

# CHAPTER 3. FINANCE AND PUBLIC RECORDS

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## FINANCE AND TAXES

### SEC. 3.01 CITY BUDGET.

- (a) **Fiscal Year.** The calendar year shall be the fiscal year.
- (b) **Departmental Estimates.** When requested by the City Administrator each year, each officer, department and committee shall file with the City Administrator an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year plus such other information as requested. Such statements shall be presented in the form prescribed by the City Administrator and shall be designated as "Departmental Estimates."
- (c) **City Administrator to Prepare.**
  - (1) **Budget to Include.** Each year the City Administrator shall prepare and submit to the Common Council a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar years. The budget shall include the following information:
    - a. The expense of conducting each department and activity of the City for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommended as compared with appropriations for the current year.
    - b. An itemization of all anticipated income of the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
    - c. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
    - d. Such other information as may be required by the Council and by state law.
  - (2) **Copies of Budget.** The City shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- (d) **Hearings.** The Committee of the Whole shall submit to the Common Council, at the time the annual budget is submitted, the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the sub-

mission of the proposed appropriation ordinance to the Common Council, it shall be deemed to have been regularly introduced therein. The Common Council shall hold a public hearing on the budget and the proposed appropriation ordinance as required by law. Following the public hearing the proposed appropriation ordinance may be changed or amended and shall take the same course in the Council as other ordinances.

- (e) **Changes in Budget.** The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except by a two-thirds (2/3) vote of the entire membership of the Common Council. Notice of such transfer shall be given by publication within ten (10) days thereafter in the official City newspaper.
- (f) **City Funds to be Spent in Accordance With Appropriation.** No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 3.01(e) of this Chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

### SEC. 3.02 TAXES.

- (a) **Real Property Taxes.** All real property taxes shall be paid in one of the following ways:
  - (1) In full, on or before January 31.
  - (2) In installments as follows:
    - a. One-half (1/2) of the real property taxes shall be paid on or before January 31.
    - b. One-fourth (1/4) of the real estate taxes shall be paid on or before March 31.
    - c. One-fourth (1/4) of the real estate taxes shall be paid on or before May 31.
- (b) **Delinquent First Installment.** If the first installment of real property taxes is not paid on or before January 31, the entire amount of the remaining unpaid taxes on that parcel is delinquent as of February 1.
- (c) **Delinquent Second or Third Installment.** If the second or third installment payment of real property taxes is not paid by the due date specified in this Section, the entire amount of the remaining unpaid taxes on that parcel is delinquent as of the first day of the month after the payment is due.

- (d) **Special Assessments, Special Charges, and Other Taxes.** All special assessments, special charges and special taxes that are placed on the tax roll shall be paid in full on or before January 31.
- (e) **Penalty.** There is hereby imposed a penalty of five-tenths percent (0.5%) per month, or fraction of a month, in addition to the interest provided under Sec. 74.47, Wis. Stats., on all general property taxes, special charges, special assessments and special taxes included in the tax roll which are delinquent.

*Ord. No. 3093, A 2/6/24, Sec. 3.02*

**SEC. 3.03 TAX EXEMPT PROPERTY.**

- (a) **Definitions.** In this Section, “tax-exempt property” shall be defined as that property classified as exempt under Sec. 70.11, Wis. Stats.
- (b) **Tax Exemption Report.**
  - (1) The owner of each parcel of tax exempt property must file a tax exemption report with the City Clerk on or before March 31st of each even-numbered year pursuant to Sec. 70.377, Wis. Stats. If the property owner fails to file the tax exemption report with an estimate of the fair market value of the property on or before March 31st of each even-numbered year, the City Clerk shall send a certified letter to the property owner requesting the information within thirty (30) days. If the property owner fails to comply, the property shall be appraised by an appraiser hired by the City. The cost of said appraisal shall be paid by the property owner.
  - (2) Each person that is required to file a report under Subsection (b)(1) shall pay a fee as set forth in Section 3.40 to the City for each tax exemption report to defray the costs of distributing and reviewing the forms and of preparing a summary report for the State of Wisconsin. Only one (1) fee per owner shall be charged for the submission of a multi-parcel tax exemption report.
- (c) **Unrelated Business Income Report.**
  - (1) The owner of tax exempt property must file an unrelated business income report pursuant to Sec. 70.339, Wis. Stats., annually, on or before March 15th of each year, if the owner was subject to taxation for unrelated business income in the previous year. If the statement required under this Section is not received by the due date, the City Clerk shall send the owner of the property a notice by certified mail, stating that failure to file a statement is subject to penalties pursuant to Wisconsin Statutes and Subsection (c)(2).
  - (2) A person who fails to file a statement within thirty (30) days after notification under Sub-

section (a) shall forfeit to the City Ten Dollars (\$10.00) for each succeeding day on which the form is not received by the City Clerk, but not more than Five Hundred Dollars (\$500.00).

**SEC. 3.04 FEE FOR RETURNING CHECKS WITH INSUFFICIENT FUNDS.**

- (a) There shall be a fee as prescribed in Section 3.40(c)(35) for processing checks made payable to the City that are returned because of insufficient funds in the account in question.
- (b) Collection costs and attorneys’ fees shall be added to the principal amounts of unpaid bills owed to the City that are placed with collection agencies.

**SEC. 3.05 DUPLICATE TREASURER’S BOND ELIMINATED.**

- (a) **Bond Eliminated.** The City of Oak Creek elects not to give the bond on the City Treasurer provided for by Sec. 70.67(1), Wis. Stats.
- (b) **City Liable for Default of Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Treasurer to the County Treasurer.

State Law Reference: Sec. 70.67, Wis. Stats.

**SEC. 3.06 PUBLIC DEPOSITORIES.**

The Common Council shall designate the public depository or depositories within this state within which City funds shall be deposited, and when the money is deposited in such depository in the name of the City, the City Treasurer and bondsman shall not be liable for such losses as are defined by state law.

State Law Reference: Chapter 34 and Sec. 62.12(7), Wis. Stats.

**SEC. 3.07 STATEMENT OF REAL PROPERTY STATUS.**

The City Clerk and Treasurer are authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding public utility bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. A minimum of one (1) business day is required for preparation of a statement of real property status. There shall be a fee as prescribed in Section 3.40 for compiling such information.

