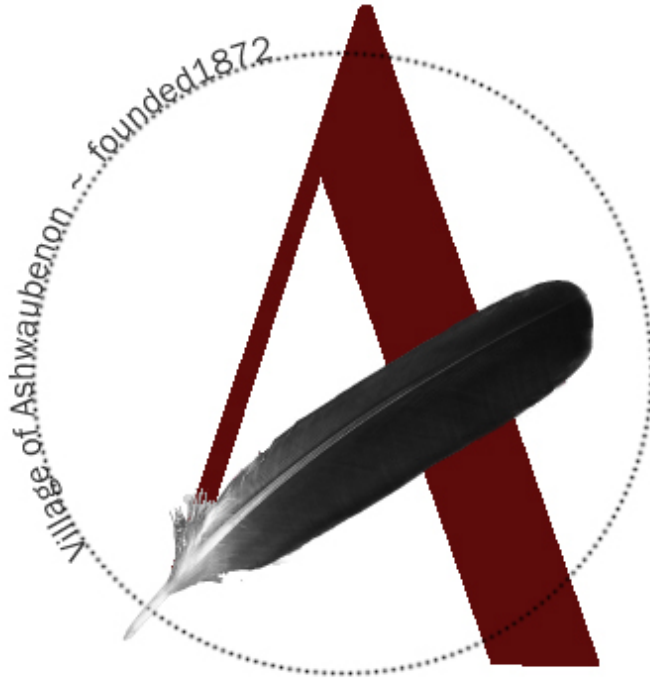


# Village of Ashwaubenon

## Municipal Code Book

Tuesday, May 30, 2017 12:12 PM



Printed for:  
Chapter 2 - Administration

# Municipal Code Book

<b>Chapter 2 - Administration</b> .....	<b>5</b>
<b>Article 1 - Governing Body</b> .....	<b>5</b>
2-1-19 Village Board .....	5
2-1-20 Village President .....	5
2-1-30 Village President Absence or Incapacity .....	8
2-1-46 Regular Meetings .....	8
2-1-47 Special Meetings .....	9
2-1-48 Adjournments .....	9
2-1-49 Open to the Public; Notice .....	9
2-1-50 Presiding Officer .....	9
2-1-51 Roll Call; Quorum .....	10
2-1-52 Order of Business .....	10
2-1-53 Conduct of Deliberations .....	11
2-1-54 Reconsideration of Question .....	12
2-1-55 Call of the Board .....	12
2-1-56 Disturbances and Disorderly Conduct .....	12
2-1-57 Appropriations and Accounts .....	12
2-1-58 Amendment of Rules .....	13
2-1-59 Suspension of Rules .....	13
<b>Article 2 - Boards, Committees and Commissions</b> .....	<b>13</b>
2-2-126 Composition of Committees .....	13
2-2-127 Village Board As Board of Review .....	13
2-2-133 Public Works and Protection Committee .....	13
2-2-181 Community Development Authority .....	14
2-2-232 Ethics Board .....	14
2-2-260 Finance & Personnel Committee .....	16
2-2-286 Parks, Recreation & Forestry Board .....	16
2-2-308 Plan Commission .....	16
2-2-337 Police & Fire Commission .....	16
2-2-367 Room Tax Committee .....	17
2-2-395 Site Plan Review Committee .....	17
2-2-421 Tree Board .....	17
2-2-472 Zoning Board of Appeals .....	17
2-2-475 Bicycle & Pedestrian Committee .....	18
<b>Article 3 - Officers and Employees</b> .....	<b>18</b>
2-3-529 Removal .....	18
2-3-530 Vacancies .....	18
2-3-531 Salaries .....	19
2-3-532 Oaths and Bonds .....	19
2-3-533 Assessor .....	19
2-3-535 Clerk Pro Tem. ....	19

2-3-537 Village Clerk-Treasurer .....	19
2-3-538 Village Attorney .....	20
<b>Article 4 - Departments .....</b>	<b>21</b>
2-4-598 Public Safety Department .....	21
2-4-599 Regulation .....	22
2-4-600 Funds .....	22
2-4-601 Compensation .....	22
2-4-602 Organization and Membership .....	22
2-4-603 Powers and Duties of Chief .....	23
2-4-604 Apparatus and Firefighter Powers .....	24
2-4-605 Police Power and Duties .....	25
2-4-606 Incident Management .....	26
<b>Article 5 - Municipal Judge and Municipal Court .....</b>	<b>26</b>
2-5-631 Municipal Judge .....	26
2-5-632 Municipal Court .....	27
<b>Article 6 - Public Officials and Employees Code of Ethics .....</b>	<b>28</b>
2-6-678 Declaration of Policy .....	28
2-6-679 Responsibility of Public Office .....	28
2-6-680 Dedicated Service .....	28
2-6-681 Fair and Equal Treatment .....	29
2-6-682 Conflict of Interest .....	29
2-6-683 Disclosure of Interest in Legislation .....	30
2-6-684 Statutory Standards of Conduct .....	31
2-6-685 Applicability .....	31
2-6-686 Penalty and Sanctions .....	31
2-6-687 Distribution .....	31
2-6-718 Two Members of Same Family Working In Same Department .....	32
2-6-719 Existing Employment .....	32
2-6-720 Exceptions .....	32
<b>Article 7 - Elections .....</b>	<b>32</b>
2-7-738 Allowing Split Shifts for Election Inspectors .....	32
2-7-739 Election Wards Created .....	32
2-7-740 Polling Places .....	33
2-7-741 Trustee Districts Created .....	33
2-7-742 Nomination .....	34
<b>Article 8 - Lost and Unclaimed Property .....</b>	<b>34</b>
2-8-768 Notification to the Public Safety Department of Found Valuables or Money .....	34
<b>Article 9 - Public Records .....</b>	<b>34</b>
2-9-814 Definitions .....	34
2-9-815 Local Public Officials .....	35
2-9-816 Duty To Maintain Records .....	35
2-9-817 Legal Custodians .....	35
2-9-818 Public Access to Records .....	36
2-9-819 Access Procedures .....	37

2-9-820 Limitation on Right to Access .....	38
2-9-821 Destruction of Records .....	39
2-9-822 Preservation Through Microfilm .....	41
2-9-837 Purpose .....	41
2-9-838 Additional Definitions .....	41
2-9-839 Microfilming of Records and Destruction of Same .....	41
2-9-855 Definitions and Abbreviations .....	42
2-9-856 Public Safety Department Records .....	43
2-9-857 Municipal Court Records .....	44
2-9-858 Village Board and Committee Records .....	44
2-9-859 Real Property Records .....	45
2-9-860 Licenses and Permits .....	45
2-9-861 Municipal Borrowing Records .....	45
2-9-862 Fidelity Bond Records .....	46
2-9-863 Legal Opinions .....	46
2-9-864 Accounting Records .....	46
2-9-865 Journal, Registers and Ledger .....	46
2-9-866 Clerk-Treasurer's Records .....	47
2-9-867 Payroll Records .....	47
2-9-868 Purchasing Records .....	48
2-9-869 Budget and Audit Records .....	48
2-9-870 Special Assessment Records .....	48
2-9-871 Board of Review Records .....	49
2-9-872 Tax Calculation Records .....	49
2-9-873 Tax Collection Records .....	50
2-9-874 Engineering and Public Works Records .....	50
2-9-875 Public Works Projects and Contracts .....	51
2-9-876 Street and Highway Records .....	51
2-9-877 Park Records .....	52
2-9-878 Building Permits and Inspection Records .....	53
2-9-879 Sanitation and Consumer Protection Records .....	53
2-9-880 Sewer and Water Utility Records .....	54
2-9-881 Election Records .....	55
<b>Article 10 - Administrative Review Procedure .....</b>	<b>56</b>
2-10-890 Review of Administrative Determinations .....	56

## Chapter 2 - Administration

### Article 1 - Governing Body

#### 2-1-19 Village Board

- (A) *Membership.* The village board shall consist of the village president and six trustees.
- (B) *Powers and Duties.*
- (1) The village board shall have such duties and powers as are enumerated in Wis. Stats. Ch. 61, and elsewhere in the statutes.
  - (2) The village board shall have all powers of the village not specifically given to some other body or officer. Except as otherwise provided by law, the village board shall have the management and control of the village property, finances, highways, streets, utilities and the public service and may act for the government and good order of the village, for its commercial benefit and for the health, safety, welfare and convenience of the public and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The village board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. All positions created by the village president shall be subject to the approval of the board. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
  - (3) The village board may sell any real estate within the village industrial park. Such sales shall be based on terms and conditions the village board believes will best serve the general welfare of the village.

Charter Ordinance (Ord. No. O3-3-17, 3-28-2017), (Code 2006, §§ 1.10(2)(b)—(5), 2.01) Charter reference - Terms of governing body, Charter Ordinance No. 01-1-00.

#### 2-1-20 Village President

(A) *General Powers.*

The mission of the Office of the Village President is to provide vision and leadership for all Village Operating Departments and programs; to exercise overall control of the Village budget and to participate in the Village legislative process as a voting member of the Village Board. The Village President will also be the focal point for dissemination of information regarding Village affairs. The President is the Chief Executive Officer of Ashwaubenon and shall work closely with the Village Manager, realizing that the residents of Ashwaubenon, through referendum, have entrusted and give the ultimate responsibility of the administrative operation of the Village to the President and the Board.

The general provisions relating to the powers and duties of the Village President (President) are contained in Wis. Stats., 61.24 as follows:

The President shall be by virtue of his/her office a Trustee of the Village Board (Board) and preside at all meetings of the Board and has a vote as Trustee; sign all ordinances, rules, bylaws, regulations, commissions, licenses and permits adopted and authorized by the Board and all orders drawn on the treasury except as provided by State Statutes and Wis. Stat. §66.0609. The President shall maintain peace and good order, see that ordinances are faithfully obeyed and, in case of disturbance, riot and/or other apparent necessity, who for the time being shall possess all the powers and rights of constable.

In the case of war, riot, natural disaster and/or the like and, in the event the Village Board is unable to meet, the President, by proclamation, may exercise such emergency powers necessary and expedient for health, safety, welfare and good order of the Village. Such proclamation is subject to ratification, alteration, modification and/or repeal by the Village Board as soon as it can meet.

The President may not perform any official duty while absent from the Village (State, ex rel. Emberson vs. Byrne (1897), 09 Wis. 16).

(B) *Powers and Duties.*

The Board delegates the following powers and duties to the office of Village President:

- (1) The President as Chief Executive Officer of the Village will oversee the general administrative operations of the Village.
- (2) The President is responsible to ensure all actions of the Village Board are effectuated and carried out according to their intent.
- (3) The President will prepare the agenda and order of business for all meetings of the Village Board, Finance & Personnel Committee, Plan Board, Economic Development, Site Plan Review Committee and Public Works and Protection Committee in conjunction with the Chairperson of those committees. Nothing herein shall be so construed as to give the President the authority to limit or any way prevent matters from being considered by the Village Board or any of the committees mentioned above. The Village Board will have the power to add issues to the Board and Committee agenda according to law.
- (4) The President shall investigate and inform the Village Board of the availability of government funding and grants and assist Department Directors and the Village Manager in reviewing and obtaining those funds.

- (5) The President shall review proposed pending County, State and Federal legislation and its effect upon the Village and inform the Board on legislative matters. He/she will further appear on the Village's behalf at all legislative and administrative hearings.
- (6) The President shall submit and enact recommendations or suggestions for improving the health, safety and/or welfare of the Village, as deemed necessary.
- (7) The President should be informed of constituent complaints and will review and resolve them with respective Department Directors.
- (8) The President shall regularly review and inform the Village Board of matters pertaining to the continual implementation of the Village Comprehensive Plan as required by the State. The President will also recommend changes to the Comprehensive Plan as necessary.
- (9) The President shall serve as Chairperson of the Plan Commission in accordance with State Statutes.
- (10) The President, with confirmation by the Village Board, shall approve or disapprove all newly created or modified positions submitted by the Village Manager and/or HR staff.
- (11) The President will assist in developing, reviewing and making modifications to the Village budget in conjunction with the Department Directors and the Village Manager before it is submitted to the Village Board for public hearing and final approval.
- (12) The President shall determine employee grievances submitted to the office as outlined in Step 2 of the Employee Grievance Procedure.
- (13) The President shall be the lead person for economic development, redevelopment and planning in conjunction with appropriate committee(s) and the Village Manager.
- (14) In the absence of the Village Manager, the Village President will assume all his/her duties and responsibilities.

