

TITLE 5

County Administration

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Chapter 1

Insurance

5-1-1 Insurance

Sec. 5-1-1 Insurance.

- (a) All insurance policies for Columbia County shall be filed in the office of the County Clerk.
- (b) All accidents must be reported to Department Heads within 24 hours or as soon as possible. Department Heads shall within 24 hours submit a written report thereof. If an accident occurs involving a county employee or property which involves a death, the incident shall immediately be reported to the County Clerk.
- (c) The County Clerk shall administer the reporting of claims with the county's insurance carriers and shall coordinate the insurance program with the appropriate committees and departments.

Chapter 2

Accounts

- 5-2-1 Audit of Accounts
- 5-2-2 Over Payment and Under Payment

Sec. 5-2-1 Audit of Accounts.

- (a) The responsibilities for an audit of the county offices shall be with the Comptroller and shall be in conformance with GAAP under the overview of the Finance Committee.
- (b) Such audits, together with any recommendations accompanying the same, shall be public records and shall be available for public inspection. Such audits and recommendations shall be presented to the County Board and shall be placed on file with the County Clerk.

Sec. 5-2-2 Over Payment and Under Payment.

Unless otherwise authorized by law, county agencies but also including the Office of the District Attorney, may retain over payments of fees, licenses, and similar charges when the over payment is \$2 or less, unless such refund is specifically requested in writing. Under payment of not more than \$2 may be waived when the administrative cost of collection would exceed the amount of under payment.

Chapter 4

Parcel Identification Number

5-4-1 Parcel Identification Number Required

Sec. 5-4-1 Parcel Identification Number Required.

- (a) This section is enacted under the authority of Sec. 59.43(7)(b), Wisconsin Statutes.
- (b) The Register of Deeds shall not accept for recording any conveyance, as defined in Sec. 706.01(4), Wis. Stats., of any interest in real estate which does not contain the parcel identification number.
- (c) A person recording a conveyance for a newly created parcel, the identification number of which has not yet been assigned by the Columbia County Tax Lister, shall provide the parcel identification number of the parcel from which the newly created parcel is formed.

Chapter 5

Tax Delinquent Property

- 5-5-1 Interest Rate and Penalty on Overdue or Delinquent Real Estate Taxes and Special Assessments
- 5-5-2 Enforcement of Tax Liens and Sale of Tax Deeds
- 5-5-3 Preference to Former Owners to Repurchase Tax Deeded Lands

Sec. 5-5-1 Interest Rate and Penalty on Overdue or Delinquent Real Estate Taxes and Special Assessments.

- (a) **Interest Rate.** Pursuant to the authority of Sec. 74.47(2), Wis. Stats., there is hereby 1/2 percent (0.5%) per month or fraction of a month, in addition to the interest provided for in Sec. 74.47(1), Wis. Stats., on all delinquent general property taxes, special charges and special taxes included in the tax roll which are overdue or delinquent.
- (b) **Distribution.** The County Treasurer shall make distribution of any interest and penalties collected in accordance with the statutory authority set forth in Sec. 74.47(3), Wis. Stats.

Sec. 5-5-2 Enforcement of Tax Liens and Sale of Tax Deeds.

- (a) **Environmental Inspection.** The Property Committee, under the direction of the Treasurer, is required by the County Board of Supervisors to do a visual environmental inspection of all tax delinquent properties included in In Rem foreclosure actions, prior to the actual foreclosure hearing, to determine if there is any reason to suspect a potential risk of incurring financial liability for the County.
- (b) **Refrain from Taking Title.** The Columbia County Finance and Property Committees may direct the Treasurer to refrain from or defer taking title to those parcels which it deems may be of questionable environmental condition.
- (c) **Refrain from Selling.** The Columbia County Finance and Property Committees may direct the Treasurer to refrain from selling those parcels which they determine the County should set aside for future County use.
- (d) **Expedite.** The Property Committee and the Treasurer shall expedite the appraisal and sale of tax deed properties, except for those parcels set aside for County purposes, and shall return parcels to the tax rolls as soon as possible, in the best interests of the taxpayers of Columbia County. The Treasurer, acting under the supervision of the Property Committee, is authorized to manage and sell tax deeded lands owned by the County, except such lands as have been set aside by the committee.
- (e) **In Rem Procedure.** The County of Columbia elects to adopt the provisions of Sec. 75.521, Wis. Stats., for the purpose of enforcing tax liens in the cases where the procedure provided by said Section is applicable, and Sec. 75.35 for the Sale of Tax Deeds.