### SEC. 3.08 RESPONSIBLE BIDDERS.

- (a) **Purpose.** Pursuant to Wis. Stat. §66.0901, whenever the City contracts for public works, the contract must be awarded to the lowest responsible bidder. Whether a bidder is “responsible” is a determination requiring the exercise of City discretion. This ordinance is intended to ensure that submitted bids are reviewed by the City and its departments, officials or employees under reasonably consistent responsible bidder criteria when exercising its discretion.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) “Contractor” means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or subcontractor at any tier.
  - (2) “Public Works Contract” means any contract subject to Wis. Stat. §62.15 for the construction, execution, repair, remodeling, or improvement of any public work or building, or for the furnishing of supplies or material of any kind, where the estimated cost of such work will exceed the threshold amount set forth in Wis. Stat. §62.15(1) for contracts that shall be let to the lowest responsible bidder.
  - (3) “Registered Apprenticeship Program” means an apprenticeship program that is currently registered with either a state or federal government entity and that has a graduated apprentices to journeyman job classification system process as well as a bona fide training program.
- (c) **Responsible Bidder Criteria.** To be considered a responsible bidder by the City for purposes of being awarded a public works contract, all of the following criteria must be met:
- (1) The contractor must maintain a permanent place of business.
  - (2) The contractor must be authorized to do business in the State of Wisconsin.
  - (3) The contractor and any agent, partner, employee, and/or officer of the contractor must not be debarred, suspended, proposed for debarment, or declared ineligible from contracting with any unit of federal, state, or local government.
  - (4) The contractor must follow the provisions of §2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity provisions).
  - (5) The contractor must have adequate and appropriate:
    - i. General liability insurance;
    - ii. Automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and
    - iii. Worker’s compensation and unemployment insurance, except when the contractor does not have employees.
- (6) For all projects undertaken within the past five (5) years in any jurisdiction in which state or federal prevailing wage laws apply, the contractor must have complied with all provisions of such laws. This provision is intended to include projects that are federally funded or otherwise subject to federal Davis-Bacon-related laws.
  - (7) If determined to be appropriate in the discretion of the Building Commissioner or Director of the Department of Public Works at the time a Request for Bids or Request for Quotes is issued where the public works contract exceeds one million dollars, the contractor must participate in a Class A Registered Apprenticeship Program.
  - (8) The contractor must have a written substance abuse prevention program that meets the requirements of Wis. Stat. §103.503.
  - (9) The contractor must have, and diligently maintain, a written safety program.
  - (10) The employees who will perform work on the project for the contractor must be properly classified as employees or independent contractors under all applicable laws.
  - (11) If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order, or judgment for the City to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide the required documentation.
  - (12) The contractor’s employees who will perform work on the project must be covered under a current worker’s compensation policy and must be properly classified under such policy.
  - (13) The contractor must be in compliance with all laws regarding health insurance coverage for employees.
  - (14) The contractor must possess all applicable professional and trade licenses required for performing the public works contract.
  - (15) The contractor must have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently under contract to complete.
  - (16) The contractor must be bondable for the terms of the proposed public works contract.

(d) **Exemptions.**

- (1) This Ordinance does not apply to public construction if the materials for the project are donated or if the labor for the project is provided by volunteers, pursuant to Wis. Stat. §62.15(1).
- (2) This Ordinance does not apply for public emergencies, when damage or threatened damage creates a public emergency as determined by the governing body pursuant to Wis. Stat. §62.15(1b).
- (3) No Restriction on Discretion. If information is discovered or comes into the possession of the City or a City department, official, and/or employee responsible for awarding the public works contract, and if such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract, and such information is considered to be both credible and verifiable, then that information shall be considered in determining whether the contractor is a responsible bidder.

*Ord. No. 3108, A 08/20/24, Sec. 3.08*

## SPECIAL ASSESSMENTS

### SEC. 3.200 LEVY OF SPECIAL ASSESSMENTS.

The cost of installing or constructing any public work or improvement by the City may be charged under this section, in whole or in part, to the property benefited by such work or improvement and the Common Council may levy an assessment against such benefited property in the manner provided herein.

*Ordinance No. 2032 A 10/05/99*

### SEC. 3.201 INCLUDABLE COSTS.

- (a) The cost of any work or improvement to be paid in whole or in part by special assessment levied against property may include the following:
- (1) The direct and indirect cost thereof;
  - (2) The damages occasioned thereby;
  - (3) The interest on bonds or notes issued in anticipation of the collection of the assessments;
  - (4) A reasonable charge for the services of the administrative staff of the City;
  - (5) The cost of any architectural, engineering and legal services;
  - (6) Any other items of direct or indirect cost, which may reasonably be attributed to the proposed work or improvement.

The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Common Council.

- (b) The amount assessed against any property for any work or improvement, which represents an exercise of the City's taxing power, shall not exceed the actual value of the benefits conferred on the property. An assessment levied under the police power must benefit the property and the assessment shall be levied on a reasonable basis as determined by the Common Council.

*Ordinance No. 2032 A 10/05/99*

### SEC. 3.202 ENGINEER'S REPORT.

Prior to levying a special assessment, the Common Council, by preliminary resolution, shall direct that special assessments be levied and shall direct that the City Engineer prepare and file with the City Clerk, for public inspection, his report which shall consist of:

- (a) A copy of the preliminary or final plans and specifications of the proposed work or improvement.
- (b) An estimate of the entire cost of the proposed work or improvement or the actual cost thereof based on contracts awarded.
- (c) An estimate of that portion of the total cost of the improvement to be levied against the benefited properties.
- (d) An estimate, as to each parcel of property affected, of:
  - (1) The assessment of benefits to be levied.

- (2) The damages to be awarded for property taken, damaged, or adversely affected.
- (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

- (e) A statement that the property against which the assessments are proposed is benefited, where the work or improvement constitutes an exercise of the police power. In such cases the estimates required under Subsection (d) above, shall be replaced by a schedule of the proposed assessments.

*Ordinance No. 2032 A 10/05/99*

### SEC. 3.203 NOTICE AND HEARING.

Upon completion and filing of the Engineer's Report, the City Clerk shall cause notice to be given stating the nature of the proposed work or improvement, the general boundary lines of the proposed assessment district or area including, in the discretion of the Common Council, a small map thereof, the place and time at which all person interested, or their agents or attorneys, may appear before the Common Council and be heard concerning the matters contained in the report. Such notice shall be published as a Class 1 notice, under Chapter 985 Wisconsin Statutes. A copy of such notice shall be mailed, at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after publication of the notice.