(C) Appointment Powers

The following Officials and Department Directors shall be appointed by the Village President subject to confirmation by the Village Board except where appointed by an independent Board or Commission such as the Police & Fire Commission.

<b>Official or Department Director</b>	<b>Appointment</b>	<b>Status</b>	<b>Term</b>
Village Manager	Village President	At Will	Indefinite
Assessor (Wis. Stats. 61.197(1)(f) and 61.27)	Village President	Contract	Indefinite
Attorney	Village President	At Will	Indefinite
Director of Public Works	Village President	At Will	Indefinite
Utility Engineer	Village President	At Will	Indefinite
Village Engineer	Village President	At Will	Indefinite
Street Supervisor	Village President	At Will	Indefinite
Director of Parks, Recreation & Forestry	Village President	At Will	Indefinite
Director of Finance	Village President	At Will	Indefinite
Building/Plumbing Inspectors; Zoning Administrator	Village President	At Will	Indefinite
Chief of Public Safety	Police & Fire Commission		Indefinite

Charter Ordinance (Ord. No. O3-3-17, 3-28-2017), (Ord. No. 1-2-17, 1-24-2017, Code 2006, § 1.10(2)(a)) Charter Ord. No. 01-1-11 January 25, 2011), (Code 2006, § 1.02; Ch. Ord. No. 5-4-84, 5-22-1984; Ch. Ord. No. O1-1-00, 1-11-2000; Ord. No. O1-01-08, § 1, 1-8-2008) State law reference— Selection of appointed officers generally, Wis. Stats. § 61.197; election of trustees generally, Wis. Stats. § 61.20. The Village Board of the Village of Ashwaubenon further recognizes and declares that the Repeal of Sec. 2-528, Appointed Officials, Chapter 2, Administration and Sec. 1-02, Appointed Officials, Charter Ordinance No. O1-1-00, and the Repeal and Recreating of Sec. 2-20, Village President, Relating to Powers, Appointments and Duties, of the Village of Ashwaubenon Municipal Code, constitutes a Charter Ordinance and shall not take effect until sixty (60) days after its passage and publication subject to the provisions of Section 66.0101, Wis. Stats.

**2-1-30 Village President Absence or Incapacity**

(A) Absence or Incapacity

- (1) If the Village President is absent, temporarily incapacitated because of a physical or mental disability, or otherwise unable to perform the duties of the Office of Village President, the Trustee with the most consecutive years of elected service and largest percentage margin of victory in the last election shall be the Interim Village President during such period and have the authority to perform the President's duties until the absence, inability, or disability ends or is removed.
- (2) Any dispute related to the activation of any absence, temporary incapacity or inability to perform the President's duties may be addressed by the Village Board at any public meeting called in a manner consistent with this Chapter and State law.
- (3) Nothing in this Section shall affect the Village Board's power of removal as set forth in Wisconsin Statute § 17.13 (2) related to continued physical inability or gross neglect.

(Ord. No. O4-1-17, 5-26-2017) State law reference – Wisconsin Statutes § 17.13 and § 61.23

**2-1-46 Regular Meetings**



Regular meetings of the village board shall be held on the second and fourth Tuesday of each calendar month at 7:00 p.m. Any regular meeting falling on a legal holiday shall be held on the next following secular day, at the same hour and place. All meetings of the village board, including special and adjourned meetings, shall be held in the village hall.

(Code 2006, § 2.02(1))

#### **2-1-47 Special Meetings**

Special meetings of the village board may be called by any two trustees in writing filed with the clerk at least 24 hours prior to the time specified for such meeting. The clerk-treasurer shall immediately notify each trustee of the time and purpose of such meeting by causing a written notice thereof to be delivered to each trustee personally, if he can be found, or, if he cannot be found, by leaving a copy of such notice at the home of such trustee. The clerk-treasurer shall cause an affidavit showing service of such notice as herein provided to be filed in their office prior to the time fixed for such special meeting. Special meetings may be held without such notice when all members of the village board are present in person or consent in writing to the holding of such meeting, such written consent to be filed with the clerk-treasurer prior to the beginning of the meeting. Any special meeting attended by all the trustees shall be a regular meeting for the transaction of any business that may come before such meeting.

(Code 2006, § 2.02(2) State law reference - Special meetings, Wis. Stats. § 61.32.

#### **2-1-48 Adjournments**

The village board may, by a majority vote of those present, but not less than three affirmative votes, adjourn from time to time to a specific date and hour.

(Code 2006, § 2.02(3))

#### **2-1-49 Open to the Public; Notice**

All meetings of the village board and subunits thereof shall be open to the public as provided in Wis. Stats. §§ 19.81—19.89. Public notice of all such meetings shall be given as provided in Wis. Stats. § 19.84.

(Code 2006, § 2.02(4) State law reference - Meetings, Wis. Stats. § 61.32; public meetings law, Wis. Stats. § 19.81 et seq.

#### **2-1-50 Presiding Officer**

- (A) *Designated.* The village president shall preside at all meetings of the village board. In the absence of the president, the clerk-treasurer shall call the meeting to order and the trustees present shall select another trustee to preside.
- (B) *Duties.* The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or by this chapter.
- (C) *Appeals from Decisions.* Any member may appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds vote of the members, excluding the presiding officer.

(Code 2006, § 2.03) State law reference - Village president as presiding officer, Wis. Stats. § 61.24.

## 2-1-51 Roll Call; Quorum

- (A) *Roll call; Procedure When Quorum Not in Attendance.* As soon as the village board is called to order, the clerk shall proceed to call the names of the members in alphabetical order, noting who is present and who is absent, and record the same in the proceedings of the board. If there is not a quorum present, the fact shall be entered on the journal and the board may adjourn; or the president or, in his absence, the clerk may issue a process to any constable or police officer commanding him forthwith to summon the absentees. If the meeting is adjourned, it may be to a specific date and hour pursuant to section 2-48
- (B) *Determination of Quorum.* A majority of the members-elect shall constitute a quorum. The president shall be counted in computing a quorum.

(Code 2006, § 2.04)

## 2-1-52 Order of Business

The business of the village board shall be conducted in the following order:

- (A) Call to order by president.
- (B) Roll call.
- (C) Closed session/open meetings law announcement by president.
- (D) Pledge of Allegiance.
- (E) Approval of the agenda.
- (F) Comments from the public.
- (G) Written communications.
- (H) Public hearing.
- (I) Consent agenda. All items listed under the consent agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a board member so requests, in which event the item will be removed and put on the regular agenda designated by the chairperson.
  - (1) Approval of the minutes of preceding meeting(s).
  - (2) Financial reports.
  - (3) Operator's (Bartender) licenses.
  - (4) Budgeted expenditures.

- (5) Village department reports.
- (J) Ordinances and/or resolutions.
- (K) Other items of business.
- (L) Agenda items for next meeting.
- (M) Convene into closed session.
- (N) Reconvene into open session.
- (O) Adjournment.

(Code 2006, § 2.05; Ord. No. O9-1-09, § 1, 9-22-2009)

### **2-1-53 Conduct of Deliberations**

The deliberations of the village board shall be conducted in the following manner:

- (A) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (B) Except as provided in this section, no person other than a member shall address the board, except by vote of a majority of the members present.
- (C) When a question is under discussion, no action shall be in order except the following motions, which shall have precedence in the order listed:
  - (1) To adjourn;
  - (2) To lay on the table;
  - (3) To move the previous question;
  - (4) To postpone to a certain day;
  - (5) To refer to a committee;
  - (6) To amend; or
  - (7) To postpone indefinitely.

- (D) Any member desiring to terminate debate may move the previous question, in which event the presiding officer shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the board to a direct vote, first upon any pending amendments and then upon the main question.
- (E) Any trustee may demand an aye and nay vote on any matter, and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the board by a majority vote of those present excuses him for special cause. A majority vote of all members of the board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval unless a larger number is required by statute. Such a measure may be adopted after the first reading unless there are more than two votes against it. Except as otherwise provided by these rules, a majority vote of those present shall prevail in other cases.
- (F) A motion to adjourn shall always be in order, and a motion to adjourn or to lay on the table and a call for the previous question shall be decided without debate.

(Code 2006, § 2.07)

#### **2-1-54 Reconsideration of Question**

Any member voting with the majority may move for a reconsideration of the vote on any question at that meeting or at the next succeeding regular meeting. A request for reconsideration must be made in writing and delivered to the Office of the Clerk-Treasurer twenty-four (24) hours prior to the next succeeding regular meeting to comply with open meeting law. A motion to reconsider being put and lost shall not be renewed. A trustee may not change his vote on any question after the result has been announced.

(Ord. No O9-4-16, 9-27-2016, Code 2006, § 2.08)

#### **2-1-55 Call of the Board**

A call of the village board may be requested at any time by two or more members, and absent members shall be sent for, but a call shall not be made after voting has commenced. When a call of the board has been requested and ordered, the door shall be closed until the report of the policeman has been received and acted upon, or until further proceedings under the call are dispensed with by a majority of the entire board.

(Code 2006, § 2.09)

#### **2-1-56 Disturbances and Disorderly Conduct**

Whenever any disturbance or disorderly conduct occurs in any meeting of the village board, the presiding officer may cause the room to be cleared of all persons guilty of such disorderly conduct except the trustees. If any trustee is guilty of disorderly conduct, the presiding officer may order the police to take him into custody for the time being or until the meeting adjourns. Such member may appeal from such order to the board as in other cases.

(Code 2006, § 2.10)

#### **2-1-57 Appropriations and Accounts**

All demands or accounts shall be acted upon at the time of presentation unless one or more members demands a reference.

(Code 2006, § 2.11)

#### **2-1-58 Amendment of Rules**

These rules shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds of all the members of the village board.

(Code 2006, § 2.13)

#### **2-1-59 Suspension of Rules**

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

(Code 2006, § 2.14)

### **Article 2 - Boards, Committees and Commissions**

#### **2-2-126 Composition of Committees**

- (A) Whenever a committee lacks a quorum for a meeting of that committee, any member of the village board may be designated by the committee chairperson and serve as an alternate member of that committee.
- (B) Each committee shall consist of three members. The village president shall designate a chair for each committee. Members shall serve as appointed unless excused by a majority vote of the members of the village board.

#### **2-2-127 Village Board As Board of Review**

- (A) *Created; Powers and Duties.* The village board shall act as the board of review. The powers and duties of the board of review shall be as provided in Wis. Stat. 70.46

(Code 2006, § 1.34)

#### **2-2-133 Public Works and Protection Committee**

- (A) *Created.* There is hereby created a public works and protection committee of the village board that shall be appointed by the village president subject to the approval of a majority of the members of the village board at the first regular meeting in April of each year.

## 2-2-181 Community Development Authority

- (A) *Created; Membership.* There is hereby created a community development authority. The authority shall consist of seven members. The members shall be the village president, two village trustees who shall be appointed annually by the village president and confirmed by the village board, and four citizens of the village who shall be appointed by the village president, subject to confirmation by the village board, for staggered terms of four years.