- (f) **Out of Pocket Expenses.** If an owner redeems, or a former owner repurchases tax delinquent property after the County has incurred any out of pocket costs in commencing an In Rem procedure pursuant to Sec. 75.521, Wis. Stats., the owner or former owner shall pay a pro rata share of the County's expenses, as required in Sec. 9-1-19 (a) of Fee Schedule, and as authorized in Sec. 75.36(a) 1, Wis. Stats.
- (g) **Appraisal.** The Property Committee and Treasurer are required to view the tax delinquent parcels in order to establish an appraised value for the purpose of sale of the property. The Property Committee shall consider the assessed value, market value, amount of delinquency, and other pertinent information in establishing the appraised value.
- (h) **Sale of Tax Delinquent Real Estate. (75.69, Wis. Stats.)**
Tax delinquent real estate acquired by Columbia County may not be sold unless the sale and appraised value of such real estate has been first advertised by a Class 3 notice under Ch. 985, Wis. Stats. The County may accept the bid most advantageous to it, but every bid less than the advertised appraised value of the property shall be rejected.
- (i) **Bid Process.** From time to time, Columbia County will offer for sale to the public, properties acquired for delinquent taxes. The established method for bidding on these properties, is by sealed bid, unless the Property Committee designates an alternative method of sale in specific instances. The bid forms shall indicate that the County has the right to accept or reject any or all bids deemed to be in the best interest of the County.
- (1) The County Clerk, Treasurer, and Chair of the County Board of Supervisors shall constitute a Special Committee to open, review and accept or reject bids on behalf of the County.
 - (2) If the Special Committee determines that a further review or opinion on the potential sale of a tax deed property is warranted, it shall consult with the Corporation Counsel and the Property Committee. If a further review or opinion is sought, the Property Committee shall make the final determination on whether or not to accept the bid.
 - (3) In the case of a tie bid for properties advertised in a land sale, the Treasurer will notify the tied bidders in writing, and give them an opportunity to re-bid on the property.
 - (4) In an instance where the successful bidder defaults on the terms of the sale or withdraws his/her bid, the Treasurer is authorized, contingent on the approval of the Property Committee, to accept the bid which is the next most advantageous to the County, that meets the requirements stated in the advertised land sale. In cases of a defaulted or withdrawn bid, the County retains any earnest money that has been paid by the bidder.
- (j) **Parcels Not Immediately Sold.** Once a parcel is offered for sale but not sold on the advertised date of sale, it may be sold by the Treasurer at any time during the next five years without readvertising, upon approval by the Property Committee, provided the offer meets or exceeds the advertised appraised value and terms and conditions listed in the sale.

Sec. 5-5-3

Preference to Former Owners to Repurchase Tax Deeded Lands.

- (a) At the option of the County, former owners or surviving spouses of former owners may be granted the right to repurchase land to which Columbia County has taken title through delinquent tax enforcement collection by payment of:
 - (1) All delinquent taxes, together with interest, and penalty of 1/2 per cent (2%) thereon to the date of payments;
 - (2) A pro rata share of the costs of the proceedings; and
 - (3) An additional sum equal to ten percent (10%) of the foregoing delinquent taxes. Any sale made under the provisions of this Section shall be exempt from all the requirements of Sec. 75.69, Wis. Stats.
- (b) This Section is passed pursuant to Sec. 75.35 (3), Wis. Stats., and is permissive. At any time after proceedings for publication and sale of such lands, pursuant to Sec. 75.69, Wis. Stats., have been commenced, the County may, at its own option, grant former owners the right to repurchase land pursuant to this Section, or at its option, the County may refuse to grant the privilege of repurchase provided by Subsection (a) herein. No former owner shall be allowed to repurchase lands to which Columbia County has taken title beyond 4:30 p.m. on the last day prior to the date set for opening bids. The Finance and Property Committees of the Columbia County Board of Supervisors shall have the authority to determine whether former owners will be allowed to repurchase lands in accordance with this Section.
- (c) In the event it appears that any person seeking to repurchase property from the County pursuant to this Section has acted in bad faith or has attempted to avoid any type of legal obligation by allowing said property to be foreclosed upon for delinquent taxes, it shall be within the discretion of the Columbia County Finance and Property Committees to refuse to allow the repurchase of land in accordance with this section.