*Ordinance #2032 A 10/5/99*

### SEC. 3.204 WAIVER OF NOTICE AND HEARING.

The Common Council may, without any notice or hearing hereunder, levy and assess the whole or any part of the cost of any municipal work or improvement as a special assessment upon the property benefited thereby whenever notice and hearing thereon is waived in writing by all the owners of property affected by such special assessment.

*Ordinance No. 2032 A 10/05/99*

### SEC.3.205 RESOLUTION LEVYING ASSESSMENTS.

After hearing persons interested in the proposed assessment levy, the Common Council may approve, disapprove, or modify the proposed assessments or it may refer the report to the Engineer with such direction, as it deems necessary to accomplish a fair and equitable assessment. Upon approval of the Engineer's report, the Common Council shall adopt a resolution levying the special assessment as finally approved. The resolution shall contain the following:

- (a) Confirmation of the Engineer's report
- (b) A determination that the proposed work or improvement constitutes an exercise either of the police power, or the taxing power.

- (c) A determination that the assessments may be paid in annual installments and the number and due date of such installments and the interest thereon pursuant to Section 66.54(7), Wisconsin Statutes.
- (d) A statement, if applicable, that the assessments or a portion of the assessments so levied is long term (20 year) pursuant to Section 66.605, Wisconsin Statutes.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.206 LOW INCOME ADJUSTMENT.**

A property owner who applies and qualifies for consideration as a low income household shall have the interest rate established by the resolution levying the assessment reduced by 2%. The property owner's income must not exceed 80% of the county median income. This subsection shall apply when the special assessment comes active.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.207 APPEAL OF SPECIAL ASSESSMENTS.**

Any person having an interest in any parcel of land affected by any determination of the Common Council may appeal therefrom to the Milwaukee County Circuit Court in the manner provided in Section 66.60(12), Wisconsin Statutes.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.208 PROPERTY EXCLUDED FROM SPECIAL ASSESSMENT.**

If any property included within the proposed assessment district or area shall be excluded from assessment, the proposed assessment shall be computed and paid by the City, Water and Sewer Utility, or storm water drainage district as determined by the Common Council.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.209 SPECIAL CHARGES.**

Special charges for services rendered by the City may be imposed by the Common Council pursuant to Section 66.60(16), Wisconsin Statutes.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.210 PAYMENT PLANS.**

- (a) Except those properties that are subject to subsection (b) the property owner may pay special assessments as follows:
  1. Within thirty (30) days of the date of the levy.
  2. Within five (5) years of the date of the levy in equal annual installments on the property tax bill with interest as determined in the final assessment resolution.
  3. Within ten (10) years of the date of the levy in equal annual installments on the property tax bill with interest as determined in the final assessment resolution.

- 4. Within any number of years greater than ten (10) as determined by the Council of the date of the levy in equal annual installments on the property tax bill with interest as determined in the final assessment resolution.

- (b) For those properties which are vacant or have one residential dwelling unit, that are two and one-half (2 ½) acres or more in area, or have three hundred thirty (330) feet or more of assessed frontage, payment shall be made within twenty (20) years of the date of the levy in equal annual installments on the property tax bill with interest as determined in the final assessment resolution.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.211 EXISTING DEFERRED SPECIAL ASSESSMENTS.**

- (a) The City Clerk shall keep a record of all existing deferred and active special assessments. The annual tax bill for each property subject to a deferred special assessment shall indicate this condition by inserting the word "Deferred" under the special assessment column.
- (b) Before the issuance of any building or plumbing permit, the Building Commissioner or his designee shall refer the application for permit to the City Clerk to determine if any special assessment is outstanding against the parcel involved.
- (c) The city will comply with the assessment and deferral conditions as previously established by assessment resolution unless the property owner(s) so affected agree to a change.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.212 INCENTIVE TO ELIMINATE EXISTING DEFERRED ASSESSMENTS.**

- (a) As an inducement to reduce the amount of previously deferred special assessments, the total amount specially assessed against a property shall be reduced based on the date the special assessment is levied as follows when a payment plan is selected on or before December 31, 2000:
  - (1) On or after 1 January 1990 – 10%
  - (2) 1 January 1980 to 31 December 1989 – 20%
  - (3) Prior to 1 January 1980 – 30%
- (b) At such time as the owner of a property subject to a deferred assessment commences payment the assessment may be paid in either full or in installments.
- (c) The installments shall be due and payable annually, without interest, and the property owner shall have the option of selecting a repayment term for 2 to 10 years, which shall be set and fixed. The installment will be added to the annual tax bill if not paid by November 15<sup>th</sup> of each year.
- (d) This ordinance shall not change any obligation, oversizing, repayment, development agreement or other payment plan approved prior to the adoption of this ordinance.

- (e) The discount incentive program shall no longer be available after December 31, 2000 unless the Council votes to continue it. Any property owner who has commenced a payback program of a deferred assessment at a discounted rate, in installments, shall be entitled to continue payment at a discounted rate.

*Ordinance No. 2032 A 10/05/99*

*Ordinance No. 2074 A 06/06/00 Sec. 3.212*

### **SEC. 3.213 CITY OWNED PROPERTY.**

There shall be no special assessment levied against City property. The cost of the project which otherwise would be levied against City property shall be the City's financial responsibility.

*Ordinance No. 2032 A 10/05/99*

### **SEC. 3.214 NOTICE OF LEVY OF SPECIAL ASSESSMENT.**

An Assessment Notice shall be mailed to each affected property owner after final determination of all costs and computations for all affected properties has been completed.

*Ordinance No. 2032 A 10/05/99*

### **SEC. 3.215 SCHEDULE OF RATES FOR ASSESSMENTS.**

The Common Council shall annually determine and establish assessment rates.

*Ordinance No. 2032 A 10/05/99*

### **SEC. 3.216 OVERSIZING RATES AND POLICY.**

The schedule of rates and the policy on oversizing shall be determined and adopted by the Common Council by Resolution, pursuant to Section 14.113(b) Municipal Code City of Oak Creek.