## 2-2-232 Ethics Board

- (A) *Created.* There is hereby created an ethics board consisting of five voting members and two alternates who shall serve without compensation unless the village board otherwise provides. The members of the ethics board shall be residents of the village, fulltime employees of a business located in the village, or owners of real property located in the village. The members shall not be elected officials, fulltime appointed officials or village employees, nor shall they be currently serving on any other village board or commission. Each member shall be appointed by the village president and subject to confirmation by the village board. Terms of office shall be three years, except that when the initial appointments are made, one member shall be appointed for one year, two shall be appointed for two years and two for three years. The alternates shall be appointed for three-year terms, except that when the initial appointments are made, one alternate shall be appointed for one year and one shall be appointed for two years. The alternates serve on the board when one of the citizen members is unavailable. The ethics board shall elect its own chairman and vice-chairman. The village attorney shall furnish the ethics board legal assistance when necessary and when doing so does not present a conflict of interest to the village attorney. With the prior approval of the village board, the ethics board may retain independent counsel when the village attorney is unable to provide legal assistance to the board. The village clerk shall serve as the ethics board secretary.
- (B) *Adoption of Rules.* The ethics board shall adopt and develop written rules which shall be submitted to the village board for approval. A copy of such rules shall be filed with the village clerk.
- (C) *Advisory Opinions.* Any person to whom these rules are applicable may apply, in writing, to the ethics board for an advisory opinion as to the interpretation and application of these rules and shall be guided by the opinion rendered. Such person shall have the opportunity to present his interpretation of the facts at issue and the applicability of provisions of these rules before the ethics board unless otherwise requested to do so by the board. Meetings for deliberations and action upon such applications shall not be open to the public. Opinions rendered by the board shall be in writing. Records of the board's opinions, opinion requests and investigations of violations shall be closed to public inspection. The board, however, may make such records public with the consent of the individual requesting the advisory opinion or in the event that individual makes public any portion of the opinion. In the event the board deems it necessary or appropriate, it may request an advisory opinion from the village attorney. The board may, if it determines that its opinion in response to a request for an advisory opinion as to the interpretation or application of the provision of these rules to certain fact situations would be of value to other officials or employees in terms of providing guidance or guidelines in future fact situations of a same or similar nature, issue a summary opinion setting forth what it deems to be appropriate conduct in such a manner that it does not disclose the identity of the individual whose original request prompted the issuance of such summary opinion.
- (D) *Submission, Verification and Acceptance of Complaints.*

- (1) All complaints shall be in writing, sworn and verified and shall state the name of the official or employee alleged to have committed a violation of this section and the particulars thereof. Complaints shall be addressed to the ethics board and filed with the village clerk.
- (2) Within 14 days after the filing of a sworn and properly verified complaint, the ethics board shall meet to accept or dismiss the complaint. Within three days after accepting the complaint, the board shall mail a copy of the complaint to the accused by certified mail.
- (E) *Preliminary Investigation.* Following the acceptance of a sworn and verified complaint, the board may make preliminary investigations with respect to alleged violation of this section. No preliminary investigation of the activities of any official or employee may be initiated unless such official or employee is notified in writing by certified mail. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated and a statement of such person's due process rights. The preliminary investigation shall be completed within 30 days from acceptance of a verified complaint, except that the board may extend that period an additional 30 days with like notice to the official or employee and to the complainant.
- (F) *Dismissal of Complaint.* If, after such investigation, the board finds that probable cause does not exist for believing the allegations of the complaint or believing that the conduct complained of violates the ethics code, it shall dismiss the complaint. The board shall promptly notify the accused and the complainant of its decision in writing by certified mail. The board's decision to dismiss a complaint shall be final. The same complaint or a complaint which is substantially the same shall not be reconsidered by the board unless the complainant provides additional material information which was not available to the complainant at the time the original complaint was filed and which, if true, would probably change the outcome. The board's decision to reconsider or not to reconsider shall be final.
- (G) *Probable Cause; Hearing.* If, after such investigation, the board finds that probable cause exists for believing the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than 30 days after such finding. The board shall give the accused at least 20 days' notice of the hearing date. Such hearings shall be at open session unless the accused petitions for a hearing closed to the public. The rules of evidence shall apply to such hearings. All evidence, including certified copies of records and documents which the board considers, shall be fully offered and made part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
- (H) *Right to Counsel.* During all stages of any investigation or proceeding conducted under this section, the accused shall be entitled to be represented by counsel of his own choosing.
- (I) *Examination of Documents; Right to Bring Witnesses.* The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing under subsection (G) of this section at a reasonable time before the date of the hearing as well as during the hearing to bring witnesses, establish all pertinent facts and circumstances and to question or refute any testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.
- (J) *Power to Compel Witnesses and Issue Subpoenas.* The board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissioners under Wis. Stat. § 885.01(3).

- (K) *Decision; Findings of Fact.* Upon conclusion of the hearing, the ethics board shall file its decision within five days, in writing, signed by all participating board members, with findings of fact, conclusions of law concerning the propriety of the conduct of the official or employee and, if appropriate, refer the matter to the village board or other proper authority with a recommendation for suspension, removal from office or employment, or other disciplinary action.
- (L) *Vote Required for Board Action.* A four-to-one vote of the ethics board shall be required for any action taken by the board, with the exception that action taken by the board pursuant to a hearing conducted under subsection (G) of this section shall require a unanimous vote.

(Code 2006, § 1.50(8)(a))

#### **2-2-260 Finance & Personnel Committee**

- (A) *Created; Membership.* There is hereby created a finance and personnel committee consisting of five members. Three members shall be village board trustees who shall be appointed by the village president, subject to confirmation by the village board; and two members shall be citizens of the village who shall be appointed by the village president, subject to confirmation by the village board.

#### **2-2-286 Parks, Recreation & Forestry Board**

- (A) *Created.* There is hereby created a parks, recreation and forestry board. The parks, recreation and forestry board shall consist of seven members. Two members shall be members of the village board to be appointed annually to one-year terms by the village president, subject to confirmation by the village board; and five citizen members to be appointed one each year to staggered four-year terms by the village president, subject to confirmation by the village board.
- (B) *Powers and Duties.* The parks, recreation and forestry board shall have all the powers and duties set forth in Wis. Stat. § 27.08, and such duties as may from time to time be delegated to it by the village board.

(Code 2006, § 1.36(1); Ord. No. O5-1-04, 5-11-2004); (Code 2006, § 1.36(2); Ord. No. O5-1-04, 5-11-2004)

#### **2-2-308 Plan Commission**

- (A) *Membership.* The plan commission shall consist of the village president who shall act as the chair, three trustees and three citizens appointed by the village president for staggered three-year terms. Citizen members shall be persons of recognized experience and qualifications.
- (B) *Powers and Duties.* The plan commission shall have the powers and duties prescribed in Wis. Stats. §§ 61.35 and 62.23, and such other powers and duties as are vested in it from time to time by the village board.

(Code 2006, § 1.35(1)); (Code 2006, § 1.35(2))

#### **2-2-337 Police & Fire Commission**



- (A) *Membership.* The police and fire commission shall consist of five citizens, none of whom shall hold any other public office in the village. The village president shall annually, between the last Monday of April and the first Monday of May, appoint, in writing to be filed with the secretary of the commission, one member for a five-year term. Such appointments shall be subject to approval by the village board. No appointment shall be made which will result in more than three members of the board belonging to the same political party. Three commissioners shall constitute a quorum. The commission shall keep a record of its proceedings.
- (B) *Powers and Duties.* The police and fire commission shall appoint the chief of public safety, and shall have such other duties and powers as are set forth in Wis. Stat. § 62.13.
- (C) *Recording Secretary.* The village shall provide a recording secretary to take minutes of meetings and hearings as requested by the police and fire commission.

(Code 2006, § 1.32(1); Ord. No. O2-7-04, 2-24-2004); (Code 2006, § 1.32(2); Ord. No. O2-7-04, 2-24-2004); (Code 2006, § 1.32(3); Ord. No. O2-7-04, 2-24-2004)

#### **2-2-367 Room Tax Committee**

- (A) *Created; Membership.* There is hereby created a room tax committee. Two members of the committee shall be appointed by the village president subject to confirmation by the village board.

(Code 2006, § 2.12(1)(d), Ord. No. O5-1-15, May 26, 2015)

#### **2-2-395 Site Plan Review Committee**

- (A) *Created; Membership.* There is hereby created a site plan review committee consisting of seven members. The members shall be the village president and one trustee who shall be appointed annually by the village president, subject to confirmation by the village board, and five members who are either citizens of the village or who own property in the village, appointed by the village president, subject to confirmation by the village board, for terms of two years.
- (B) *Powers and Duties.* The powers and duties of the site plan review committee shall be as provided in Chapter 17 of this code.

#### **2-2-421 Tree Board**

- (A) *Created; Membership.* There is hereby created a tree board consisting of seven members. The members shall be citizens of the village and shall be appointed by the village president, subject to confirmation by the village board. The members shall serve staggered three-year terms.

#### **2-2-472 Zoning Board of Appeals**

- (A) *Membership.* The zoning board of appeals shall consist of five citizen members and two alternates who are citizens of the village, appointed by the village president, subject to confirmation by the village board. Alternates shall not vote except when a regular member is absent or fails to vote because of a conflict of interest. All terms of office shall be three years, except the terms of regular members shall be staggered so that not more than two members are appointed annually. The members of the board shall serve without compensation and shall be removable by the village board for cause upon written charges and after a public hearing. The village board shall designate one of the members as chair. The zoning board of appeals may elect a vice-chair and shall designate a secretary and an office in which its records shall be kept.
- (B) *Meetings.* Meetings of the zoning board of appeals shall be held at the call of the chair and at such other times as the board may determine. Such chair, or, in his absence, the vice-chair, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (C) *Powers and Duties.* The powers and duties of the zoning board of appeals shall be as provided in Wis. Stat. § 62.23(7).

(Code 2006, § 1.30(1)); (Code 2006, § 1.30(2)); (Code 2006, § 1.30(3))

#### **2-2-475 Bicycle & Pedestrian Committee**

- (A) *Created; Membership.* There is hereby created a Bicycle and Pedestrian Committee. The Committee shall consist of seven (7) members. One (1) member shall be a Village Trustee who shall be appointed annually by the Village President and confirmed by the Village Board and six (6) members shall be citizens of the Village who shall be appointed by the Village President, subject to confirmation by the Village Board, for staggered terms of three years. The Committee may add non-voting advisory members.

(Ord. No. O3-3-16, 5-3-2016)

### **Article 3 - Officers and Employees**

#### **2-3-529 Removal**

- (A) *Elected Officials.* Elected officials may be removed by the village board as provided in Wis. Stats. § 17.13(2), or by the judge of the circuit court for cause pursuant to Wis. Stats. § 17.13(3), or as provided by Wis. Stats. § 17.16.
- (B) *Appointed Officials.* Appointed officials may be removed as provided in Wis. Stats. §§ 17.13(1), 17.13(3) and 17.16.

(Code 2006, § 1.04) State law reference— Removal of village officers, Wis. Stats. § 17.13.

#### **2-3-530 Vacancies**

- (A) *How Occurring.* Vacancies in elective and appointive positions are caused as provided in Wis. Stats. §§ 17.03 and 17.035.
- (B) *How Filled.* Vacancies in elective and appointive offices shall be filled as provided in Wis. Stats. § 17.24.

(Code 2006, § 1.05)

### **2-3-531 Salaries**

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the village board from time to time provided the salary of the president and members of the board shall not be increased during their terms of office as provided in Wis. Stat. § 66.0505.

(Code 2006, § 1.06; Ch. Ord. No. 5-4-84, 5-22-1984)

### **2-3-532 Oaths and Bonds**

Elected and appointed officials shall take and file the official oath within five days after notice of their election or appointment as provided in Wis. Stat. § 61.21 and shall execute and file the official bond as required by State Statutes and this Code.

(Code 2006, § 1.03) State law reference— Notice and oath of office, Wis. Stats. § 61.21; official bond, Wis. Stats. § 61.22.

### **2-3-533 Assessor**

- (A) *Powers and Duties.* The powers and duties of the assessor shall be as provided in Wis. Stats. Ch. 70.
- (B) *Other Duties Prescribed by Law.* The assessor shall perform such other duties as shall be prescribed by state law, supervisory personnel of the state department of revenue and the village board, including attendance at all meetings of the board of review.