Chapter 6

Investment of County Funds

- 5-6-1 Deposit of County Funds
- 5-6-2 Bid Procedure for Investment of Funds Not Needed for Immediate Operating Expenses

Sec. 5-6-1 Deposit of County Funds.

County Funds may be placed in banking or financial institutions as established by Resolution submitted by the Finance Committee and approved by the County Board of Supervisors.

Sec. 5-6-2 Bid Procedure for Investment of Funds Not Needed for Immediate Operating Expenses.

- (a) County Treasurer shall contact all approved, designated depositories by telephone on the day prior to the investment, to give verbal details of the amount of funds offered for investment, type of investment solicited, minimum acceptable rate (if applicable), maturity date, deadline for accepting bids, and other relevant information. Immediately following the initial telephone contact, a written bid form stating the terms of the investment shall be transmitted via fax machine to each of the depositories indicating an interest in bidding.
- (b) In order to submit a bid, depositories shall submit the completed bid form prior to the deadline set for opening bids by one of the following methods:
 - (1) Transmit via fax to the County Clerk's office. The Clerk shall present the bids to the Treasurer in sealed envelopes prior to bid opening.
 - (2) Mail or deliver the completed bid form in a sealed envelope to the Treasurer's office.
- (c) Cost of collateralization of funds in excess of \$500,000 (if any), is to be included in the rate offered by the bidder.
- (d) The County Treasurer shall open the bids on the date and time set forth in the bid documents in the presence of two witnesses, shall document the bids received, and shall accept the bid offering the highest collateralized rate if it meets the pre-determined specifications. In the event a bid does not meet the pre-determined specifications, the bid will be considered unacceptable and shall be rejected by the Treasurer. The Treasurer will then accept the next highest bid which meets the pre-determined specifications. In the case of a tie for the highest collateralized meeting the specifications, the Treasurer will reject all bids and may request that depositories repeat the bidding process.

Chapter 7

Smoking Prohibited

5-7-1 Smoking Prohibited

Sec. 5-7-1 Smoking Prohibited.

- (a) No person may possess a lighted cigar, cigarette, pipe, any other lighted smoking, or electronic delivery device equipment in:
 - (1) Any Columbia County building and its campus;
 - (2) Any County-owned vehicle.

- (b) Definitions:
 - (1) “Electronic Delivery Device Equipment” shall mean any product containing or delivering nicotine or any other substance that may be used by a person to simulate smoking through the inhalation of vapor or aerosol from the product. “Electronic Delivery Device Equipment” shall include any such device, battery operated or mechanical, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
 - (2) “Smoking” shall mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” shall include the use of an electronic delivery device equipment which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

- (c) This Section shall comply with all relevant requirements provided under Sec. 101.123, Wis. Stats.

Chapter 8

Buildings and Grounds

- 5-8-1 Alcohol Free Workplace
- 5-8-2 Use of County Office Buildings
- 5-8-3 Use of Grounds for County Office Buildings
- 5-8-4 Donation of or Use of Personally Owned Office Furniture and Equipment

Sec. 5-8-1 Alcohol Free Workplace.

Columbia County is an alcohol free workplace. Alcohol consumption or sale are prohibited in any building or vehicle owned, leased, or rented by Columbia County, with the exception that residents of the Columbia Health Care Center shall be permitted to consume alcoholic beverages as prescribed by their attending physician.

Sec. 5-8-2 Use of County Office Buildings.

