master Plan	The Airport Master Plan provides information about the condition of the airport and projects development for the next 20 years.	Event+20 years; Event=new plan issued	No	Notify

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Construction Plans: Final As-Built Projects	Final as-built plans and original drawings for public for buildings, streets, sewers, sidewalks, etc.	Event; Event=life of structure	No	Waived
Construction Plans: Final As-Built Projects (Historically Significant)	Use for historically significant projects.	Event; Event=life of structure	No	Notify
Environmental Assessment & Impact Statements	Official copies of environmental assessments, impact statements and related documentation related to municipal construction projects. [16]	Event+6 years; Event=Termination of municipal ownership of the land	No	Notify
Maps: Construction and Topographical	May include maps covering environmental impact/changes, development of specific areas, and the impact on public infrastructure (utilities, roads, sidewalks).	Permanent	No	N/A

[16] May include: environmental assessment reports and drafts, environmental impact statements (draft and final), legal notices, comments from the public, DNR and others, related correspondence and supporting materials.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Project Records	All documents pertaining to a project including, design and construction contracts, proposed and approved amendments to all contracts, bidding plans and specifications, details on materials used on each project, and all other related project materials. Use for buildings, streets, sewers, sidewalks, etc.	Event+10 years; Event=Date project is completed	No	Waived
Project Records (Historically Significant)	Use for historically significant projects.	Event; Event=Life of structure	No	Notify
Maintenance and Operations				
American with Disabilities Act (ADA) Facility Reviews	Records cover ADA inspections, investigations, complaint investigations, facility logs and reports regarding ADA compliance relating to facilities and structures.	Event+6 years; Event=Close of review or audit	No	Waived
Asbestos and Hazardous Material and Environmental Remediation Case File	Project files on asbestos abatement and hazardous materials and environmental remediation projects at state owned buildings. [17]	Event+30 years; Event=Completion of the project	Yes [18]	Waived

[17] OSHA 29CFR 1926.1101 governs asbestos abatement projects. The records include medical surveillance records for certain people who wear protective equipment performing asbestos abatement work.
[18] Patient health care records in this series are confidential per Wis. Stat. § 146.82.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Building Maintenance: Equipment Repair and Service Records	Documents the installation, maintenance, service and history of equipment commonly used to maintain facilities.	Event+1 month; Event=Removal and disposal of equipment	No	Waived
Building Lease Files	Files on leased facilities.	Event+7 years; Event=End of lease	No	Waived
Maps	Series may document road locations or surfaces, zoning information, parks, flood plains, soils, or parcel boundaries. This record series may also include indexes to maps.[19]	Permanent	No	N/A
Physical Plant Monitoring and Inspection Reports	Records documenting the operation of all facets of facilities: VAC; plumbing, mechanical, electrical, structural as well as special monitoring of building components.	Creation+6 years	No	Waived

[19] Copies of maps that are retained by local government offices after originals have been sent to other government units for retention may be destroyed 90 days after they have been transferred. An example of this are copies of certified survey maps created by local units and then sent to the county register of deeds office for retention under Wis. Stat. § 236.34(2).

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Profile and Grade Books	Documentation of landscape and features.	Permanent	No	N/A
State Highway Aids Program Records	Records of state aid pertaining to road maintenance.	Creation+7 years	No	Waived
Street and Sidewalk Operations File	Documentation of the performance of tasks related to street and sidewalk maintenance. This may include solid waste management, street cleaning, repairs, snow removal, and garbage collection.	Creation+7 years	No	Waived
Surveillance Recordings	Monitoring and surveillance recordings for public buildings, street cameras, and public transportation.[20]	Event+120 days [21] Event=Date of recording (Note: Recordings may be subject to longer retention. See footnote for more information.) [22]	No	Waive