(Code 2006, § 1.11) State law reference— Assessor, Wis. Stats. § 61.27.

### **2-3-535 Clerk Pro Tem.**

In the absence of the clerk-treasurer, the deputy clerk shall act as clerk pro tem.

(Code 2006, § 2.06)

### **2-3-537 Village Clerk-Treasurer**

- (A) The Village of Ashwaubenon hereby elects pursuant to Wis. Stats. Sec. 61.19, 61.195 and 66.0101, that the office of Village Clerk and the office of Village Treasurer of the Village of Ashwaubenon shall be consolidated and combined as one full-time office and such position shall be designated as the office of Clerk-Treasurer.

- (B) The Clerk-Treasurer shall perform all the duties required of both offices as provided in Wis. Stats. 61.25 and 61.26 and any other laws of the State and other duties as are required or requested to be executed by the Clerk-Treasurer by the Village Board from time to time.

(Char. Ord. 08-1-14, 8-26-2014), Editor's note— Charter Ord. No. 08-1-14, adopted Aug. 26, 2014, repealed and deleted § 2-534, which pertained to the Clerk, and derived from the 2006 Code. Editor's note— Charter Ord. No. 08-1-14, adopted Aug. 26, 2014, repealed and deleted § 2-536, which pertained to the Treasurer, and derived from the 2006 Code.

### **2-3-538 Village Attorney**

- (A) The village attorney shall conduct the law business in which the village is interested.
- (B) They shall, when requested by village officers, give written legal opinions, which shall be filed with the clerk.
- (C) They shall draft ordinances, bonds and other instruments as may be required by village officers.
- (D) They may appoint an assistant who shall have power to perform their duties and for whose acts they shall be responsible to the village. Such assistant shall receive no compensation from the village unless approved by the village board.
- (E) The village board may employ and compensate special counsel to assist in or take charge of any matter in which the village is interested.
- (F) The village attorney and those persons designated by the village attorney are authorized to:
  - (1) Investigate complaints alleging violation of this Code and, if the results of such investigation warrant, refer the findings to the appropriate officer, official, committee, board or commission;
  - (2) File answers and counterclaims in legal or equitable actions to which the village is a party;
  - (3) Initiate injunctive and abatement actions;
  - (4) Initiate or respond to appeals in all courts; and
  - (5) Enter an appearance before any court of competent jurisdiction, administrative agency or quasi-judicial body in any matter in which the village is or may become involved.
- (G) The village attorney and those persons designated by the village attorney are delegated the authority to bind the village and its boards, commissions and agencies to the terms and conditions set forth in the following classes of legal matters generally known as:
  - (1) Insurance waivers and releases;
  - (2) Assignments of subrogation claims;

- (3) Insurance agreements pertaining to proof of financial responsibility;
- (4) Stipulations in administrative or judicial proceedings or actions wherein the village incurs no financial obligations except for the payment of statutory costs;
- (5) Bankruptcy claims; and
- (6) Real estate transfer tax forms.

(Code 2006, § 1.15; Ch. Ord. No. 5-4-84, 5-22-1984) Editor's note— Char. Ord. O8-1-14, adopted Aug. 26, 2014 enacted provisions to be designated as § 2-537. That being the case, former § 2-537 has been re-designated as § 2-538

## **Article 4 - Departments**

### **2-4-598 Public Safety Department**

Pursuant to Wis. Stat. § 61.65, the public safety department is established as the police and fire departments for the village. The public safety department shall provide firefighting, fire prevention, emergency rescue and police protection services in the village. Those services shall include, but are not limited to, the following functions:

- (A) Provide fire, police protection and emergency medical services to the public at large where required;
- (B) The operation of motor and foot patrol units for routine investigations and the general maintenance and enforcement of law and order;
- (C) The operation of communications and dispatch facilities;
- (D) The maintenance and supervision of police records, criminal and noncriminal identification, property identification, custody of property and the operation of detention quarters;
- (E) The investigation of crimes, elimination of illegal liquor and/or drug traffic and vice, and the preparation of cases for the prosecution of criminal offenses in violation of the laws of the state and the ordinances of the village;
- (F) The prevention and control of juvenile delinquency, the removal of crime hazards and the coordination of community agencies interested in crime prevention;
- (G) The control of traffic, prosecution of traffic violations and policing and reporting traffic accidents;
- (H) The extinguishment of fires which endanger or are likely to endanger life, persons or property, the maintenance and operation of firefighting equipment and of such other emergency equipment as may be assigned to it;

- (I) The investigation and inspection of potential fire hazards and the abatement of existing fire hazards in accordance with the laws of the state and ordinances of the village;
- (J) The investigation of origin, cause and circumstances of fires;
- (K) The inspection of fire protection devices, and the supervision of fire drills as may be required by law for schools and institutional uses;
- (L) The maintenance of departmental training programs, records, reports, budget controls and other matters relating to the effective operation and administration of the department; and
- (M) Additional public safety responsibilities that may be established by the village board as deemed necessary for the safety and welfare of the citizens of the village.

(Code 2006, § 5.01(1))

#### **2-4-599 Regulation**

The public safety department's organization and internal regulation shall be governed by this article, and such rules and regulations as are adopted by the village board or established by the chief of public safety.

(Code 2006, § 5.01(2))

#### **2-4-600 Funds**

The village board shall appropriate funds to provide for the operation of and for such apparatus, equipment and facilities for the use of the public safety department as the village board may deem expedient and necessary to maintain efficiency and properly provide police and fire protection and emergency rescue services.

(Code 2006, § 5.01(3))

#### **2-4-601 Compensation**

The officers and members of the public safety department shall receive such compensation from the village as may from time to time be fixed by the village board. All fees, bail deposits and other special remuneration or funds collected or received by the department or any officers or members thereof shall be deposited with the treasurer not less than monthly.

(Code 2006, § 5.01(4))

#### **2-4-602 Organization and Membership**

- (A) *Appointments.* The public safety department shall consist of the chief of public safety and such subordinates as shall from time to time be established by the village board. The appointment of the chief and subordinates shall be pursuant to the provisions of Wis. Stat. § 62.13.
- (B) *Vacancy in Office of Chief.*

- (1) A vacancy in the office of chief of public safety shall be filled pursuant to the provisions of Wis. Stats. § 62.13, applicable to the chiefs of the police and fire departments. Upon creation of the vacancy of the office of chief, the ranking officers shall perform the duties of chief until such vacancy has been filled by the police and fire commission.
- (2) Upon appointment by the police and fire commission, the chief shall immediately assume office and hold office until removed for cause pursuant to the provisions of Wis. Stats. § 62.13, unless their services are sooner terminated by resignation, 15 miles of village limits, or death.
- (C) *Application for Membership.* Any person desiring to be a member or officer of the public safety department may file an application with the police and fire commission. Members and officers of the department shall be determined and appointed by the police and fire commission pursuant to the provisions of Wis. Stats. § 62.13.
- (D) *Residency Requirement.* The chief and senior commander shall reside within 15 miles of the village boundaries. Other department employees, upon completion of the probationary period, shall have six months to establish permanent residency within 15 miles of the village boundaries. An employee who can demonstrate hardship by being required to establish residency shall petition the village board for an exception to this requirement.

(Code 2006, § 5.02)

#### **2-4-603 Powers and Duties of Chief**

- (A) *Powers Generally.* The chief of public safety shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.
- (B) *Supervision of Department.* The chief shall have general supervision of the department, subject to this article, and shall be responsible for the personnel and general efficiency of the department, subject to the provisions of Wis. Stats. § 62.13. The chief shall have all of the powers, rights, duties and obligations of police and fire chiefs as set forth in the state statutes.
- (C) *Preservation of Public Peace.* The chief shall cause the public peace to be preserved and see that all laws and ordinances of the village and state are enforced; and whenever any violation thereof comes to their knowledge, they shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.
- (D) *Supervisory Control Over Personnel.* The chief shall exercise supervisory control over all department personnel and may adopt rules and regulations for the government, discipline, equipment and uniforms of public safety employees.
- (E) *Promotion and Discipline of Public Safety Officers.* The chief shall have the power to promote, demote, discipline or terminate any officer of the department for neglect or refusal to perform their departmental duties, for any violation of the provisions of this article or the rules and regulations of the department. Such demotion or termination or suspension of Public Safety Officers shall be subject to Wis. Stat. § 62.13.

- (F) *Recordkeeping.* The chief shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the department.
- (G) *Care of Equipment.* The chief shall be responsible for the care and condition of the equipment used by the department.
- (H) *Appropriations.* Not later than October 1 of each year, the chief shall file with the village president a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.
- (I) *Obedience to Orders of Village Board.* The chief shall obey all lawful written orders of the village board.
- (J) *Appearance at Meetings.* The chief shall appear at any meeting of the village board upon request of the village president. It shall also be the responsibility and duty of the chief to appear at the meeting of any officially designated committee of the village board if requested to do so by the chairman of such committee.
- (K) *Presence at Fires.* The chief or designee shall be present at all fires, have complete command of and entire responsibility for all firefighting operations, plan the control of the same, direct the action of the public safety department when they arrive at a fire, observe that all public safety officers and paid on-call firefighters do their duty and grant leaves of absence at a fire when he may deem it proper.
- (L) *Enforcement of Fire Prevention Laws.* The chief or designee shall cause all fire prevention ordinances of the village and state laws and regulations relating to fire prevention to be enforced and shall keep citizens informed on fire prevention methods and on activities of the public safety department.
- (M) *Fire Call Records.* The chief shall see that an adequate record is kept of every fire to which the public safety department has been called, and there shall be entered in such record the locality of the fire, the time the alarm was received, method of extinguishment and equipment used, estimated fire loss, time fire was extinguished, and any other general remarks.
- (N) *Equipment Inventory.* The chief shall see that an adequate inventory is kept of all apparatus and equipment showing dates and results of tests on inventory, apparatus, equipment and hoses.
- (O) *Records Custodian.* The chief shall be the legal custodian of all records of the department as provided in Wis. Stat. § 19.33.
- (P) *Additional Duties.* The chief shall further perform any and all duties that are incumbent on the commanding officer of the public safety department.

(Code 2006, § 5.03)

## **2-4-604 Apparatus and Firefighter Powers**



- (A) The chief of public safety shall have control of all apparatus and equipment used by the department and shall be responsible for proper maintenance. Emergency repairs for any equipment of the department may be authorized by the chief.
- (B) No apparatus or equipment shall be used for any purpose except the purposes of the public safety department or in training therefor, except pursuant to any agreement approved by the village board on any use of the equipment, apparatus or personnel of the department beyond the limits of the village, and except as provided by Wis. Stats. §§ 66.0313 and 66.0513 or as approved by the chief of public safety.
- (C) No person shall willfully injure in any manner any hose, hydrant or fire apparatus, or other equipment or apparatus belonging to the village and no vehicle shall be driven over any unprotected hose of the public safety department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the public safety department official in command.
- (D) *Removal of Property.* The chief of the public safety department or officer in command may prescribe certain limits in the vicinity of any fire or emergency within which no person, except the public safety officers and paid on-call firefighters and those admitted by the order of any officer of the department, shall be permitted to come. The chief shall have the power to cause the removal of any property whenever it becomes necessary for the preservation of such property from fire, or to prevent the spreading of the fire, or to protect the adjoining property; and during the progress of any fire he shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. He shall also have the power to cause the removal of all wires or facilities, and the turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire.
- (E) *Officers May Enter Adjacent Property.* Any public safety officer or volunteer fireman, while acting under the direction of the chief of public safety, or any other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and if any person hinders, resists or obstructs any fireman in the discharge of his duty as provided in this division, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (F) *Duties of Bystanders to Assist.* Every person present at a fire shall be subject to the orders of the director of public safety or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person refusing to obey such orders.