*Ordinance No. 2032 A 10/05/99*

### **SEC. 3.217 GRINDER PUMP SEWER SYSTEM ADJUSTMENTS.**

A parcel of land against which there is levied a special assessment for sanitary sewer, and where the owner had installed a grinder pump sanitary sewer system prior to the adoption of the final resolution levying an assessment for a gravity sewer system, the assessment for the gravity sewer system shall be reduced by way of a credit for the documented costs associated with the grinder pump sewer system as follows:

- (a) One hundred percent (100%) of said costs if the grinder pump sewer system was installed within one (1) year before the passage of the final assessment resolution.
- (b) Eighty percent (80%) of said costs if the grinder pump sewer system was installed within two (2) years before passage of the final assessment resolution.
- (c) Sixty percent (60%) of said costs if the grinder pump sewer system was installed within three (3) years before the passage of the final assessment resolution.
- (d) Forty percent (40%) of said costs if the grinder pump sewer system was installed within four (4)

years before passage of the final assessment resolution.

- (e) Twenty percent (20%) of said costs if the grinder pump sewer system was installed within five (5) years before passage of the final assessment resolution.

*Ordinance No. 2032 A 10/05/99*

### **SEC. 3.218 CORNER PARCELS.**

When special assessments are determined on a front foot basis and a corner lot abuts the work or improvement, the assessment against the parcel shall be determined as follows:

- (a) When the improvement is installed abutting both the long frontage side and the short frontage side of a corner parcel, the assessment shall be determined by multiplying the full per foot assessment rate times the sum of the short side frontage plus that portion of the long side frontage in excess of one hundred thirty-five (135) feet.
- (b) When the improvement is installed abutting only the long frontage side of a corner parcel, and no previous assessment for the same improvement has been made, the assessment shall be determined as in (a) above.
- (c) When the improvement is installed abutting only the short frontage side of a corner parcel, and no previous assessment for the same improvement has been made, the assessment shall be determined by multiplying the full per foot assessment rate times the length of the short side.
- (d) When the improvement is installed abutting only the long frontage side of a corner parcel, and a previous assessment for the same improvement has been made for the short side, the assessment shall be determined by multiplying the full per foot assessment rate times that portion of the long frontage side in excess of one hundred thirty-five (135) feet.
- (e) When the improvement is installed abutting only the short frontage side of a corner parcel, and a previous assessment has been made for the long side, there shall be no additional assessment for the initial one hundred thirty-five (135) feet of the short side. The portion in excess of one hundred thirty-five (135) feet shall be assessed under the provisions of Section 3.210(b).
- (f) If the improvement is installed on either the long frontage side or short frontage side of a parcel previously assessed for the same improvement, and no corner lot computation was made, the assessment shall be determined by adding the short side frontage to that portion of the long side frontage in excess of one hundred thirty-five (135) feet, and from that sum subtracting the previously assessed frontage, and then multiplying the full per foot assessment rate times the difference.

*Ordinance No. 2032 A 10/05/99*



**SEC. 3.219 DOUBLE FRONTAGE PARCELS.**

When special assessments are determined on a front foot basis and a double frontage parcel (a parcel which runs through an entire block and has frontage on two (2) different streets or public rights-of-way) abuts the work or improvement, the assessment against the parcel shall be determined as follows:

- (a) If, after an investigation and report by the Director of Community Development, the Common Council determines that under the provisions of the zoning ordinance it is possible to divide the parcel into two (2) parcels, one fronting each street, the parcel shall be subject to an assessment for each frontage when the improvement abutting the frontage is installed. In such cases, the assessment against each frontage shall be determined and treated as separate assessments. The assessment for the vacant frontage shall be assessed under the provisions of Section 3.210(b).
- (b) If such a parcel cannot be divided to create two (2) parcels, there shall be no assessment for the same benefit from the same type of improvement installed abutting the second frontage.
- (c) The assessment shall become due as specified by the resolution levying special assessments for that frontage which abuts the assessable improvement.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.220 LOTS CREATED BY REDIVISION OR COMBINATION.**

An investigation shall be made by the Director of Community Development to determine if a parcel, under the provisions of the zoning ordinance, may reasonably be divided or combined in such a way as to create additional parcels. The results of this investigation shall be reported to the Common Council, which shall determine the special assessments on a reasonable, case by case, basis.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.221 RECONSTRUCTION JURISDICTION AND POLICY.**

The following criteria shall apply:

- (a) Reconstruction of sanitary sewer and water main are under the jurisdiction of the Oak Creek Water and Sewer Utility.
- (b) Those facilities under the jurisdiction of the City include the following: storm sewer, drainage ditches, detention and retention structures, storm water management districts, laterals, streets, sidewalks, bike paths, bridges, culverts and headwalls, street lighting, street trees, parks, playgrounds, and City installed service connections.
- (c) Reconstruction assessment shall be based on a combination of the zoning category of a property and the road classification, by use, of the street in which the facility assessed is located. For facilities installed in easements, the zoning category of a property shall be the only consideration in assessing reconstruction costs. The effective rate of

assessment shall be obtained from the appropriate Schedule of Rates table, which applies to the facility, which has been reconstructed.

- (d) The policies and rates of assessment for reconstruction of facilities under City jurisdiction shall be determined and approved by the Common Council and shall be set forth by Ordinance. The rates set by this Ordinance shall be effective beginning on 1 January and shall apply for the entire calendar year.

*Ordinance No. 2032 A 10/05/99*

**SEC. 3.222 OTHER AUTHORITY RETAINED.**

It is not intended by the enactment of this ordinance to deprive the Common Council of any power conferred by Sections 66.53 through 66.698, Wisconsin Statutes, but any limitations contained therein and any procedures prescribed therein for the levy of special assessments or special charges shall not apply to the exercise of the special assessment authority contained herein.

*Ordinance No. 2032 A 10/05/99*

# FEES, PERMITS AND CHARGES

## SEC. 3.40 FEES, PERMITS AND CHARGES.

- (a) **Review of Fees.** The City Administrator shall at least every two (2) years, prepare reports regarding the adequacy of the fees, charges, and permits contained in this section. The City shall charge such fees, permits and charges, except for impact fees, as provided in sub. (c) and room tax for hotels and motels, as provided in sub.(d), as are authorized by a resolution adopted by the Common Council. There shall be maintained in the office of the city clerk a schedule of all fees, permits and charges, as authorized by resolution of the Common Council.
- (b) **Council Approval of Fees.** The Common Council may review and approve the fees, permits, charges and other taxes specified herein as part of the annual budget adoption or at such other time as it determines and make changes to the schedule of fees, charges and permits by adoption of a resolution.
- (c) **Impact Fees.**

### 1. Library Facilities Impact Fee.

- (a) **Library Facilities Impact Fee Area.**  
For purposes of the library facilities impact fee imposed under this Section, the fee shall apply to all land within the City of Oak Creek.
- (b) **Residential Development.**
- i. Single Family unit - \$705.00
  - ii. The Multi-Family fee per unit for undeveloped, platted land, or for redevelopment of previously developed land shall be:  
Three bedroom unit - \$705.00 per unit  
Two bedroom unit - \$529.00 per unit  
One bedroom unit - \$352.00 per unit
- (c) The fee for single family homes shall also be applied to each unit in a two family structure and for each mobile home.