- (a) **Office Buildings Rules.** The Columbia County Executive Committee shall establish and update rules for use of the County office buildings. Those rules shall include the hours when the public and County staff are allowed access to the buildings, the fees to be charged for the use of all County meeting rooms, and regulations regarding other facets of the use of the buildings as are deemed appropriate.
- (b) **Public Notice of Rules.** The Building and Meeting Room Rules are to be posted on the County website by the County Clerk.

Sec. 5-8-3 Use of Grounds for County Office Buildings.

- (a) **Parking.** The following parking regulations shall be established.
 - (1) It shall be unlawful to permit any vehicle to stand in the designated parking areas of the Courthouse, Administration Building, Buildings and Grounds and Dairy Herd Improvement Association (DHIA) Shop, Law Enforcement Center, Jail, Huber Center, and Health and Human Services Buildings between the hours of 12:00 midnight and 6:00 a.m. from November 1 to May 1 unless approved by the Buildings and Grounds Director.
 - (2) It shall be unlawful to permit any vehicle to stand in the parking lots of the Courthouse, Administration Building, Buildings and Grounds and Dairy Herd Improvement Association (DHIA) Shop, Law Enforcement Center, Jail, Huber Center and Health and Human Services Buildings by persons other than Columbia County employees, County Board members, Judges of the Circuit Court, or employees of other agencies whose offices are located within those buildings between the hours of 6:00 a.m. and 5:00 p.m. on weekdays other than holidays unless approved by the Buildings and Grounds Director.

- (3) It shall be permissible for persons while engaged in business, conferences, visitation, etc. in the Courthouse, Administration Building, Buildings and Grounds and Dairy Herd Improvement Association (DHIA) Shop, Law Enforcement Center, Jail, Huber Center and Health and Human Services Buildings to park in the designated public parking lots.
 - (4) It shall be unlawful for any vehicle to stand in the parking lot located at the northwest corner of Cook and Jackson Streets in the City of Portage other than Columbia County employees, County Board members, Judges of the Circuit Court, or employees of other agencies which rent office space from the County, pursuant to the conditional use permit issued by the City of Portage.
 - (5) On Street Parking Restrictions: Employees and other individuals who have offices in the Administration Building or the Health and Human Services Building may not park on either side of Edgewater Street between DeWitt Street and Marachowsky Place, or on either side of East Mullett Street between West Wisconsin Street and Thompson Street.
- (b) **Use of Sidewalks.** The use of rollerblades, rollerskates, skateboards, and similar recreational apparatus is prohibited on Columbia County office building grounds.
 - (c) **Violations.** Violations of the above Parking and Use of Sidewalks Ordinances shall be enforced by citations issued by the Columbia County Building and Grounds Director. The penalty for violation of this Ordinance is set forth in the Penalty Section at Title 1, Chapter 2.

Sec. 5-8-4 Donation of or Use of Personally Owned Office Furniture and Equipment.

An individual seeking to donate office furniture and equipment, or an employee seeking to utilize a personally owned item of furniture or equipment during their term of employment, in a County office building shall obtain the written approval of the Buildings and Grounds Director prior to making arrangements to deliver the items to the County office building.

Chapter 9

Miscellaneous Funds

5-9-1	Purpose
5-9-2	Source of Funds
5-9-3	Administration of Funds
5-9-4	Approved Expenditures
5-9-5	Accounting and Auditing

Sec. 5-9-1 Purpose.

This is to govern the administration and use of miscellaneous funds by Columbia County Departments, officials and employees. Miscellaneous funds exist for purposes including providing employee holiday parties, other employee social functions and retirement gifts for Columbia County employees, all without using public money.

Sec. 5-9-2 Source of Funds.

Approved sources for miscellaneous funds shall include revenue generated by Columbia County employees from soft drink and other vending machine sales and revenues generated from such other sources as are approved by the appropriate departmental governing committee and the Finance Committee.

Sec. 5-9-3 Administration of Funds.

Miscellaneous funds shall not be maintained in cash. Miscellaneous funds shall be maintained either in a checking account administered by a Department or in an account administered by the County Comptroller. Minimum and maximum fund balances shall be determined by the appropriate departmental governing committee and the Finance Committee.

Sec. 5-9-4 Approved Expenditures.