(Code 2006, § 5.04)

#### **2-4-605 Police Power and Duties**

- (A) *Powers and Duties Generally.* The chief of public safety and each officer of the department of public safety shall possess the powers conferred on marshals, constables and police officers by law and shall preserve the public peace and enforce the laws and ordinances of the state and village subject to the orders, rules and regulations of the chief and the village board.

- (B) *Power of Arrest.* The chief of public safety and any public safety officer shall take appropriate action against any person in the village found in the act of violating any law or ordinance of the village or state or aiding or abetting in such violation; and they shall arrest without warrant any person whom they have reasonable grounds to believe has violated any law or ordinance and who will not be apprehended unless immediately arrested, and shall take any arrested person in charge and confine him or summon him and shall, within a reasonable time, bring such person before the court having jurisdiction thereof to be dealt with according to the law. The chief or any officer may command all persons present to assist in carrying out his duties under this subsection.

(Code 2006, § 5.05)

## **2-4-606 Incident Management**

The public safety department shall use the National Incident Management System (NIMS) as adopted by resolution for the management of significant emergencies within the village.

## **Article 5 - Municipal Judge and Municipal Court**

### **2-5-631 Municipal Judge**

- (A) *Office Created.* Pursuant to Wis. Stat. § 755.01, there is created the office of municipal judge for the Village of Ashwaubenon. The municipal judge shall be an attorney at law licensed to practice law in the State of Wisconsin.
- (B) *Election; Term.* The municipal judge shall be elected at-large at the spring election in odd-numbered years for a term of four years, or until a successor is elected and qualifies, commencing on May 1 next succeeding his election. Permanent vacancies in the office of municipal judge shall be filled by special election, held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the second succeeding spring election, and no such election may be held after the expiration of the term of office nor at the time of holding the regular election for the office.
- (C) *Salary.* The municipal judge shall receive a salary as determined from time to time by the village board, which shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during his term for which he has not executed and filed his official bond and oath as required by subsection (D) of this section.
- (D) *Bond; Oath.* The municipal judge shall execute and file with the clerk of the courts for the county the oath prescribed by Wis. Stat. § 757.02, and a bond in the penal sum of \$2,000.00. The municipal judge shall not be qualified to act until a certified copy of the bond is filed with the village clerk and a certified copy of the oath is filed with the office of the state administrator of courts as required by Wis. Stat. § 755.03.
- (E) *Jurisdiction.* The municipal judge shall have jurisdiction as provided by law and Wis. Stat. § 755.045, and exclusive jurisdiction of the violations of village ordinances, resolutions and bylaws.

## **2-5-632 Municipal Court**

- (A) *Established.* The municipal court for the village is established pursuant to Wis. Stat. § 755.02 and Wis. Stats. Ch. 755.
- (B) *Hours.* The municipal court for the village shall be open as determined by order of the municipal judge.
- (C) *Location.* The municipal judge shall keep his office and hold court in the village hall.
- (D) *Procedure.* The procedure in municipal court for the village shall be as provided by this section and state law including, without limitation because of enumeration, Wis. Stats. §§ 23.66—23.99, 345.20—345.60, and Chs. 755, 778 and 800.
- (E) *Collection and Return of Forfeitures.* The municipal judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before them and shall pay over such moneys to the village treasurer within seven days of collection. At such time the municipal judge shall also report to the village treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected.
- (F) *Contempt of Court.* The municipal judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt of municipal court persons guilty of either of the following acts and no other:
- (1) Disorderly, contemptuous and insolent behavior toward the judge while engaged in any judicial proceeding or other conduct which tends to interrupt the proceedings or to impair the respect due the judge's authority; and
  - (2) Resistance of or disobedience to any lawful order or process made or issued by the judge.
- (G) *Penalty for Contempt of Court.* The municipal judge may, upon finding any person guilty of contempt, order such person to forfeit not more than \$50.00 plus the penalty assessment under Wis. Stat. § 165.87. Upon nonpayment of the forfeiture and penalty, the person found guilty of contempt may be sentenced to the county jail not to exceed seven days.
- (H) *Stipulations and Deposits in Municipal Court.*
- (1) *Deposit Schedule to be Established.* The municipal judge shall establish and submit to the village board for approval in accordance with Wis. Stat. § 800.03(3) a schedule of deposits for violations of village ordinances, resolutions and bylaws except traffic regulations, which are governed by Wis. Stat. § 345.27, and boating violations governed by Wis. Stat. § 23.67. When approved by the village board, such deposit schedule shall be posted in the office of the municipal court clerk and the village public safety department.

- (2) *Stipulation and Deposit in Lieu of Court Appearance.* Persons cited for violations of village ordinances, resolutions or bylaws for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats. §§ 800.03, 800.04 and 800.09.
- (3) *Traffic and Boating Deposits.* The deposit schedule established by the state judicial conference and the procedures set forth in Wis. Stats. Chs. 23 and 345 shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Wis. Stat. § 345.27 and boating regulations enacted in accordance with Wis. Stat. § 30.77.
- (4) *When Not Permitted.* Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt.

(Code 2006, § 1.14(2))

## **Article 6 - Public Officials and Employees Code of Ethics**

### **2-6-678 Declaration of Policy**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all village officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the village. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the village and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the village. The provisions and purpose of this code and such rules and regulations, as may be established, are hereby declared to be in the best interests of the village.

(Code 2006, § 1.50(1); Ord. No. O8-3-01, 8-31-2001)

### **2-6-679 Responsibility of Public Office**

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the laws of the nation, state and municipality and to observe in their official acts the highest standards of integrity and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in their official affairs must be, and in their private affairs should be, above reproach so as to foster respect for all government.

(Code 2006, § 1.50(2); Ord. No. O8-3-01, 8-31-2001)

### **2-6-680 Dedicated Service**

All officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority as set forth in this Code. Officials and employees shall not exceed

their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(Code 2006, § 1.50(3); Ord. No. O8-3-01, 8-31-2001; Ord. No. O10-6-09, § 1, 10-27-2009)

## **2-6-681 Fair and Equal Treatment**

- (A) *Use of Public Property.* No official or employee shall request or permit the use of village-owned vehicles, equipment, materials or property for personal convenience or profit, unless otherwise approved by village board.
- (B) *Obligations to Citizens.* No official or employee shall grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.

(Code 2006, § 1.50(4); Ord. No. O8-3-01, 8-31-2001; Ord. No. O10-6-09, § 1, 10-27-2009)

## **2-6-682 Conflict of Interest**

- (A) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Anything of value* means any money or property, favor, service, payment, advance forbearance, loan or promise of future employment for himself or for his immediate family.

*Financial interest* means any interest which shall yield directly or indirectly a monetary or other material benefit to the official and employee or to any person employing or retaining the services of the official or employee.

*Immediate family means:*

(a) A person's spouse; and/or

(b) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his support.

*Person* means any person, corporation, partnership or joint venture.

*Personal interest* means any interest arising from blood or marriage, relationships or from close business or political associations, whether or not any financial interest is involved.

- (B) *Financial and Personal Interest Prohibited.* No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall set in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest contrary to the provisions of this section or would tend to impair his independence of judgment or action in the performance of this official duties.
- (C) *Specific Conflicts Enumerated.*

- (1) *Incompatible Employment.* No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is inconsistent or in conflict with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties unless otherwise permitted by law and unless disclosures are made as hereinafter provided.
- (2) *Disclosure of Confidential Information.* No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the village nor shall such information be used to advance financial or other private interests.
- (3) *Solicitation or Acceptance.*
  - (a) No official or employee shall solicit nor accept from any person, directly or indirectly, anything of value in exchange for influence of the official's or employee's vote, official action or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee. Campaign contributions which are permitted and reported under Wis. Stats. Ch. 11 may be accepted and are not a violation of this ethics code.
  - (b) No official or employee, shall accept hospitality in exchange for influence of the official's or employee's vote, official action or judgment. Participation in ground breakings, celebrations, grand openings, open houses, informational meetings, voter forums and similar events are excluded from this prohibition.
- (4) *Representing Private, Personal or Financial Interest Before Village Agencies or Courts.* No elected official or appointed official shall appear on behalf of any private person other than himself, his spouse, or minor children before any agency, board, commission, committee, council or department of the village or before any court involving a case in which the village has an interest. However, a trustee may appear before village agencies on behalf of the trustee's constituents in the course of the trustee's duties as a representative of the electorate or in the performance of public and civic obligations.

(Code 2006, § 1.50(5); Ord. No. O8-3-01, 8-31-2001; Ord. No. O10-6-09, § 1, 10-27-2009)

#### **2-6-683 Disclosure of Interest in Legislation**

- (A) Any member of the village board who has a financial interest or personal interest in any proposed legislation before the village board shall disclose on the record of the board the nature and extent of such interest.
- (B) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the village board or any board, commission or committee upon which the official or employee has any influence or input, as a result of his/her official position or employment, or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the village board or the appropriate board, commission or committee the nature and extent of such interest. No employee shall be bound by the terms of this section unless the employee has actual knowledge of the proposed legislation and the proposed action reasonably could be expected to benefit the employee.

### **2-6-684 Statutory Standards of Conduct**

There are certain provisions of the state statutes which, while not set forth herein, are considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the statutes, as from time to time amended, are made a part of this code of ethics and shall apply to public officials and employees whenever applicable, to wit:

- (A) Wis. Stat. § 946.10: Bribery of public officers and employees.
- (B) Wis. Stat. § 946.11: Special privileges from public utilities.
- (C) Wis. Stat. § 946.12: Misconduct in public office.
- (D) Wis. Stat. § 946.13: Private interest in public contract prohibited.

(Code 2006, § 1.50(7); Ord. No. O8-3-01, 8-31-2001)

### **2-6-685 Applicability**

This article shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action, or when the application of a statutory provision is discretionary but determined by the board to be more appropriate or desirable.

(Code 2006, § 1.50(9); Ord. No. O8-3-01, 8-31-2001)

### **2-6-686 Penalty and Sanctions**

Violation of any provision of this article may constitute a cause for suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

(Code 2006, § 1.50(10); Ord. No. O8-3-01, 8-31-2001)

### **2-6-687 Distribution**

- (A) The village clerk-treasurer shall cause a copy of the code of ethics to be distributed to every public official and employee of the village within 30 days after enactment of this division. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon his duties.
- (B) Each public official, the village president, the chairman of each board, commission or committee and, through the village administrator, the head of each department, shall, between May 1 and May 31 of each year, review the provisions of the ethics code with his fellow trustees of board, commission, committee members or subordinates, as the case may be, and certify to the village clerk-treasurer by June 15 that such annual review had been undertaken. A copy of the ethics code shall be continuously posted on the village bulletin boards wherever situated.

- (C) Each public official and employee shall also, in connection with subsections (A) and (B) of this section, complete and file with the department head or village administrator, as appropriate, the following statement of understanding:

"I have received and read the contents of the village ethics code, including the attached state statutes. I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the ethics code."

(Code 2006, § 1.50(11); Ord. No. O8-3-01, 8-31-2001; Ord. No. O10-6-09, § 1, 10-27-2009) State law reference— Code of ethics, Wis. Stats. § 19.59; bribery and official misconduct, Wis. Stats. §§ 946.10—946.15.

#### **2-6-718 Two Members of Same Family Working In Same Department**

No person shall be employed by any department within the village if another member of his immediate family is already an employee of that department. The term "immediate family" means wife, husband, ward, sister, brother, child, grandchild, guardian, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, and brother-in-law.

(Code 2006, § 1.60(1); Ord. No. O11-6-01, 11-27-2001)

#### **2-6-719 Existing Employment**

Any members of the immediate family that are employed by the village as of the effective date of the ordinance from which this division is derived shall be allowed to remain as employees of the village.

(Code 2006, § 1.60(2); Ord. No. O11-6-01, 11-27-2001)

#### **2-6-720 Exceptions**

This division does not apply to elected officials, contractors, subcontractors, temporary part-time employees, volunteers and paid on-call employees.