### 2. Park and Recreation Facilities Fee.

- (a) **Park and Recreation Facilities Impact Fee Area.** For purposes of the park and recreation facilities impact fee imposed under this Section, the fee shall apply to all the land within the City of Oak Creek:
- (b) **Residential Development.**
- i. The Single Family fee per single family home for undeveloped, platted land or for redevelopment of previously developed land shall be: Single Family unit - \$2,105.00
  - ii. The Multi-Family fee per unit for undeveloped, platted land or for redevelopment of previously developed land shall be:

Three bedroom unit - \$2,105.00 per unit  
Two bedroom unit - \$1,579.00 per unit  
One bedroom unit - \$1,052.00 per unit

- iii. The fee for single family homes shall also be applied to each unit in a two family structure and for each mobile home.

### 3. Fire Facilities Impact Fee.

- (a) **Fire Facilities Impact Fee Area.** For purposes of the fire facilities impact fee imposed under this Section, the fee shall apply to all the land within the City of Oak Creek.
- (b) **Residential Development.**
- i. The Single Family fee per single family home for undeveloped, platted land or for redevelopment of previously developed land shall be: Single Family unit - \$338.00
  - ii. The Multi-Family fee per unit for undeveloped, platted land, or for redevelopment of previously developed land shall be:  
Three bedroom unit - \$338.00 per unit  
Two bedroom unit - \$254.00 per unit  
One bedroom unit - \$169.00 per unit
  - iii. The fee for single family homes shall also be applied to each unit in a two family structure and for each mobile home.
- (c) **Non-Residential Development.**
- i. The fee per unit for undeveloped, platted land, or for redevelopment of previously developed nonresidential land shall be:  
Commercial use - \$0.18 per square foot  
Industrial use - \$0.13 per square foot  
Institutional use - \$0.18 per square foot

### (4) Police Facilities Impact Fee.

- (a) **Police Facilities Impact Fee Area.** For purposes of the police facilities impact fee imposed under this Section, the fee shall apply to all the land within the City of Oak Creek.
- (b) **Residential Development.**
- i. The Single Family fee per single family home for undeveloped, platted land or for redevelopment of previously developed land shall be:  
Single Family unit - \$798.00

- ii. The Multi-Family fee per unit for undeveloped, platted land or for redevelopment of previously developed land shall be:

Three bedroom unit - \$798.00 per unit

Two bedroom unit - \$599.00 per unit

One bedroom unit - \$399.00 per unit

- iii. The fee for single family homes shall also be applied to each unit in a two family structure and for each mobile home.

**(c) Non-Residential Development.**

- i. The non-residential fee per unit for undeveloped, platted land, or for redevelopment of previously developed land shall be:

Commercial use - \$0.45 per square foot

Industrial use - \$0.30 per square foot

Institutional use - \$0.45 per square foot

**(d) Room Tax for Hotels and Motels.**

- 1. Pursuant to Sec. 66.0615, Wis. Stats., for the privilege of furnishing at retail, rooms or lodging to transients by hotel keepers, motel operators, or other persons furnishing accommodations that are available to the public irrespective of whether membership is required for use of the accommodations, a tax known as a room tax is hereby imposed upon the retailers at the rate of eight percent (8%) of gross receipts from the lease or rental of such accommodations, rooms or lodging within the City of Oak Creek on or after March 1, 1982. "Transient," "hotel" and "motel" shall have the meaning set forth in Sec. 77.52(2)(a)1, Wis. Stats. or any future amendment thereto.
- 2. Any tax so imposed shall not be subject to the selective sales tax imposed by Sec. 7.52(2)(a)1, Wis. Stats.
- 3. Each retailer engaged in furnishing such accommodations, rooms or lodging as defined in this Section shall submit a quarterly report to the City Treasurer's office showing the gross receipts from furnishing such accommodations, rooms or lodging, along with a copy of his State Sales Tax Report for said business, along with the eight percent (8%) tax for the gross receipts as reported, by not later than thirty (30) days from the end of each calendar quarter for the receipts of that past calendar quarter except that before

the person collecting the tax pays it to the City within the time frame, the person may retain 3 percent (3%) of the tax collected to cover the person's processing costs.

- 4. All unpaid taxes shall bear interest at the legal rate from the due date of the return. Failure to pay the tax, or delinquent payment of such taxes, shall be subject to a \$10.00 late filing penalty in addition to the interest imposed herein.
- 5. If a false or fraudulent return is filed with the intent in either case to defeat or evade the tax imposed by this Section, a penalty of fifty percent (50%) of the tax due shall be paid in addition to the tax interest and late filing penalty.
- 6. The original 6% room tax collected pursuant to City of Oak Creek Ordinance 929, dated March 1, 1982 shall be disbursed solely at the discretion of the Common Council, except that a minimum of 28% of the proceeds from the original 6% tax shall be allocated to the Community Development Authority to promote economic development within the City.
- 7. Pursuant to Wisconsin Statutes 66.0615 (1m)(d)2, at least 70% of the increased amount of room tax collected as a result of increasing the room tax from 6% to 8% by virtue of City of Oak Creek Ordinance #2742 shall be spent directly on tourism promotion and development or shall be forwarded to the Tourism Commission.

