

# Title 2

## ADMINISTRATION AND PERSONNEL

### Chapters:

- 2.04 Officers Generally
- 2.08 Elections
- 2.12 Town Board
- 2.20 Fire Department
- 2.24 Municipal Court
- 2.28 Plan Commission
- 2.32 Eagle Lake Sewer Utility Commission
- 2.36 Board of Appeals
- 2.40 Public Records
- 2.44 Employment Policy
- 2.48 Agendas

### Chapter 2.04

#### OFFICERS GENERALLY

##### Sections:

- 2.04.010 Town officials.
- 2.04.020 Oaths and bonds.
- 2.04.030 Removals.
- 2.04.040 Vacancies.

2.04.050 Compensation.

2.04.060 Receipt of gifts and gratuities.

2.04.070 Duties.

2.04.080 Nondiscrimination.

## 2.04.010 Town officials.

A. Elected Officials. At the annual spring election in the odd numbered years, there shall be elected three town board members, one of whom shall be designated on the ballot as chairperson, one as supervisor No. 1 and one as supervisor No. 2; two constables elected at large; and a municipal judge. No person not an elector of the town shall hold any town office.

B. Appointed Officials.

1. The following appointed officials of the town shall be appointed by the town board:

a. Town clerk/town treasurer (by special town meeting 11/20/96);

b. Building inspectors;

c. Town health officer;

d. Members of the board of appeals;

e. Members of the Eagle Lake sewer utility commission;

f. Deputy civil defense director;

g. Town assessor (by special town meeting 11/29/94).

2. The following appointed officials of the town shall be appointed by the town chairperson subject to the confirmation of the town board. The town chairperson shall not vote on confirmation, except in case of a tie.

a. Members of the plan commission;

b. A weed commissioner. (Ord. 98-12; Ord. 98-10; Ord. 90-6 § 1; prior code § 1.01)

## 2.04.020 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 Wisconsin Statutes Section 60.31 and shall execute and file the official bond as required by state statutes and this code. (Prior code § 1.02)

## 2.04.030 Removals.

A. Elected officials may be removed for cause by a judge of the circuit court for Racine County pursuant to Wisconsin Statutes Section 17.13.

B. Appointed officials may be removed by the appointing person or body at will or by a judge of the circuit court for Racine County for cause. (Prior code § 1.04)

## 2.04.040 Vacancies.

An elective or appointive office shall be declared vacant when:

A. The incumbent dies;

B. The incumbent resigns;

C. The incumbent is removed;

D. The incumbent ceases to be a resident of the town, unless he or she resides in an area which is annexed to an incorporated municipality within the town, in which case, such official shall remain in office until the expiration of his or her term in accordance with Wisconsin Statutes Section 60.30(6). Vacancies shall be filled as provided in Wisconsin Statutes Section 17.25. (Prior code § 1.05)

#### 2.04.050 Compensation.

The compensation of all elected officials shall be as determined by a town meeting or by the town board where applicable, provided that salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office. Any such meeting at which the salary of any elected official shall be changed shall be held prior to January 1st of a year in which town elections are held. The salary of appointed officials within the town shall be set by the town board. (Prior code § 1.06)

#### 2.04.060 Receipt of gifts and gratuities.

No town employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he or she is not authorized to receive from any person who has interests which may be substantially affected by the town or town board. (Prior code § 1.07)

#### 2.04.070 Duties.

The duties of all elected or appointed officials and employees of the town shall be as prescribed by the applicable Wisconsin Statutes pertaining to town officials, the provisions of this code and such additional duties and responsibilities as set from time to time by the town board. (Prior code § 1.08)

#### 2.04.080 Nondiscrimination.

The town and its representatives shall not discriminate against or interfere with any employee on account of membership or non-membership in any labor organization, nor shall the town or its representatives discriminate with respect to any employee because of race, creed, color, national origin or sex. (Prior code § 1.09)

## Chapter 2.08

## ELECTIONS

Sections:

- 2.08.010 Election officials generally.
- 2.08.020 Nominations.
- 2.08.030 Notice, compensation and tenure.
- 2.08.040 Vacancies and duties of election officials.
- 2.08.050 Special or primary elections.
- 2.08.060 Wisconsin Statutes Chapter 6 adopted by reference.
- 2.08.070 Polls.