[20] The schedule does not apply to footage recorded by police body cameras, patrol dashboard cameras, or any similar police recording device.
[21] 120 days is the time within which a claim may be filed against a governmental body as defined in Wis. Stats. § 893.80.
[22] Surveillance recordings that are required for any legal or programming purpose (such as open records requests, claims, case file, or litigation holds) must be retained in accordance with any applicable records schedules and/or have completed their legal or programming requirements.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Planning and Zoning				
Aerial Photographs	Aerial photographs used for planning and map creation.	Event; Event=Superseded	No	Notify
Annexation Records	Incorporation records such as petitions, hearing testimony and exhibits, court orders, notices, resolutions, and related correspondence.[23]	Permanent	No	N/A
Comprehensive Growth and Development Plan	Provides general goals, objectives, policies and implementation recommendations to guide the future growth and development of the city.	Event+14 years; Event=Superseded by new plan	No	Notify
Conditional Use Permits	Applications and related documents for a conditional use permit. Applications include site plan, applicate statement, and evidence evidence/documentation. This series may also include public hearing notice, reports, public hearing documentation, and decision.	Event+7 years; Event=termination of conditional use permit	No	Waived

[23] Records cover proposed incorporations of town areas into cities and villages pursuant to Wis. Stat. § 66.0201 - § 66.0209, and municipal consolidations of towns with cities and villages pursuant to Wis. Stat. § 66.0229.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Easements	Grants of easement to the municipality.	Permanent	No	N/A
Final Plats	A map showing the divisions of a piece of land, this series includes vacation or alterations of plats, annexation plats, and final subdivision plats.	Permanent	No	N/A
Preliminary Plats	Created during the development of subdivisions.	Event; Event=Superseded by final plat	No	Waived
Property Survey Records	Includes field notes, benchmark books, and section corner monument logs.	Permanent	No	N/A
Zoning Appeals, Approved	Material submitted to appeal a zoning decision. May include maps, rezoning application, written local description of the proposed zoning boundaries, and drawings of the boundaries. Also includes public hearing records.	Permanent	No	N/A

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Zoning Appeals, Unapproved	Material submitted to appeal a zoning decision. May include maps, rezoning application, written local description of the proposed zoning boundaries, and drawings of the boundaries. Also includes public hearing records.	Event+7 years; Event=Final appeal is closed	No	Notify
Zoning Board and Zoning Board of Appeals Meeting Material	Agendas, minutes, reports, plans, and other material submitted to the Zoning Board, and/or Zoning Board of Appeals.	Permanent	No	N/A
Zoning Ordinance	The text of the zoning ordinance spells out uniform rules that apply to each zoning district including: uses of the land (permitted, conditional and prohibited uses), dimensional standards (lot size, frontage, setbacks, building height, bulk, floor area), and the density of development. Authority provided by Wis. Stat. § 60.61.	Permanent	No	N/A
Zoning, Rezoning Files	May include, but is not limited to, maps, rezoning application, written local description of the proposed zoning boundaries, and drawings of the boundaries. Also includes public hearing records.	Permanent	No	N/A
Zoning Variance Files	Records related to area and use variances. Documentation submitted by landowners to secure a variance to the zoning ordinance.	Permanent	No	N/A

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Utilities [24]				
Abandoned Mains and Services As-Built	Records may include final designs and location maps. Includes plans of private sewer and water systems.	Permanent	No	N/A
Excavation Plans of Private Utilities	Plans submitted by utilities needing to excavate to develop, expand, or repair utility lines.	Permanent	No	N/A
Inspections	Records documenting the inspection of water and sewer lines.	Permanent	No	N/A
Sewer Inspection Records	Indicates problems such as cracked or broken pipes, improper alignment, or loose lateral connections.	Event; Event=Superseded	No	Waived

[24] Wis. Stat. § 19.21(4)(b) defines the minimum retention cities, villages, and towns may set for water stubs, receipts of current billing, and customer's ledgers of any municipal utility is 2 years. Local governments should also consult the schedule set by the PSC for Municipal Utilities. A complete list of records and schedules is located in "Investigation to Consider Proposed Changes to Records Retention Requirements for Electric, Gas and Water Utilities."

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Water and Sewer Main Break Records	A record documenting the history of breaks in water and sewer main lines.	Permanent	No	N/A
Water, Storm, and Sanitary Sewer Main Maps	Maps providing the location of water, storm, and sanitary sewer mains. Also provides information about the depth, slope, size and composition of these features.	Permanent	No	N/A

Table of Contents

Revenue Records

Requirements Specific to Revenue Records

Records in the Revenue section are arranged under the following subsections:

- Assessment
- Board of Review
- Special Assessment
- Tax Calculation and Collection

The Revenue section is intended to provide municipalities with schedules for the most common record series generally grouped under this topic. Municipalities that are in need of schedules for records not covered in this section are encouraged to review the County General Schedule for reference on scheduling similar records. The County General Schedule cannot be adopted by municipalities for use, but the schedules can be used for creating record schedules through municipal ordinances.