*Ordinance No. 1996 A 4/20/99 Sec. 3.40(c)(21) and (22)*  
*Ordinance No. 2006 A 6/1/99 Sec. 3.40(c)(14)a and b*  
*Ordinance No. 2009 A 6/15/99 Sec. 3.40(c)(32)b and f*  
*Ordinance No. 2010 A 7/6/99 Sec. 3.40(c)(17)(c)(2)*  
*Ordinance No. 2012 A 7/6/99 Sec. 3.40(c)(8), 3.40(c)(12), 3.40(c)(19), 3.40(c)(32)(a), 3.40(c)(32)(c)*  
*Ordinance No. 2018 A 7/20/99 Sec. 3.40(c)(8), 3.40(c)(27), 3.40(c)(32), 3.40(c)(33), 3.40(c)(40)*  
*Ordinance No. 2033 A 10/19/99 Sec. 3.40(c)(13)(a)1 and 2*  
*Ordinance No. 2051 A 1/4/00 Sec. 3.40(c)(2)*  
*Ordinance No. 2070 A 6/6/00 Sec. 3.40(c)(28)(cc)*  
*Ordinance No. 2075 A 6/6/00 Sec. 3.40(c)(13)(a) 1 and 2*  
*Ordinance No. 2114 A 3/6/01 Sec. 3.40(c)(6)(a)*  
*Ordinance No. 2120 A 4/2/01 Various Secs.*  
*Ordinance No. 2124 A 4/17/01 Various Secs.*  
*Ordinance No. 2127 A 5/1/01 Various Secs.*  
*Ordinance No. 2141 A 6/19/01 Sec. 3.40(c)(14) a & b*  
*Ordinance No. 2167 A 12/4/01 Sec. 3.40 (c)(13)a 1&2*  
*Ordinance No. 2177 A 4/1/02 Sec. 3.40 (c)(13) a 1&2*  
*Ordinance No. 2221 A 11/20/02 Sec. 3.40(c)(1)*  
*Ordinance No. 2226 A 12/3/02 Sec. 3.40(c)(32)to 3.40(c)(41)*  
*Ordinance No. 2233 A 2/4/03 Sec. 3.40(c)*  
*Ordinance No. 2240, A 3/13/03, Sec. 3.40 (15)(a)3 to 6, Sec. 3.40(15)(b) 19 to 22*  
*Ordinance No. 2256 A 7/2/03 Sec. 3.40(29)(b), (c), (f), (h), (t), and (z)*

Ordinance No. 2281 A 11/4/03 Sec. 3.40(12)(c)(d)  
 Ordinance No. 2311 A 6/15/04 Sec. 3.40(33)(34)  
 Ordinance No. 2430, A 9/19/06, Sec. 3.40(c)(15)(a)  
 Ordinance No. 2436, A 12/5/06, Sec. 3.40(c)(15)  
 Ordinance No. 2435, A 12/19/06, Sec. 3.40(c)(14)  
 Ordinance No. 2451, A 3/20/07, Sec. 3.40(c)(15)  
 Ordinance No. 2488, A 1/15/08, Sec. 3.40(c)(18)(h)&(j) and (c)(39)  
 Ordinance No. 2503, A 5/20/08, Sec. 3.40(c)(17)(e)  
 Ordinance No. 2509, A 6/17/08, Sec. 3.40(c)(15)(b)(9)(a-e)  
 Ordinance No. 2537, A 12/16/08, Sec. 3.40(c)(14)a 1 and 4, Sec. 3.40(c)(14)b 1, 2, and 3, Sec. 3.40(c)(14)c 1, 2, 3 and 5, Sec. 3.40(c)(14)a 12, Sec. 3.40(c)(14)h  
 Ordinance No. 2548, A 3/3/09, Sec. 3.40(c)(15)  
 Ordinance No. 2561 A 7/21/09, Sec. 3.40(3)(a)(b)(c)  
 Ordinance No. 2562 A 9/3/09, Sec. 3.40(c)(17)  
 Ordinance No. 2579 A 1/19/10, Sec. 3.40(c)(14)  
 Ordinance No. 2603 A 10/19/10, Sec. 3.40(c)(7), Sec. 3.40(c)(11), and Sec. 3.40(c)(29)  
 Ordinance No. 2609 A 12/21/10 Sec. 3.40  
 Ordinance No. 2742 A 11/5/14 Sec. 3.40(d)1&3, 3.40(d) 6 & 7

### SEC. 3.50 STORM WATER MANAGEMENT SYSTEM USER CHARGES

- (a) **PURPOSE.** The Common Council of the City of Oak Creek finds that the management of storm water and other surface water discharges within and beyond the Oak Creek, the Root River, Lake Michigan and other bodies of water within the City is a matter that affects the health, safety and welfare of the City, its citizens and businesses and others in the surrounding area. Failure to effectively manage storm water affects the sanitary sewer utility operations of the City by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, lakes and other bodies of water within and adjacent to the City. A system for the collection and disposal of storm water provides services to all properties within the City of Oak Creek and surrounding areas, including those properties not currently served by the system. The cost of operating and maintaining the City storm water management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Council hereby exercises its authority to establish a storm water management service charge and establish the rates for storm water management services. In promulgating the regulations contained in this chapter, the City is acting pursuant to authority granted by Chapters 62 and 66 of the Wisconsin Statutes, including, but not limited to, sections 62.04, 62.11, 62.16(2), 62.18, 66.0621, 66.0809, 66.0811, 66.0813, 66.0821, and 66.0627.
- (b) **DEFINITIONS.** The following definitions shall be applicable in this Section:

- (1) “City” means City of Oak Creek.
- (2) “Condominium” means property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes.
- (3) “Council” means the Common Council of the City of Oak Creek.
- (4) “Customer” means any property owner of lands within the City of Oak Creek which is provided with storm water management services, either directly or indirectly, by the City of Oak Creek.
- (5) “Equivalent Charge (EC)” means the charge per ERU imposed for storm water management services in the City of Oak Creek.
- (6) “Equivalent Runoff Unit (ERU)” means the estimated average horizontal impervious area of a “single family home” within the City of Oak Creek. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. One ERU has been determined to be 3,300 square feet of impervious area.
- (7) “Exempt parcels” means railroad tracks, public rights-of-way, public streets, public alleys and public sidewalks, public bike paths, public parks and public conservation areas. *Note: This by definition is different than tax exempt parcels.*
- (8) “Duplex residential property” means any residential property identified for habitation containing two (2) dwelling units.
- (9) “Dwelling unit” means a single unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (10) “Impervious Area” or “Impervious surface” means a horizontal surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, compacted gravel, as well as streets, roofs, sidewalks, parking lots and other similar surfaces. The City Engineer shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The City Engineer may require additional information as necessary to make the determination. The number of ERU’s determined applicable to a property shall be updated by the City Engineer based on any additions to the impervious area.
- (11) “Multifamily residential property” means any residential property other than condominiums identified for habitation containing more than two dwelling units on one parcel.