Miscellaneous funds may be used to provide Columbia County employees with events and items such as holiday parties, other employee social functions and retirement gifts. Miscellaneous funds shall not be used to provide cash payments, bonuses or awards to individual employees or to purchase or subsidize the purchase of any alcoholic beverages. Either a Department Head or one or more employees designated to do so by a Department Head shall determine the specific purpose or purposes for which individual expenditures from miscellaneous funds can be made.

Sec. 5-9-5 Accounting and Auditing.

Detailed records of each deposit and each expenditure of miscellaneous funds must be maintained. Miscellaneous funds not administered through the County Comptroller's office are subject to annual review and audit by the County Comptroller. The County Comptroller shall report the results of any such audit to the appropriate departmental governing committee and to the Finance Committee.

Chapter 10

Fair and Open Housing

5-10-1 Fair and Open Housing

Sec. 5-10-1 Fair and Open Housing.

Columbia County recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concept of fair and open housing for all persons and prohibition of discrimination therein.

- (1) Columbia County hereby adopts Section 106.50, Wisconsin Statutes as amended, and all subsequent amendments thereto.
- (2) The officials and employees of Columbia County shall assist in the orderly prevention and removal of all discrimination in housing within Columbia County by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes as amended.
- (3) The Columbia County Accounting Office shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in Columbia County to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

Chapter 11

Concealed Weapons

5-11-1	License to Carry a Concealed Weapon
5-11-2	Prohibitions on Concealed Weapons
5-11-3	Signs Required to Prohibit Concealed Weapons
5-11-4	Posting of Signs on County Buildings and on County Property
5-11-5	Prohibitions and Exceptions to Concealed Weapons in County Buildings and on County Property

5-11-1 License to Carry a Concealed Weapon.

Section 175.60, Wis. Stats., authorizes the carrying of concealed weapons in Wisconsin under certain circumstances. A person who is licensed under sec. 175.60, Wis. Stats., is exempted from the crime of carrying a firearm in a public Columbia County building under sec. 941.235, Wis. Stats., and from the related ordinance violation under sec. 22-1-1 (af) of the Columbia County Code of Ordinances.

5-11-2 Prohibitions on Concealed Weapons.

Section 175.60, Wis. Stats., permits certain owners and occupants of property to prohibit persons from carrying a firearm or other weapon in or on the property. Pursuant to sec. 175.60, Wis. Stats., provides that a person may be subject to a Class B forfeiture, and pursuant to secs. 22-1-1 (af) and 1-1-10 of the Columbia County Code of Ordinances, a person may be subject to a County Ordinance Violation, or if he or she, while carrying a firearm or other weapon, enters or remains in any part of a building that is owned, occupied or controlled by a local governmental unit Columbia County, or enters or remains at a special event, if the local governmental unit Columbia County has notified the person not to enter or remain in the building, or not to enter or remain at the special event while carrying a firearm or other weapon.

5-11-3 Signs Required to Prohibit Concealed Weapons.

In order to give notice under secs. 175.60 and 943.13, Wis. Stats., the owner or occupant of a building, or the organizer of a special event, must post a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies, or near all of the entrances to the special event, and any individual entering the building or attending the special event can reasonably be expected to see the sign. Signs posted under this section must be at least five (5) inches by seven (7) inches in size.

5-11-4 Posting of Signs on County Buildings and on County Property.

By enacting this Ordinance, the Columbia County Board of Supervisors has concluded determines that it is in the best interest of public safety and of the safety of County employees to prohibit the carrying of firearms and other weapons in buildings owned, occupied or controlled by Columbia County and during special events upon property owned, occupied or controlled by Columbia County.

All buildings and property affected by this Ordinance shall be posted in conformance with secs. 175.60 and 943.13, Wis. Stats., and, sec. 5-11-3, above, stating that carrying a firearm or other weapon in said building or on said property is prohibited.

5-11-5 Prohibitions and Exceptions to Concealed Weapons in County Buildings and on County Property.

No person carrying a firearm or other weapon, except a law enforcement officer, circuit court judge, district attorney, or assistant district attorney shall enter any building or any special event on property owned, operated or controlled by Columbia County.