Final real property assessment rolls have a retention period of 15 years and may be destroyed after that time has lapsed. However, Wis. Stat. § 59.52(4)(c)3 states that no assessment roll containing forest crop acreage may be destroyed without the prior approval of the secretary of the Department of Revenue. Municipalities should assume that assessment rolls from rural areas include forest crop acreage and that this provision applies to their assessment rolls. Municipalities should contact the Wisconsin Department of Revenue, Local Government Services Bureau for more information. This step is in ADDITION TO notifying the Wisconsin Historical Society of the upcoming record destruction.

Note: Notification should be given on any records 75 years or older regardless if they are marked waived.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Assessment				
Assessor' Final Reports	Documents yearly changes to master property record and personal property returns. Final report is filed with DOR.	Event+5 years; Event=Final report filed with DOR	No	Waive
Cadastral Maps	Includes any plats, assessor's plats, certified surveys, or aerial photographs used in determining taxable boundaries.	Permanent	No	N/A
Final Assessment Rolls	Both real and personal property rolls.	Creation+15 years (Provided no Forest Crop Acreage is recorded) [25]	No	Notify
Master Property Records	Details the appraisal of real property, based on the field inspections of the assessor.	Event+5 years; Event=Life of structure	No	Notify

[25] Wis. Stat. § 59.52(4)(c)3 states that no assessment roll that contains forest crop acreage may be destroyed without the prior approval of the secretary of revenue. Notification to the Wisconsin Historical Society is still required before approved assessment rolls can be destroyed.

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Notice of Increased Assessment	Notices sent to property owners informing them of increases on assessment.	Creation+7 years	No	Waive
Taxation Exemption Reports	Reports filed by individuals who own property exempt from personal property tax under Wis. Stat. § 70.11. The reports are submitted to the clerk of the taxation district. Authority provided by Wis. Stat. § 70.339.	Creation+10 years	No	Waive
Personal Property Statements	Statements filed with local assessor declaring taxable personal property.	Creation+5 years	Yes Confidential per Wis. Stat. § 70.35(3)	Waive
Board of Review				
Form of Objection	Objections submitted by taxpayers. Includes written objections and all other material submitted to the board of review.	Event+7 years; Event=Final action of Board of Review or completion of appeal	No	Waive
Minutes	Record of all proceedings of the board of review. Authority provided by Wis. Stat. § 70.47(5).	Creation+7 years	No	Notify

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Notice of Determination	Final decisions sent to property owners. Authority provided by Wis. Stat. § 70.47(12).	Event+7 years; Event=Final action of Board of Review or completion of appeal	No	Waive
Proceedings	Includes audio recordings and any transcripts of board of review proceedings, along with any notes taken by clerk. Authority provided by Wis. Stat. § 70.47(8)(f).	Event+7 years; Event=Final action of Board of Review or completion of appeal	No	Waive
Special Assessments				
Final Resolution	Final authorization of special assessments. Authority provided by Wis. Stat. § 66.0703(8)(d).	Permanent	No	N/A
Payment Register	Record of the receipt of scheduled payments.	Event+7 years; Event=Final collection of payments	No	Waive
Preliminary Resolutions	Issued by municipal district describing the purpose of the project, calculations, limits of assessment district, and number of installments to be paid. Authority provided by Wis. Stat. § 66.0703(4).	Creation+2 years (provided report is on file with public works project record)	No	Waive

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Report of Special Assessment	Report of project that includes plans, specifications, cost estimates, and property affected. See Wis. Stat. § 66.0703(5) for more information. Authority provided by Wis. Stat. § 66.0703(5).	Creation+2 years (provided report is on file with public works project record)	No	Waive
Tax Calculation and Collection				
Escrow Account List	List of real estate taxes paid directly from an escrow account.	Event; Event=Superseded	No	Waive
Final Tax Roll	Real and personal property rolls. Calculated from assessment rolls to include total taxes and charges to be collected.	Creation+15 years	No	Notify
Statement of Taxes	Combined record of calculations used to set final taxes.	Permanent	No	N/A
Tax Calculation Support Records	Any record used to calculate municipal taxes. These include any certificates, evaluations, levies, estimates, payments, and credits used to determine real and personal property tax rolls.	Event+7 years; Event=Audit	No	Waive