(Code 2006, § 1.60(3); Ord. No. O11-6-01, 11-27-2001)

### **Article 7 - Elections**

#### **2-7-738 Allowing Split Shifts for Election Inspectors**

The Village Clerk-Treasurer is authorized to establish different times/split shifts for the work of Election Inspectors on Election Day. This Ordinance does not apply to Chief Election Inspectors.

Ord. No. O9-1-15, 09-22-2015 State Law Reference – Appointment of Election Officials. Wis. Stats. §7.30(1)(a)

#### **2-7-739 Election Wards Created**

Pursuant to Wis. Stats. § 5.15, the village board by Resolution No. R11-5-11 titled "Resolution Re-Designating Wards and Creating Polling Places for the Village of Ashwaubenon, Brown County, Wisconsin," has created 12 election wards numbered 1 through 12 respectively and Resolution No. R11-5-11 is hereby adopted by reference and made a part hereof and the boundaries of each ward are further described within Resolution R11-5-11. The boundaries of such election wards are set forth on an election ward map, dated



November 8, 2011, such map is hereby adopted by reference and made a part hereof.

(Code 2006, § 1.70; Ord. No. 1-1-86, 1-28-1986; Ord. No. 09-2-91, 9-24-1991; Ord. No. 02-1-00, 2-8-2000; Ord. No. 02-8-04, 2-24-2004; Ord. No. 01-01-10, § 1, 1-12-2010; Ord. No. 07-2-12, § 1, 7-10-2012) State law reference— Municipal wards, Wis. Stats. §§ 4.002, 5.15.

### **2-7-740 Polling Places**

- (A) The polling places for the 12 village wards as described in Section 2-739 shall be as follows:
- (1) Wards 1 and 2 Community Center, Grand Park Room – Left, 900 Anderson Drive.
  - (2) Wards 3 and 4 Village Hall, 2155 Holmgren Way.
  - (3) Wards 5 and 6 Community Center, Grand Park Room – Right, 900 Anderson Drive.
  - (4) Wards 7 and 8 Ponderosa Fire Station #2, 1310 Ponderosa Avenue.
  - (5) Wards 9 and 10 St. John Lutheran Church, 2700 Babcock Road.
  - (6) Wards 11 and 12 Ashwaubenon School District Office, 1055 Griffiths Lane.
- (B) Each combination of wards constitutes a separate voting unit with separate ballots, election officials and tabulating machine.
- (C) The village shall maintain separate election returns for each group of combined wards at any election.

(Ord. No 09-1-16, 9-27-2016 Code 2006, § 1.71; Ord. No. 1-1-86, 1-28-1986; Ord. No. 09-2-91, 9-24-1991; Ord. No. 02-1-00, 2-8-2000; Ord. No. 07-1-00, 7-11-2000; Ord. No. 02-8-04, 2-24-2004; Ord. No. 01-02-10, § 1, 1-12-2010; Ord. No. 07-2-12, § 2, 7-10-2012) State law reference— Polling places, Wis. Stats. § 5.25.

### **2-7-741 Trustee Districts Created**

The village is hereby divided into six trustee districts for the purpose of electing village trustees, as follows:

- (A) Trustee district 1: Election wards 1 and 2.
- (B) Trustee district 2: Election wards 3 and 4.
- (C) Trustee district 3: Election wards 5 and 6.
- (D) Trustee district 4: Election wards 7 and 8.
- (E) Trustee district 5: Election wards 9 and 10.
- (F) Trustee district 6: Election wards 11 and 12.

(Code 2006, § 1.72; Ord. No. 1-1-86, 1-28-1986; Ord. No. O2-1-00, 2-8-2000; Ord. No. O2-8-04, 2-24-2004; Ord. No. O1-03-10, § 1, 1-12-2010; Ord. No. O7-2-12, § 3, 7-10-2012) State law reference— Districts, Wis. Stats. §§ 5.15, 61.189.

## **2-7-742 Nomination**

All candidates for elective village office shall file nomination papers, pursuant to Wis. Stats. § 8.05(4)(b), and shall be nominated as provided in Wis. Stat. § 8.05(4)(a).

(Code 2006, § 1.73; Ord. No. 1-1-86, 1-28-1986) State law reference— Nominations, Wis. Stats. § 8.05.

## **Article 8 - Lost and Unclaimed Property**

### **2-8-768 Notification to the Public Safety Department of Found Valuables or Money**

When goods or money are found in the village and the person finding the goods or money does not know the identity of the owner, the person finding the goods or money shall notify the public safety department and permit such department to take possession thereof.

The public safety department shall attempt to identify and notify the owner of the goods or money and deliver the same to the owner if he appears at the department offices to take possession.

If the owner cannot be identified or notified within 30 days of the time the public safety department takes possession, possession shall be returned to the person who found the goods or money except as prohibited by Wis. Stat. § 66.0139 or other state or federal law.

If the person declines to take the goods or money, the property may be disposed of in accordance with Wis. Stat. § 66.0139.

(Code 2006, § 9.24(1)), (Code 2006, § 9.24(2)), (Code 2006, § 9.24(3)), (Code 2006, § 9.24(4))

## **Article 9 - Public Records**

### **2-9-814 Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Local public office* has the meaning given in Wis. Stat. § 19.42(7W), and also includes any appointive office of position of the village government unit in which an individual serves as the head of a department, agency or division of the village, but does not include any office or position filled by a municipal employee as defined in Wis. Stat. § 111.70(4)(i).

*Record* means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. The term "record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. The term "record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession

of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(Code 2006, § 3.07(1)(a)—(c); Ord. No. 12-1-82, 12-21-1982; Ord. No. O12-6-03, 12-9-2003)

### **2-9-815 Local Public Officials**

The following shall constitute local public offices in the village for the purposes of Wis. Stat. § 19.34(1):

- (A) Village Clerk-Treasurer;
- (B) Village Manager;
- (C) Building Inspector/Zoning Administrator;
- (D) Director of Parks, Recreation and Forestry;
- (E) Director of Public Works;
- (F) Finance Director;
- (G) Chief of Public Safety; and
- (H) Village Assessor.

(Code 2006, § 3.07(1)(d); Ord. No. 12-1-82, 12-21-1982, Ord. No. O5-2-15, May 26, 2015)

### **2-9-816 Duty To Maintain Records**

- (A) Except as provided under section 2-821, each officer and employee of the village shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or their deputies, or to the possession or control of which they may be lawfully entitled as such officers or employees.
- (B) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody and the successor shall issue a receipt therefor to the officer or employee who shall file such receipt with the village clerk-treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and received for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(Code 2006, § 3.07(2); Ord. No. 12-1-82, 12-21-1982)

### **2-9-817 Legal Custodians**

- (A) Each elected official is the legal custodian of his records and the records of his office, but the official may designate an employee of his staff to act as the legal custodian.
- (B) Unless otherwise prohibited by law, the village clerk-treasurer or the clerk-treasurer's designee shall act as legal custodian for the village board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the village board.
- (C) If the legal custodian for any specified records is to be other than the village clerk-treasurer, the village board shall designate that person and the records so affected by resolution.
- (D) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.
- (E) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. § 19.21 et seq., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(Code 2006, § 3.07(3); Ord. No. 12-1-82, 12-21-1982)

#### **2-9-818 Public Access to Records**

- (A) Except as provided in subsection (F) of this section, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stat. § 19.35(1).
- (B) Records will be available for inspection and copying during all regular office hours. If such inspection or copying may adversely affect the village's ability to conduct the governmental affairs of the village, the legal custodian may set reasonable times and hours for such copying and inspection.
- (C) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (D) A requester shall be permitted to use facilities comparable to those available to village employees to inspect, copy or abstract a record.
- (E) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record, if the record is irreplaceable or easily damaged.
- (F) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
  - (1) The cost of photocopying or printing an electronic record shall be \$0.25 per page, for either 8½ by 11 inches or 8½ by 14 inches. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
  - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

- (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
  - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - (5) There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
  - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
  - (7) Elected and appointed officials of the village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
  - (9) If the legal custodian determines that the inspection or copying requires supervision, there shall be a charge for actual supervision time.
- (G) Each authority shall also prominently display at its offices, for the guidance of the public, a copy of sections 2-818 through 2-820. This subsection does not apply to members of the village board.

(Code 2006, § 3.07(4); Ord. No. 12-1-82, 12-21-1982; Ord. No. 01-9-88, 1-26-1988)

### **2-9-819 Access Procedures**

- (A) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stat. § 19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under section 2-818(F)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (B) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the village attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.

- (C) A request for a record may be denied as provided in section 2-820. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stat. § 19.37(1), or upon application to the attorney general or a district attorney.

(Code 2006, § 3.07(5); Ord. No. 12-1-82, 12-21-1982)

### **2-9-820 Limitation on Right to Access**

- (A) As provided by Wis. Stat. § 19.36, the following records are exempt from inspection under this division:
- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
  - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.
  - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
  - (4) A record or any portion of a record containing information qualifying as a common law trade secret.
- (B) As provided by Wis. Stat. § 43.30, public library circulation records are exempt from inspection under this section.
- (C) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the village attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
- (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them;
  - (2) Records of current deliberations after a quasi-judicial hearing;
  - (3) Records of current deliberation concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any village officer or employee, or the investigation of charges against a village officer or employee, unless such officer or employee consents to such disclosure;

- (4) Records concerning current strategy for crime detection or prevention;
  - (5) Records of current deliberations or negotiations on the purchase of village property, investing of village funds or other village business whenever competitive or bargaining reasons require nondisclosure;
  - (6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data; and
  - (7) Communications between legal counsel for the village and any officer, agent or employee of the village, when advice is being rendered concerning strategy with respect to current litigation in which the village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Wis. Stat. § 905.03.
- (D) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the village attorney prior to releasing any such record and shall follow the guidance of the village attorney when separating out the exempt material. If in the judgment of the custodian and the village attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(Code 2006, § 3.07(6); Ord. No. 12-1-82, 12-21-1982)

## **2-9-821 Destruction of Records**

- (A) Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats. Ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period:
- (1) Bank statements;
  - (2) Canceled checks;
  - (3) Receipt forms;
  - (4) Vouchers;
  - (5) Claims; and
  - (6) Tax payment receipts and records.

(B) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats. Ch. 442, subject to state public service commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state public records board pursuant to Wis. Stat. § 16.61(3)(e), and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years:

- (1) Contracts;
- (2) Excavation permits;
- (3) Inspection records;
- (4) Payroll;
- (5) Vouchers; and
- (6) Claims.

(C) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period:

- (1) Old insurance policies;
- (2) Election notices;
- (3) Canceled registration cards;
- (4) Assessment rolls;
- (5) Invoices;
- (6) Receipts;
- (7) Liquor and malt license applications;
- (8) Construction contracts and specifications;
- (9) Payroll records; and
- (10) Building permits.



- (D) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record as provided by Wis. Stat. § 19.21(4)(a).
- (E) Any tape recordings of a governmental meeting of the village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

(Code 2006, § 3.07(7); Ord. No. 12-1-82, 12-21-1982)

#### **2-9-822 Preservation Through Microfilm**

Any village officer or the director of any department or division of village government may, subject to the approval of the village president, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stat. § 16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and sections 2-818 to 2-820.

(Code 2006, § 3.07(8); Ord. No. 12-1-82, 12-21-1982)

#### **2-9-837 Purpose**

- (A) The purpose of this division is to establish a village records retention schedule and authorize destruction of village records under the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule only if such a record has been photographically reproduced as an original record under Wis. Stat. § 16.61(7).
- (B) Any record not covered by this division or any regulation or law shall be retained seven years unless the record is added by amendment into the ordinance and the shorter time period approved by the state public records and forms board.

(Code 2006, § 1.81(1); Ord. No. O1-3-94, 1-25-1994)

#### **2-9-838 Additional Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Legal custodian* means the individual responsible for maintaining records under Wis. Stat. § 19.33. *Record* means as defined in Wis. Stat. § 19.32(2).