Chapter 12

Sheriff's Office Dive Team

5-12-1 Per Diem

5-12-1 Per Diem.

- (a) Per diems are established for the duly appointed members of the Columbia County Sheriff's Office Dive Team, effective as of January 1, 2016.
 - (1) Public service event \$25.00
 - (2) Response to initial call out \$25.00
 - (3) Active rescue/recovery operation \$50.00
(first day of operation)
 - (4) Active rescue/recovery operation \$75.00
(second and all subsequent days of operation)
- (b) Members shall not receive any per diems for training, dive team organizational meetings, or time spent on equipment maintenance or repair.
- (c) Public service events will normally be limited to four (4) dive team members.
- (d) Active rescue/recovery operations will normally be limited to not more than four (4) days each.

Chapter 13

Assistant Medical Examiner Compensation

13-1 Compensation

13-1 Compensation.

- (a) Regular Compensation.
 - (1) On-call availability \$5.00 per hour
(maximum of \$120.00 in a 24 hour period)
 - (2) Phone investigations \$20.00 per call
 - (3) Cremation investigations \$40.00 per call
 - (4) Scene investigations \$80.00 per call

- (b) Holiday Compensation.
 - (1) On-call availability \$10.00 per hour
(maximum of \$240.00 in a 24 hour period)
 - (2) Scene investigations \$160.00 per call

- (c) Applicable Holidays.
 - (1) New Year's Day
 - (2) Memorial Day
 - (3) Independence Day
 - (4) Labor Day
 - (5) Thanksgiving Day
 - (6) Day after Thanksgiving
 - (7) Christmas Eve Day
 - (8) Christmas Day
 - (9) New Year's Eve Day

- (d) Applicable Holiday Hours.
 - (1) The Holiday Compensation rates listed in sec. 13-1(b) of this Ordinance shall apply from 6:00 a.m. on the day of the holiday until 6:00 a.m. on the day following the holiday based on the twenty-four (24) hour scheduling for Assistant Medical Examiners.

The remainder of Title 5, County Administration, is not affected by this Ordinance and shall remain in full force and effect.

This section shall be effective at 12:00 a.m. (midnight) on January 1, 2019.

Chapter 14

Property Assessed Clean Energy (“PACE”) Financing

5-14-1	Property Assessed Clean Energy (“PACE”) Financing
5-14-2	Effective Date

Sec. 5-14-1 Property Assessed Clean Energy (“PACE”) Financing.

- (a) **Purpose.** The County finds that renovations or additions to premises located in the County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increase property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of County residents. The purpose of this Section is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.
- (b) **Statutory Authority.** This Ordinance is enacted pursuant to Wis. Stat. Sec. 66.0627, as amended, which authorizes a County to make a loan or enter into an agreement regarding loan repayments to a 3rd party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the County for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premises.
- (c) **Definitions.** In this Section:
- (1) “Annual installment” means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.
 - (2) “Borrower” means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.
 - (3) “Default loan balance” means the outstanding balance, whether or not due, of a PACE loan at the time that the County receives foreclosure proceeds.
 - (4) “Foreclosure proceeds” means the proceeds received by the County from the disposition of a subject property through an in rem property tax foreclosure.
 - (5) “Loan amount” means the principal, interest, administrative fees (including the Program Administrator’s fees) and other loan charges to be paid by the borrower under the PACE loan.
 - (6) “PACE” means the acronym for property assessed clean energy.
 - (7) “PACE default provisions” means:
 - a. The delinquent annual installment(s) due when the County initiates the in rem property tax foreclosure on the subject property;
 - b. Any additional annual installment(s) that become due between the time that the County initiates in rem property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds;
 - c. Any default interest charges applied to unpaid annual installments referenced in subs. a. and b. above, as provided in the supplemental agreement; and
 - d. Any default loan balance.
 - (8) “PACE lender” means any person that makes a PACE loan, and which may include an affiliate of the borrower.