Record Series Title	Series Description	Retention and Disposition	Confidential	WHS Notification
Tax Receipts	Receipts issued by treasurer upon payment of taxes. Includes any supporting documents associated with issuing and recording receipts of payments.	Event+7 years; Event=Audit of records by outside accounting firm	No	Waive
Tax Settlements	Used to verify tax collections compared to the taxes levied in the municipal records.	Event+7 years; Event=Audit	No	Waive
Unpaid Tax Statements	List of postponed real property, delinquent real property, and delinquent personal property taxes.	Creation+15 years (Retain with tax roll)	No	Waive

Table of Contents

Action Item 2.c. Attachments

FOR TREASURER's USE ONLY
Receipt # Chicken 20190000030
Account # 100-10-44290
06/10/2019
BM

APPLICATION FOR KEEPING CHICKENS

License Applied For:
● **New** $25.00
☐ **Renewal** $10.00
(Fees are non-refundable and due upon filing)

The undersigned requests permission to keep chickens in the City of Baraboo.

Name: MADAY LANGE Phone: 608-448-8167 Email: tinyquilter@gmail.com

Address of applicant: 515 4TH AVE, Baraboo, WI 53913

● Property Owner Tenant

Zoning District: Available on City Website at www.cityofbaraboo.com. residential
(Permit is only allowed in R1 or R1A Zoning Districts)

Tax parcel number of site: 206-2596-00000

Lot Size: Width (50' minimum) 75'

Number of Chickens to be kept: (Cannot exceed 6.) 6

Accurate description of coop (must be covered, predator proof, provide adequate shade from summer and warmth in winter. Floor to be covered with wood or cedar chips. Coop may be part of yard shed or garage but may not be on top of a building.) Can attach photo or drawing, if preferred.

Coop size: Length 78 Width 30
(Must provide two to four square feet per chicken.)

Size of Run attached or surrounding the coop: 78 x 30

Distance of Coop/Run to Lot lines: 25 feet to closest side lot line, 20 feet to rear lot line. (May not be closer than 10 feet to any lot line. Coop may not be placed in the front yard.)

Distance of Coop/Run to Applicant's house: 23 feet
(Must be closer to applicant's house than any other neighbor's house.

Name, address, and tax parcel number of the owners of each parcel immediately touching your property line. (No application can be approved if 50% or more of the neighboring properties object.)

Name	Address	Parcel # 206-
mary lou gavin	501 4th ave	2596-10000
peter and susan heide	525 4th ave	2597-00000
Sauk County Historical Society	900 2nd Ave	2598-00000
Greg D. Zastrow	E8148 County Rd W, N. Freedom	2603-00000
Julian & Linda Poydras	510 3rd Ave	2602-00000
Norman & Judith Briggs	526 3rd Ave	2601-00000

Name, address, and tax parcel number of the owners of each parcel immediately touching the property that also touches your property. Check the Sauk County GIS Website to verify neighbors
http://lrs.co.sauk.wi.us/AscentLandRecords/PropertyListing/RealEstateTaxParcel#/Search

Put in your parcel number and click Find Now. Follow this to the next page where you will find a selection to view an Interactive Map. This should show you the Parcel Numbers of your surrounding neighbors and their information. If it is a rental property, please put the information of the Property OWNER NOT RENTER in the below space.

Name	Address	Parcel # 206-
historical society	531 4th ave	2598-00000

WHEREFORE, the undersigned applicant hereby states that the foregoing information and all attachments to this application are true and correct.

Rules per Code 9.10(3):

1. Roosters and crowing cockerels shall not be kept.
2. Chickens shall not be allowed inside of a residence.
3. Chickens shall be kept in the covered coop or in the fenced run at all times.
4. The slaughtering of chickens in Residential Zoning Districts is prohibited.
5. A permit can be revoked for 3 violations within 12 months, or 5 violations within 36 months.