- (12) “Non-residential property” means any developed lot or parcel not exclusively residential as defined herein, including, but not limited to, transient rentals (such as hotels and motels), business, manufacturing, institutional, governmental property and parking lots.
- (13) “Residential property” means any lot or parcel developed exclusively for residential purposes including, but not limited to, single family homes, manufactured homes, multifamily apartment buildings and condominiums, and agricultural property that contains a farm residence.
- (14) “Single family property” means a residential space identified for habitation with exactly one dwelling unit.
- (15) “Storm water management service” means the tasks and administration required to control storm water runoff to protect the health, safety and welfare of the public, and comply with State and Federal regulations. It includes, but is not limited to, street sweeping, erosion control, storm water management system improvements and maintenance, storm water monitoring and testing, storm water management planning and related public education.
- (16) “Storm water management system” means the storm water collection system of the City, including, but not limited to storm sewers, ditches, detention ponds, retention ponds, natural and human-made or altered drainage channels, creeks, rivers, lakes and all improvements thereto, which by this section are constituted as the responsibility of the City, and all activities undertaken to conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation, and water pollution or otherwise affect the quality or quantity of discharge from such system.
- (17) “Undeveloped property” means any non-residential property which has less than one-fourth (0.25) of the equivalent runoff unit of impervious area. Vacant land currently in agricultural use shall be considered undeveloped property.
- (c) CREATION. There is hereby established a storm water management service charge in the City of Oak Creek. The administration of the storm water management service charges shall be under the supervision of the City Administrator.
- (d) MANAGEMENT. The storm water management service charge is subject to approval by the Council. All collected revenues shall be placed in the Storm Water Fund and shall be managed consistent with all other City funds.
- (e) AUTHORITY. The City may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, monitor and finance such facilities as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls and ponds, and such other facilities as will support a storm water management system.
- (f) STORM WATER MANAGEMENT SERVICE CHARGES. The charges to be imposed for storm water management service pursuant to the rate classifications in Section 3.50(h) shall be made by Resolution duly adopted by the Common Council. The charges for storm water management service shall be calculated on an Equivalent Charge (EC) basis. The EC shall be imposed on all property with an impervious surface. The EC will be calculated on the basis of a single family property (an ERU). Other classifications of property will be charged multiples of the EC based on the ERU calculation for that property.
- (g) STORM WATER MANAGEMENT SERVICE CHARGE; PAYMENT. The charges established hereunder shall be billed to the storm water management service charge customer for the ensuing year, at the same time as the tax bill, except for the initial billing. The initial billing will be for the current year and will be billed to the customer within six months of the effective date of this ordinance. The property owner shall be the ultimate responsible party for payment of the storm water management service charge. Failure to pay the charges when due will subject the owner to such penalties as are established by State law and/or the Council, and may result in the charges being assessed as a lien against the property pursuant to Sec. 66.0821, Wis. Stats.
- (h) STORM WATER CUSTOMER CLASSIFICATION.
- (1) For purposes of imposing the storm water management service charges and based upon the use as of the first day of January preceding the billing, all lots and parcels within the City except exempt parcels are classified into the following six (6) customer classes:
- a. Residential – Single Family: The charge imposed for a single family residential property shall be the fee for one (1) EC.
  - b. Residential – Duplex: The charge imposed for a duplex residential property shall be the fee for one (1) EC.
  - c. Residential – Condominium: The charge imposed for each dwelling unit within a condominium residential property shall be the fee for five-tenths (0.5) of one (1) EC.
  - d. Residential – Multifamily: The charge imposed for a multifamily residential

property shall be the fee for one (1) EC, multiplied by the numerical factor obtained by dividing the total square footage of impervious area of the property by the square footage of one (1) ERU. Such impervious area shall be determined based on the best information reasonably available. The factor shall be rounded down to the nearest one-fourth (0.25), i.e., Multi-family Charge = EC fee x (total impervious area ÷ 3,300 square feet).

- e. Non-residential: The charge imposed for a non-residential property shall be the fee for one (1) EC, multiplied by the numerical factor obtained by dividing the total square footage of impervious area of the property by the square footage of one (1) ERU. Such impervious area shall be determined based on the best information reasonably available. The factor shall be rounded down to the nearest one-fourth (0.25), i.e., Non-residential Charge = EC fee x (total impervious area ÷ 3,300 square feet).
- f. Undeveloped: The charge imposed for an undeveloped property shall be zero (0) until changed by resolution by the Council.

- (2) Minimum Charge. The minimum ERU calculations for any customer other than undeveloped properties shall be not less than the rate of one-fourth (0.25) of one ERU.

(i) STORM WATER MANAGEMENT SERVICE CHARGE-ADJUSTMENT.

- (1) Adjustments may be made for customers who own and properly maintain storm water management practices as defined in Section 13.103, except as provided in Section 3.50(i)(4). In considering such a request, the City Engineer shall consider whether and to what extent the City's cost of providing service available to a property has been lessened by the storm water management practices. If the City's cost of providing service or making service available to a property has not been lessened by the storm water management practices, the request for an adjustment shall be denied. If the City's cost of providing service or making service available to a property has been lessened by the storm water management practices, the customer shall be eligible for an adjustment, subject to conditions outlined by the City Engineer, including, but not limited to, the signing of a maintenance agreement with the City, by the customer and the City.
- (2) In considering a request for an adjustment, the City Engineer may, at his or her discretion, separately examine multiple drainage areas on one piece of property and may recommend allowing

an adjustment for a portion of the property if the characteristics of one or more drainage areas meet the criteria set forth in this section.