(Code 2006, § 1.81(2); Ord. No. O1-3-94, 1-25-1994)

#### **2-9-839 Microfilming of Records and Destruction of Same**

- (A) *Historical records*. Under Wis. Stat. § 19.21(4)(a), municipalities shall notify the State Historical Society of Wisconsin (SHSW) prior to destroying records, as follows:
  - (1) For any record marked "W" (waived notice), the SHSW has waived the required 60-day notice.

- (2) For any record marked "N" (non-waived), the SHSW shall be notified prior to destruction.
  - (3) "N/A" indicates not applicable and applies to any record designated for permanent retention.
  - (4) Notice is also required for any record not listed in this division.
- (B) *Microfilming of Records.* Local units of government may keep and preserve public records through the use of microfilm, if the microfilm meets the applicable standards in Wis. Stat. § 16.61(7). Retention periods and estimated costs and benefits of converting records between different media should be considered in deciding which records to microfilm. After verification, paper records converted to microfilm should be destroyed. Retention periods identified in this division apply to records in any media.

Note—When optical disk is expressly authorized in the statutes for local government use, this section should be revised to include its use.

- (C) *Destruction* after request for inspection. No requested records may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Wis. Stat. § 19.37, the requested record may not be destroyed until after a court order is issued and all appeals have been completed. See Wis. Stat. § 19.35(5).
- (D) *Destruction* pending litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved.
- (E) *Review and approval* by public records and forms board. This division and the retention periods of less than seven years have been reviewed and approved by the public records and forms board.

(Code 2006, § 1.81(3); Ord. No. O1-3-94, 1-25-1994)

## 2-9-855 Definitions and Abbreviations

The following abbreviations, words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authority* means and refers to any specific statutory, administrative rule or specific regulation that determines retention of the record. In most cases this will be blank because units of government have discretion to establish a time period.

*Brief description* means to provide a brief description of the records.

*CR* means creation, which usually refers to receipt or creation of the record.

*EVT* means event and refers to an occurrence that starts the retention clock ticking. Close of contract, termination of employee and disposition of a case are common events.

*FIS* means current fiscal year and the additional amount of time as indicated.

*Group specific items* means items such as forms grouped into logical groups that have the same function or purpose.

*N* means the records may have secondary historical value and therefore SHSW notification is required on a case-by-case basis prior to destruction.

*N/A* means not applicable and refers to those circumstances where a local unit of government is retaining a record permanently.

*P* means permanent retention.

*Period of time* means time expressed in years, unless specifically identified as month or day.

*Retention period* means and refers to the time that the identified records must be kept until destruction.

*SHSW notice* refers to whether or not the state historical society has waived the required statutory notification prior to destruction of records.

*W* means records are not historical and the required notification is waived.

(Code 2006, § 1.82(1); Ord. No. O1-3-94, 1-25-1994)

## 2-9-856 Public Safety Department Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Traffic citations sent through Ashwaubenon municipal court	EVT + 8 years (and EVT + 8 years accompanying documentation) (after closed)	W
Ordinance citations	EVT + 8 years (after closed)	W
All accounting records	CR + 7 years	W
Personnel records	EVT + 8 years	
Property inventory records	EVT + 8 years	
Citizen complaints against police officers	EVT + 8 years	W
Investigation and citation records:		
Arrest records	EVT + 8 years	W
Incident records	EVT + 10 years	W
Fingerprint cards	EVT + 8 years	W
Evidence cards	EVT + 10 years	W
Investigation records	EVT + 10 years from date of closing of investigation	W
Audio and video tape recordings:		
Police dispatch audio tapes	CR + 120 years	W
Police video tapes	CR + 120 years	W
Work schedules	CR + 7 years	W
Accident reports	EVT + 4 years	W
Informational teletype messages	CR + 30 days	W
Medical records, re: occupational exposure	EVT + 30 years	W
Training records for exposure control	CR + 3 years	W

(Code 2006, § 1.82(2); Ord. No. O1-3-94, 1-25-1994)

**2-9-857 Municipal Court Records**

The legal custodian, as defined in Wis. Stat. § 19.33, of the following records concerning the village municipal court, or his designee, may destroy the following public records after the expiration of the designated retention period: municipal court case records and files including, but not limited to, traffic forfeiture, conservation forfeiture and ordinance violation cases.

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Electronic recordings of court proceedings which were appealed	EVT + 7 years	W
Court statistical reports	CR + 7 years	W
Arrestment calendars	CR + 7 years	W
Warrant and commitment listings	CR + 7 years	W
Municipal court correspondence	CR + 7 years	W
Electronic recordings of court proceedings which were not appealed	EVT + 6 months	W
Audio tape recordings	EVT (Until expiration trials or juvenile matters of statute of limitations to appeal to circuit court)	W
Municipal court case files	EVT + 6 years (after entry of final judgment)	W
Municipal court case files	EVT + 6 months (after entry of final judgment)	W
Municipal court case files	EVT + 6 months village attorney's copies (after entry of final judgment)	W
Municipal court minutes	EVT + 5 years (after entry of final judgment)	W
Municipal court record	EVT + 5 years (after entry of final judgment)	W
Municipal court judgment docket (a record of all money judgments)	EVT + 20 years docket (a record of all (after final docket money judgments) entry)	W

(Code 2006, § 1.82(3); Ord. No. O1-3-94, 1-25-1994)

**2-9-858 Village Board and Committee Records**

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Minute books	Permanent	N/A
Audiotapes	CR + 1 year; CR + 90 days if made solely for the purpose of drafting the minutes	W
Ordinances	Permanent	N/A
Resolutions	Permanent	N/A
Ordinance book	Permanent	N/A
Affidavits of	CR + 2 years	W

(Code 2006, § 1.82(4); Ord. No. O1-3-94, 1-25-1994)

**2-9-859 Real Property Records**

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Deeds	Permanent	N/A
Opinions of title	Permanent	N/A
Abstracts and certificates of title	Permanent	N/A
Title insurance policies	Permanent	N/A
Plats	Permanent	N/A
Easements	Permanent	N/A
Leases	EVT + 7 years after termination of lease	W
Vacation or alteration of plat	Permanent	N/A

(Code 2006, § 1.82(5); Ord. No. O1-3-94, 1-25-1994)

**2-9-860 Licenses and Permits**

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Liquor- and beer-related license	EVT + 4 years	W
Other license applications	EVT + 3 years	W
Receipts	CR + 4 years	W
License stubs:		
All liquor- and beer-related	CR + 4 years	W
Other	CR + 3 years	W
Dog licenses monthly report to county clerk by treasurer	CR + 3 years	W

(Code 2006, § 1.82(6); Ord. No. O1-3-94, 1-25-1994) Page

**2-9-861 Municipal Borrowing Records**

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Bond procedure record	EVT + 7 years (after bond issue expires)	W
Bond register	EVT + 7 years (after bond issue expires)	W
Bond payment register	EVT + 7 years (after bond issue expires or following payment of all outstanding matured bonds, notes, coupons, whichever is later)	W
Canceled bonds, coupons,	EVT (until audited)	vv

and promissory notes	EVT (until audited)	W
Certificates of destruction	EVT + 7 years (after bond issue expires or following payment of all outstanding matured bonds, notes, coupons, whichever is later)	W

(Code 2006, § 1.82(7); Ord. No. O1-3-94, 1-25-1994)

### 2-9-862 Fidelity Bond Records

The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	SHSW Notice
Fidelity bond	EVT + 5 years (after bond expires)	W
Fidelity bond book	EVT + 5 years (after last bond expires)	W
Oath of office	EVT + 5 years (after term of service covered by oath ends)	

(Code 2006, § 1.82(8); Ord. No. O1-3-94, 1-25-1994) Page

### 2-9-863 Legal Opinions

Legal opinions rendered shall not be destroyed and shall be retained permanently.

(Code 2006, § 1.82(9); Ord. No. O1-3-94, 1-25-1994)

### 2-9-864 Accounting Records

The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	SHSW Notice
Accounts Payable:		
Purchase invoices	FIS + 7 years	W
Vouchers	FIS + 7 years	W
Accounts Receivable:		
Accounts receivable invoices	FIS + 7 years	W
Receipts	FIS + 7 years	W
Collection blotters	EVT + 1 year (after audit)	W

(Code 2006, § 1.82(10); Ord. No. O1-3-94, 1-25-1994)

### 2-9-865 Journal, Registers and Ledger

The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	SHSW Notice
Receipts journal	FIS + 15 years	W
Voucher/order register	FIS + 15 years	W
General journal	FIS + 15 years	W
Journal voucher	FIS + 15 years	W

Appropriation journal	FIS + 15 years	W
Appropriation journal voucher	FIS + 15 years	W
General ledger	FIS + 15 years	W
Trial balance	EVT (until audited)	

(Code 2006, § 1.82(11); Ord. No. 01-3-94, 1-25-1994)

### 2-9-866 Clerk-Treasurer's Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Daily cash drawer reconciliations	EVT + 1 year (after audit)	W
Bank reconciliations	FIS + 7 years	W
Bank statements	FIS + 7 years	W
Canceled order checks	FIS + 7 years	W
Lists of outstanding checks	FIS + 7 years	W
Check register	FIS + 7 years	W
Duplicate deposit tickets	EVT + 1 year (after audit)	W
Bank credit/debit notices	EVT + 1 year (after audit)	W
Investment records	FIS + 7 years	W
All receipts	FIS + 7 years	W

(Code 2006, § 1.82(12); Ord. No. 01-3-94, 1-25-1994)

### 2-9-867 Payroll Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Payroll support records	FIS + 2 years	W
Employee's withholding allowance certificate	EVT + 5 years (after being superseded)	W
Employee's state withholding exemption certificate	EVT + 5 years (after being superseded or terminated)	W
Employee enrollment and waiver cards	EVT + 2 years (after being superseded or terminated)	W
Employee earning records	FIS + 5 years	W
Payroll check register	FIS + 5 years	W
Payroll distribution record	FIS + 5 years	W
Payroll voucher	FIS + 5 years	W
Canceled payroll checks	FIS + 5 years	W
Wage and tax statement	FIS + 5 years	W
Report of state income tax	FIS + 5 years	W
Employer's annual reconciliation of state		

income		
Tax withheld from wages	FIS + 5 years	W
Federal deposit tax stubs	FIS + 5 years	W
Quarterly report of federal income tax withheld	FIS + 5 years	W
Annual report of federal income tax withheld	FIS + 5 years	W
State's quarterly report of wages paid	FIS + 5 years	W
Monthly memorandum report	FIS + 5 years	W
Quarterly report, payroll summary	FIS + 5 years	W
Premium due notices	FIS + 5 years	W

(Code 2006, § 1.82(13); Ord. No. O1-3-94, 1-25-1994)

### 2-9-868 Purchasing Records

The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	SHSW Notice
Purchase requisitions	EVT + 1 year (after PO issued)	W
Purchase orders	FIS + 7 years	W
Receiving report	FIS + 7 years	W
Bids, successful	EVT + 7 years (after contract has expired)	W
Bids, unsuccessful	EVT + 1 year (after PO issued)	W
Inventory of property	EVT (Retain until superseded)	W

(Code 2006, § 1.82(14); Ord. No. O1-3-94, 1-25-1994) Page

### 2-9-869 Budget and Audit Records

The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	SHSW Notice
Budget worksheets	FIS + 3 years	N/A
Minutes of the board of estimates	Permanent	N/A
Final budget	Permanent	N/A
Audit reports	Permanent	N/A

(Code 2006, § 1.82(15); Ord. No. O1-3-94, 1-25-1994)

### 2-9-870 Special Assessment Records

The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	SHSW Notice
Preliminary resolution	CR + 2 years	W



Report on special assessment project	CR + 2 years	W
Waiver of special assessment notice and hearing	EVT + 1 year (after the final resolution is approved)	W
Final resolution	Permanent	N/A
Certified special assessment roll	EVT (retain until all assessments are collected)	W
Statement of new special assessments	CR + 5 years	W
Special assessment payment register	EVT (retain until all assessments are collected)	W