- (9) “PACE loan” means a loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.
 - (10) “Person” means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Wis. Stat. § 66.0627.
 - (11) “Program Administrator” means the person retained by the Wisconsin PACE Commission as provided in subsection (e)(2).
 - (12) “Subject property” means any premises located in the County on which an energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.
 - (13) “Supplemental agreement” means a written agreement among a borrower, a PACE lender and the County, as provided for in subsection (g).
 - (14) “Wisconsin PACE Commission” means the Wisconsin PACE Commission formed under Wis. Stat. § 66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stat. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.
- (d) PACE Loans as Special Charges; Delinquent Amounts as Liens. Any PACE loan made and secured pursuant to this Section shall be considered a special charge on the subject property. Any annual installment or portion of a PACE loan made and secured pursuant to the Section that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll, as permitted pursuant to Wis. Stat. §66.0627 as amended.
- (e) Wisconsin PACE Commission.
- (1) Any of the powers and duties of the County under this Section, except for those under subsection (i) may (but are not required to) be delegated to the Wisconsin PACE Commission.
 - (2) The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements set forth in this Section and in Wis. Stat. § 66.0627 as amended.
- (f) Loan Approval.
- (1) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual approved by the County.
 - (2) The County shall approve the financing arrangements between a borrower and PACE lender.
- (g) Supplemental Agreement.
- (1) The County, the borrower and the PACE lender shall execute the supplemental agreement which, without limitation:
 - a. Shall inform the participants that the PACE loan amount shall be imposed as and considered a special charge, and each year’s annual installment may be included on the property tax roll of the subject property as a special charge and an annual installment that is delinquent shall be a lien against the subject property pursuant to Wis. Stat. § 66.0627, as amended;
 - b. Shall recite the amount and the term of the PACE loan;
 - c. Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;
 - d. Shall provide whether default interest may be applied to unpaid annual

- installments;
 - e. Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;
 - f. Shall provide for any fees payable to the County and/or Program Administrator;
 - g. Shall recite that the supplemental agreement is a covenant that runs with the land;
 - h. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and
 - i. May allow for amendment by the parties.
- (2) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s) on the subject property must have executed a separate writing acknowledging the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Section and its consequences, including the remedies for collecting the special charge.
 - (3) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.
 - (4) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stat. § 66.0627, as amended.
- (h) Annual Installments Added to Tax Rolls. Upon the request of the Program Administrator the County shall place each year's annual installment on the tax roll for the subject property as permitted pursuant to Wis. Stat. § 66.0627, as amended.
 - (i) Remittance of Special Charges. The County shall promptly remit to the Wisconsin PACE Commission any payment(s) for a special charge imposed under this Section, including penalties and charges thereon, it may receive from any taxing district or the County treasurer pursuant to Wis. Stat. Ch. 74, as amended.
 - (j) Property Tax Foreclosure Procedures.
 - (1) The County elects to utilize the provisions of Wis. Stat. § 75.521, as amended, for the purpose of enforcing tax liens if a subject property owner fails to pay any special charges imposed on the subject property under this Section as required.
 - (2) The County shall begin an in rem property tax foreclosure proceeding on the subject property at the earliest time allowed under Wisconsin Statutes, unless the County determines that subject property is a "brownfield" (as defined in Wis. Stat. § 75.106, as amended) or that in rem property tax foreclosure is not in the best interests of the County due to the condition of the property or for other reasons.
 - (3) If the County has determined that it will not commence an in rem property tax foreclosure proceeding, then the PACE lender may request that the County, pursuant to Wis. Stat. § 75.106, as amended, assign the County's right to take judgment against the subject property, provided that the PACE lender and the County fully comply with all provisions of Wis. Stat. § 75.106, as amended, concerning the subject property and the PACE lender agrees to pay the amounts required by Wis. Stat. § 75.36(3)(a)1 and 1m, as amended.
 - (k) Sale of Foreclosed Property. If the County prevails in an in rem property tax foreclosure action against a subject property, the County shall diligently proceed to sell the subject property pursuant to the procedures set forth in Wis. Stat. § 75.69, as amended.

- (l) Distribution of Foreclosure Proceeds. The County treasurer shall follow the procedures set forth in Wis. Stat. § 75.36, as amended, to distribute the proceeds from the sale of a subject property.

Sec. 5-14-2. Effective Date. This Ordinance shall take effect the day after passage and publication as required by law.