- (3) The City Engineer, at his or her discretion, may recommend allowing an adjustment which may be as low as zero for a property for reasons other than as specifically set forth in this section provided that the adjustment is reasonable and not unjustly discriminatory.
- (4) No adjustments shall be considered for structural or nonstructural Best Management Practices that are required in order to comply with any local, state, or federal regulation, including, but not limited to, Sections 13.100 through 13.114 of the Municipal Code, Milwaukee Metropolitan Sewerage District's Chapter 13, Wisconsin Administrative Code Chapters NR103, NR151, NR216 or Chapter 30, Wisconsin Statutes.
- (5) No adjustments shall be considered for any "natural" features such as, but not limited to, wetlands, lakes, rivers, creeks and floodplains or water impoundment of any kind in existence prior to passage of this Ordinance.
- (6) City Engineer's Review Procedure For Adjustments.
  - a. The City Engineer shall issue a written Determination as to whether a written request for adjustment will be granted, denied or granted in part and denied in part, within fifteen (15) days of receipt of all materials and reports required by the City Engineer on the request for an adjustment. The Determination shall be mailed to the customer requesting adjustment.
  - b. A customer may appeal a Determination within thirty (30) days of the date of the City Engineer's Determination, by submitting a written request for appeal to the Small Claims Committee. Any request for appeal in excess of five thousand (\$5000) dollars shall be forwarded directly to the Council.
  - c. If no timely written request for appeal is received, the Determination of the City Engineer shall be final.
  - d. The Small Claims Committee review of the appeal to the Determination shall be completed within thirty (30) days of the receipt of the written request for appeal. The Small Claims Committee shall review the appeal and determine whether the City Engineer's Determination shall be approved, modified or rejected. The determination of the Small Claims Committee shall be in writing and set forth the reason or reasons for its decision and shall be mailed to the customer.
  - e. A customer may appeal the Small Claims Committee Determination within thirty

(30) days of the date of the Determination, by submitting a written request for appeal to the Common Council.

(j) APPEAL OF CHARGE.

(1) Method of Review.

- a. A customer may request a review of a classification and ERU determination by submitting a written request specifying all bases for the request to the City Engineer.
- b. The City Engineer shall provide a written explanation as to the customer's classification and ERU determination within fifteen (15) days of receipt of the request for an adjustment. The explanation shall be mailed to the customer requesting an adjustment.
- c. Within thirty (30) days of the date of the City Engineer's explanation, the customer may appeal the City Engineer's classification and ERU determination to the Small Claims Committee by filing with the City Clerk a written request for appeal. Any request for appeal in excess of five thousand (\$5000) dollars shall be forwarded directly to the Council.
- d. The Small Claims Committee shall hear the appeal within thirty (30) days of the receipt of the written request for appeal. The Small Claims Committee shall hold a contested case hearing to determine whether the classification and/or ERU determination is fair and reasonable or whether a modification to the classification and/or ERU is warranted. The Small Claims Committee shall determine whether the City Engineer's determination shall be approved, modified or rejected. The determination of the Small Claims Committee shall be filed within ten (10) days of the hearing, in writing, and set forth in detail the reason or reasons for its decision and shall be mailed to the customer.
- e. A customer may appeal the Small Claims Committee Determination within thirty (30) days of the date of the Determination, by submitting a written request for appeal to the Common Council.

(2) Application of Adjustment. There shall be no retroactive adjustment for user charges imposed prior to the date of the granted request. Adjustments will be effective on the first bill following the date of the granted request for adjustment.

(3) As a condition precedent to challenging any storm water classification, all charges must be paid to the City. Failure to comply with Section (j)(l) waives all right to challenge the classification.

(k) SEVERABILITY. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remaining of the ordinance shall remain in force and not be affected by such judgment.

*Ordinance No. 2238 A 2/17/03 Sec. 3.50*

*Ordinance No. 2604 A 11/03/10 Sec. 3.50(f)*

# PUBLIC RECORDS RETENTION

## SEC. 3.60 PUBLIC RECORDS.

The following definitions shall be applicable in Sections 3.60 and 3.61:

- (a) **Definitions.** The terms “authority,” “records” and “requester” shall have the meanings as set forth in Sec. 19.32, Wis. Stats.
- (b) **Duty to Maintain Records.** An authority and all employees of the City shall safely keep and preserve all records received from his or her predecessor or other persons which are required by law to be maintained in his or her office or which are in the lawful possession or control of the authority or employee or his or her deputies.
- (c) **Legal Custodian.** The City Clerk or the Clerk’s designee shall act as legal custodian for the Common Council and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Common Council.
- (d) **Fees.** Fees for records provided to a requester are set forth in Section 3.40 of this Code of Ordinances.

## SEC. 3.61 RECORDS RETENTION.

- (a) **Purpose.** The purpose of this Section is to establish a City-wide records retention schedule and authorize destruction of City records pursuant to that schedule on an annual basis. Record custodians do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original records, pursuant to Sec. 16.61(7), Wis. Stats. If there is not a specific law requiring a specific retention period, all records must be retained seven years, unless the Public Records Information Board fixes a shorter period.
- (b) **Notice to State Historical Society.** Unless notice is waived by the State Historical Society of Wisconsin, at least sixty (60) days’ notice shall be given by the Record Custodian to the Society prior to the destruction of any record as provided in Sec. 19.21(4)(a), Wis. Stats. Notice to the State Historical Society shall be required for any record not listed on the City’s Official Records Retention Schedule.
- (c) **Definitions.**
  - (1) **“Legal Custodian”.** The individual responsible for maintaining records pursuant to Sec. 19.33, Wis. Stats., or any future amendments and revisions thereto.
  - (2) **“Record”.** Record as defined in Sec. 19.32(2), Wis. Stats., or any future amendments and revisions thereto.
- (d) **City Records Retention Schedule Created and Adopted.** The “Official City of Oak Creek Records Retention Schedule”, dated October 21, 1997 and all future amendments thereto approved by the

department head and the State of Wisconsin Public Records and Forms Board is hereby adopted by reference. The schedule and any future amendments thereto shall be kept on file and maintained in the office of the City Clerk.

- (e) **Water Utility Records.** Records of the Water Utility shall be retained in accordance with regulations established and published by the Public Service Commission of Wisconsin.
- (f) **Preservation through Microfilm or Optical Imaging.** Record Custodians may keep and preserve public records through the use of microfilm or optical imaging, providing the microfilm or optical imaging meets the applicable standards contained in Secs. 16.61(7) and 16.61(2), Wis. Stats., or any future amendments and revisions thereto. After verification, records preserved by the use of microfilm or optical imaging shall be considered the original record for all purposes and any record converted to microfilm or optical imaging shall be destroyed. The retention periods identified in the Schedule shall apply to all City records in any media.
- (g) **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 sixty (60) days after the request is denied. If any action is commenced under Sec. 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 Sec. 19.35(5), Wis. Stats.
- (h) **Destruction Pending Litigation.** No record subject to pending litigation shall be destroyed until the litigation is resolved.
- (i) **Tape Recording.** Any tape recording of a governmental meeting of the City may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published if the purpose of the recording was to take minutes of the meeting.

*Ordinance No. 2043 A 11/2/99 Sec. 3.61(d)*