(Code 2006, § 1.82(16); Ord. No. O1-3-94, 1-25-1994)

**2-9-871 Board of Review Records**

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Form of objection to property assessment and supporting documentation	EVT + 7 years (after final action by board of review or completion of appeal)	W
Minute book of board of review	CR + 7 years	N
Proceedings of board of review on audio tapes or as stenographic notes, including transcriptions	EVT + 7 years (after final action by board of review or completion of appeal)	W
Notice of determinations of the board of review	EVT + 7 years (after final action by the board of review or completion of appeal)	W

(Code 2006, § 1.82(17); Ord. No. O1-3-94, 1-25-1994)

**2-9-872 Tax Calculation Records**

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Tax levy certification of the school district clerk	FIS + 3 years	W
Certificates of apportionment	FIS + 3 years	W
State shared aid payment notices	FIS + 6 years (provided record has been audited)	W
Final worksheet for determining allowable levy	FIS + 5 years	W
Statement of taxes	Permanently	N/A
Statement of new special assessments	FIS + 5 years	W
Statement of new sewer service charges	FIS + 5 years	W
General property tax credit certification	FIS + 5 years	W
Explanation of property tax credit certification	FIS + 5 years	W
Real property tax roll	EVT (record is transferred to the county treasurer)	N/A

Personal property tax roll

FIS + 15 years

N

(Code 2006, § 1.82(18); Ord. No. O1-3-94, 1-25-1994)

### 2-9-873 Tax Collection Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Escrow account list	EVT (retain until superseded)	W
Receipts	FIS + 7 years	W
Receipt stub book	FIS + 7 years	W
Tax collection blotters	EVT (until audited)	W
Statement of taxes remaining unpaid	EVT (retain with tax roll)	N/A
Tax settlement receipt	FIS + 5 years	W
Municipal clerk-treasurer's settlement	FIS + 5 years	W
Personal property tax roll	FIS + 15 years	N

(Code 2006, § 1.82(19); Ord. No. O1-3-94, 1-25-1994)

### 2-9-874 Engineering and Public Works Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Field notes	Permanent	N/A
Benchmark books	Permanent	N/A
Section corner monument logs	Permanent	N/A
Aerial photographs	EVT (until superseded)	W
City maps	Permanent	N/A
Water, storm, and sanitary sewer main maps	Permanent	N/A
Profile and grade books	Permanent	N/A
Excavation plans of private utilities	Permanent	N/A
Index to maps	Permanent	N/A
Preliminary subdivision plats	EVT (until superseded by final Plat)	W
Final subdivision plats	Permanent	N/A
Annexation plats	Permanent	N/A
Assessor's plats	Permanent	N/A
Structure plans for municipal buildings and bridges	EVT (life of the structure)	N
Annual reports	Permanent	N/A
Records of the board of public works (includes minutes of the meetings of the board and supporting documents submitted to the board)	Permanent	N/A

Records of the plan commission (includes minutes of the meetings of the commission and supporting documents submitted to the commission)	Permanent	N/A
Records of zoning board of appeals (includes minutes of meetings of the board and supporting documents submitted to the board)	Permanent	N/A
House number and address change file	Permanent	N/A
Street vacations and dedications, copies	EVT (retain for active reference life)	W
Permits (includes permits for excavation of streets by private utilities)	EVT + 3 years	W
Petitions for street and sewer systems	EVT + 2 years	W
Special assessment calculations	EVT + 2 years	W
TV sewer inspection records	EVT (until superseded)	W
State highway aids program records	FIS + 7 years	W

(Code 2006, § 1.82(20); Ord. No. O1-3-94, 1-25-1994)

### 2-9-875 Public Works Projects and Contracts

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Notice to contractors	EVT + 7 years (after completion of project)	
	EVT + 2 years (unsuccessful bidders)	W
Certified check	EVT (retain until contract has been signed and return to bidder)	N/A
Bid bond	EVT + 7 years (after completion of project)	W
	EVT + 2 years (unsuccessful bidders)	
Bidder's proof of responsibility	EVT + 7 years (after completion of project)	W
	EVT + 2 years (unsuccessful bidders)	
Bids	EVT + 7 years (after completion of project)	W
	EVT + 2 years (unsuccessful bidders)	
Affidavit of organization authority	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	
Bid tabulations	EVT + 2 years	W
Performance bond	EVT + 7 years (after completion of project)	W
Contract	EVT + 7 years (after completion of project)	W
Master project files	EVT + 20 years (after life of structure)	N
Blueprints	EVT (until superseded by the as-built tracings)	W
As-built tracings	EVT (life of the project)	N

(Code 2006, § 1.82(21); Ord. No. O1-3-94, 1-25-1994)

### 2-9-876 Street and Highway Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Street operations file	CR + 2 years (after created)	W
Street and sidewalk maintenance and repair	CR + 25 years	W
Tree planting, inspection, trimming and removal	CR + 25 years	W
Stock control records	CR + 2 years	W
Fuel usage reports	CR + 2 years	W
Heavy equipment and vehicle	EVT (life of equipment and/or vehicle inventory ledger or until inventory ledger is superseded)	W
Vehicle maintenance histories	EVT (life of vehicle)	W
Vehicle expense reports	EVT (life of vehicle)	W
Vehicle usage reports	CR + 2 years	W
Payroll support records	CR + 2 years	W
Purchasing records	CR + 7 years	W
Complaint ledger	CR + 2 years	W
Monthly reports	CR + 2 years	W
Annual reports	Permanently	N/A

(Code 2006, § 1.82(22); Ord. No. O1-3-94, 1-25-1994)

### **2-9-877 Park Records**

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Master park plan	Permanently	N/A
Plats	Permanently	N/A
Aerial photographs	Permanently	N/A
Supervisor's daily report of work completed	CR + 2 years	W
Payroll support records	CR + 2 years	W
Reservation requests	CR + 30 days. (If payment receipts are attached) CR + 7 years	W
Master reservation book	CR + 2 years	W
Records of the board of park commissioners (includes minutes of the meetings of the board and supporting documents submitted to the board)	Permanently	N/A

(Code 2006, § 1.82(23); Ord. No. O1-3-94, 1-25-1994)

## 2-9-878 Building Permits and Inspection Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Applications and permits	EVT (life of structure)	W
Code compliance inspection reports	EVT (life of structure)	W
Inspection address file	EVT (life of structure)	W
Certificates of occupancy	EVT (until superseded)	W
Energy calculation worksheets	CR + 3 years	W
State-approved commercial building plans	EVT + 4 years	W
Permit fee receipts	FIS + 7 years	W
Permit ledger	CR + 7 years	W
Village attorney's case file, copy	EVT + 1 year (after case has been closed)	W
Quarter section maps, copies	EVT (until superseded)	W
Records of the building board of appeals (includes minutes of meetings of the board and supporting documents submitted to the board)	Permanent	W
Records of the zoning board of appeals (includes minutes of meetings of the board and supporting documents submitted to the board)	Permanent	N/A
Records of plan commission (includes minutes of commission meetings and supporting documents submitted to commission)	Permanent	N/A

(Code 2006, § 1.82(24); Ord. No. 01-3-94, 1-25-1994)

## 2-9-879 Sanitation and Consumer Protection Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Public swimming pools, campgrounds and camping, mobile home parks, recreational and educational camps, restaurants and taverns, hotels, motels, tourist rooms, rooming houses, nursing homes, vending machine survey reports and retail dairy case, milk products, retail and wholesale establishment reports	EVT + 5 years	W
Restaurant license applications	EVT + 3 years	W
Retail dairy products licenses	EVT + 3 years	W
Food handling and sale permits	EVT + 3 years	W
Septic tank permits	Permanent	N/A
Open air burning permits	EVT + 6 months	W
Weights and measures field test reports and package weighing reports	CR + 3 years	W
Complaints and follow-up reports	EVT + 5 years (from the date the complaint was resolved)	W

Utility disconnections in private residence investigation reports	CR + 3 years	W
Request to declare a medical emergency	EVT + 3 years	W

(Code 2006, § 1.82(25); Ord. No. O1-3-94, 1-25-1994)

## 2-9-880 Sewer and Water Utility Records

The following public records may be destroyed after the expiration of the designated retention period:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Water stub	FIS + 2 years	W
Receipts of current billings	FIS + 2 years	W
Customer's ledgers of municipal utilities	FIS + 2 years	W
All other utility records	CR + 7 years	W
Water quality laboratory tests (deep well and landfill well water analysis detail and summary reports; chemical and bacteriological analysis of municipal drinking water detail and summary reports; municipal drinking water fluoride analysis; swimming pool water bacteriological analysis; public bathing beach water bacteriological analysis and water quality control readings)	EVT + 5 years (if information has been transferred to a permanent test site location file, EVT + 1 year)	W
Maps showing the location and physical characteristics of the utility plant	EVT (until map is superseded)	W
Engineering records in connection with construction projects	EVT (until record is superseded or 6 years after plant is retired provided mortality data are retained)	W
Operating records:		
Station pumpage records	CR + 15 years or EVT + 3 years after the source is abandoned	W
Interruption records	CR + 6 years	W
Meter test records	EVT (See Wis. Admin. Code § PSC 185.46)	W
Meter history record	EVT (life of meter)	W
Annual meter accuracy summary	CR + 10 years	W
Pressure records	CR + 6 years	W
Customer records:		
Complaint records	CR + 3 years	W
Customer deposit	EVT + 6 years (after refund)	W
Meter reading sheets or cards	CR + 6 years	W
Billing records	CR + 6 years	W
Filed rates and rules	Permanent EVT + 10 years (under	W

(Code 2006, § 1.82(26); Ord. No. O1-3-94, 1-25-1994)

**2-9-881 Election Records**

All materials and supplies associated with an election may be destroyed according to the following schedule unless there is a recount or litigation pending with respect to the election:

<b>Records</b>	<b>Period of Retention</b>	<b>SHSW Notice</b>
Contents of a blank ballot box—unused ballots and materials	EVT (3 business days after the canvas is completed)	W
Voter serial number slips	EVT (3 business days after the canvas is completed)	W
Voting machine recorders	EVT (14 days after a primary) (21 days after an election)**	W
Detachable recording units on electronic voting equipment	EVT (14 days after a primary) (21 days after an election)***	W
Ballots (state, county, local)	EVT (30 days after the election)	W
Ballots (federal offices)****	EVT (22 months after election)	W
Applications for absentee ballots (for federal election ballots)	EVT (90 days after the election) (22 months after the election for federal offices)	W
Forms associated with election such as tally sheets, inspector's statements and nomination papers	EVT (90 days after the election) (22 months after the election for federal offices)	W
Official canvass statements	EVT (10 years after the election)	
Registration and poll lists—Nonpartisan primaries and elections	EVT (2 years after the election for which they were created)	
Registration and poll lists—Partisan primaries and general elections	EVT (4 years after the election)	W
Canceled registration cards	EVT + 4 years (after cancellation)	W
Election notices	EVT (1 year after the election) (22 months for federal election)	W
Proofs of publication and correspondence relative to publications	EVT (1 year after the election) (22 months for federal election)	W
Campaign registration statements	EVT (6 years after termination by the registrant)	W
Campaign finance reports	EVT (6 years after date of receipt)	W

Notes: \*\*The governor may, by order, permit the clearing of voting machine recorders before this date if a special election is called. Page 69

\*\*\*Before units can be cleared or erased, the information must be transferred to a disk or other recording medium and retained for 22 months.

\*\*\*\*Federal offices are President of the United States, U.S. Senator and Congress.

(Code 2006, § 1.82(27); Ord. No. O1-3-94, 1-25-1994)

## **Article 10 - Administrative Review Procedure**

### **2-10-890 Review of Administrative Determinations**

Any person aggrieved by an administrative determination of the village board or a board, commission, committee, agency, official or employee of the village or an agent acting on its behalf may have such determination reviewed as provided in Wis. Stats. § 68.001 et seq., which is hereby adopted by reference.

(Code 2006, § 24.01)