I will pay: ● On Line by US Mail In Person

Dated: 06/08/2019

eSigned via SenmiersDode.com
maday delgado lange
Key: 279c04 5ef7e 5076a0f 0118dd913e4c9d

Applicant/Property Owner

APPROVERS:

satisfy the cost of holding and identifying the animal or creature. If it is determined that the animal or creature has been owned, possessed, harbored, kept, or maintained in violation of subs.(1) above, the costs incurred by the City for impounding, holding, and identifying the animal or creature shall be paid by the violator. Anyone found to be in violation of this section shall, in addition to the penalties provided in §25.04 of this Code, forfeit the prohibited animal or creature to the City Humane Officer or Police Officer for destruction or disposition as deemed proper. Prior to such forfeiture, a City Humane Officer or the Sauk County Health Officer may direct a transfer of the animal or creature to a qualified zoological, educational, or scientific institution or qualified private propagator for safe keeping, with the cost thereof being assessed and paid by the violator. The City elects not to be bound by Ch. 68, Wisconsin Statutes, with respect to administrative procedure under this section.

(3) LIVESTOCK AND POULTRY. Except to the extent permitted in the City's Agricultural Districts, no person shall keep or maintain in any zoning district any poultry, pigeons or fowl, or any animal raised for fur bearing purposes, or any livestock, including, but not limited to horses, cattle, sheep, goats, pigs or swine, whether or not such animal is domesticated, tamed or a pet. (1854 02/17/96, 2312 07/28/09)

(a) Grandfather Clause. Any person keeping or maintaining such poultry, pigeons, fowl, animal or livestock contrary to this subsection as of February 17, 1996, may continue to keep or maintain such poultry, pigeons, fowl, animal or livestock as a nonconforming use upon receipt of a permit from the Building Inspector in accordance with rules established by the Plan Commission as long as a public nuisance is not created in violation of the provisions of Ch. 10 of this Code. Such permit shall be issued for a term of two years to expire December 31, of odd numbered years. No permit or renewal thereof shall be issued until the premise has been inspected by the Building Inspector. (2440 02/23/16)

(b) Chickens. Chickens may be raised in the R-1, R-1A, R-2, R-3, and MH-S Residential Zoning Districts provided the following conditions are met: (2458 08/27/17, 2515 03/12/19)

1. Permit Required. The keeping of chickens shall require a permit issued by the City Clerk.

a. Application and Review. Upon receipt of a completed permit application, other than a renewal application pursuant to Subs. (1)(c), below, the City Clerk shall notify by regular mail all property owners contiguous with the parcel proposed for the chicken coop. These property owners shall have 10 business days from the date of the letter to file with the City Clerk a written objection, signed by the objector, to the permit being issued.

i. If an objection is received, the City Clerk shall place the permit application on the next regularly scheduled Administrative Committee meeting agenda, and at the meeting the objection will either be read into the record or the objector will have an opportunity to be heard on the objection. The Administrative Committee shall approve the application so long as the following are satisfied:

1. The basis for the objection is not reasonable, is not relevant to the facts presented, and/or the benefit to the applicant outweighs the reasons for the objection made by the objector.
2. The applicant does not have a history of non-compliance with this ordinance, or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
3. The coop and run have been inspected by the City Humane Officer or designee to ensure that they are adequate and in compliance with the requirements this ordinance.
4. The applicant has no prior convictions for animal cruelty or related offenses.
5. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any ordinance of the City.

ii. If an objection is not received, the Chief of

Zeman, Brenda

From: Peter Heide <pheide@merr.com>
Sent: Monday, June 24, 2019 7:15 AM
To: Zeman, Brenda
Subject: Lange App for Chickens

Ms. Zeman,
I am opposed to Maday Lange's request to keep chickens at 515 4th Avenue. I suffer with histoplasmosis which is caused by spores in bird droppings. It has caused me chronic uveitis, iritis and conjunctivitis. In my case it has caused be to become blind and it also causes respiratory distress. When my wife spoke with Maday on Saturday, June 22, she had already constructed the coop and has the chicks even though today is the deadline you gave me for contacting you. I will be away this week on study leave and most likely will not be available by cell. Email will be spotty, but I will be checking it when it is possible to do so. Thank you for your consideration of my concerns. I am certainly happy to get a statement from my ophthalmologist if you need this.
Sincerely,

Rev. Peter Heide
608-393-1653 cell
Member, Disability Ministries /
Faith Formation Team
Member, SCSW Racial Equity Team
https://blindfaithdumbcluck.blogspot.com/

Interim Pastor
St. John's Lutheran Church
208 Mary Street
Boscobel, WI 53805
608-375-5855
http://stjohnsboscobel.weebly.com/