#### 2.08.010 Election officials generally.

Except as otherwise provided by the Wisconsin Statutes or this code, there shall be seven election inspectors at each poll at every election held within the town, each of whom shall be a qualified elector in the town and able to read and write the English language understandingly and not a candidate to be voted for at such election. (Prior code § 1.10(1))

## 2.08.020 Nominations.

In accordance with Wisconsin Statutes Section 7.30, the town chairperson shall nominate, for consideration by the town board, the necessary number of election officials at the last regular meeting of the town board held in December of each even-numbered year. The town board shall immediately approve or disapprove the nominees and, if disapproved, the town chairperson shall submit another name. (Prior code § 1.10(1)(a))

## 2.08.030 Notice, compensation and tenure.

The town clerk shall notify the inspectors nominated within five days of their appointment and confirmation by the town board informing each that he or she must file an oath of office within ten days after the mailing of the notice. The persons so qualified as inspectors shall receive as compensation such amounts as set from time to time by the town board, and which has been established as the minimum wage in the state from time to time, and shall hold office for two years or until their successors are appointed and qualified and shall act as such officers at every primary, general, municipal and special election following their appointment held within their districts during their term. (Prior code § 1.10(1)(b))

## 2.08.040 Vacancies and duties of election officials.

Vacancies in the offices of election inspectors or clerks, as provided, shall be filled in the manner provided in Wisconsin Statutes Section 7.30. Duties of such officials shall be as provided in that section, together with such additional duties as prescribed by the town board. (Prior code § 1.10(1)(c))

## 2.08.050 Special or primary elections.

Notwithstanding the provisions of Section 2.08.010, the number of election officials for special or primary elections in the town shall be reduced to three for the single polling place in the town, in accordance with Wisconsin Statutes Section 7.32. (Prior code § 1.10(1)(d))

## 2.08.060 Wisconsin Statutes Chapter 6 adopted by reference.

All the provisions of Chapter 6 of the Wisconsin Statutes, as the same pertain to any and all town elections or any elections held within the town, are incorporated by reference. The town clerk, upon notifying each inspector as provided in Section 2.08.030, shall instruct each official as to his or her duties and responsibilities. (Prior code § 1.10(2))

## 2.08.070 Polls.

The polls shall be open from eight a.m. and be closed at eight p.m. for all elections except a presidential election, in which case the polls shall open at seven a.m. The town board may change the time during which polls shall remain open consistent with Wisconsin law. Notice of any such change of hours shall be given by publication in a newspaper, pursuant to Wisconsin Statutes Chapter 985, once each week for two successive weeks, with the first insertion not less than eight days before the election. The new polling hours shall take effect only after the notice provisions have been complied with. (Ord. 97-5 § 1.10(3); Ord. dated 8/12/96 § 1.10(3); prior code § 1.10(3))

# Chapter 2.12

## TOWN BOARD

### Sections:

2.12.010 General rules.

2.12.020 Meetings.

2.12.030 Order of business.

2.12.040 Presiding officer.

2.12.050 Committees.

2.12.060 Ordinances and resolutions.

2.12.070 Suspension of rules.

2.12.080 Signatures and endorsements.

## 2.12.010 General rules.

A. Order and Decorum. Deliberations of the board and decisions on all questions of order and conduct in the proceedings of town meetings shall be in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or these rules. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

B. Nothing prescribed in this chapter concerning the conduct and procedure of regular and special town board meetings shall apply to the annual or any special town meeting as prescribed in Wisconsin Statutes Section 60.13. (Prior code § 2.01)

## 2.12.020 Meetings.

A. Notice of every meeting of the town board and every board commission or committee thereof shall be given to the public and to a news medium likely to give notice in the area at least twenty-four (24) hours prior to commencement of the meeting. If such notice is impossible or impractical, shorter notice may be given for a good cause shown, but no notice shall be given less than two hours in advance of the meeting. Every public notice of a meeting shall contain the time, date, place and subject matter of the meeting.

B. Regular meetings of the town board shall be held at the town hall at seven p.m. on the second Monday of each month. Regular meetings falling on a legal holiday shall be held on the following Monday at the same hour and place.

C. Special meetings of the town board may be called by the town chairperson or by any two board members by filing a written request with the clerk at least twenty-four (24) hours prior to the time specified for the meeting. The clerk shall immediately notify each board member of the time and purpose of the meeting. The clerk shall cause an affidavit of giving such notice to be filed in his or her office prior to the time fixed for such special meeting. Special meetings may be held without notice when all members of the board are present or consent to the holding of the special meeting. Unless all board members are in attendance, no business shall be transacted at a special meeting, except for the purpose stated in the notice thereof. Anything to the contrary in this chapter notwithstanding, no meetings shall be held unless notice thereof has been given as provided in Wisconsin Statutes Section 19.84.

D. All meetings of the town board, including special and adjourned meetings, shall be at the town hall. Notice of a change of place shall be posted in the office of the clerk at least twenty-four (24) hours prior to the meeting.

E. Any two board members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time or compel the attendance of the absent members.

F. All meetings of the town board and subunits thereof shall be open to the public as provided in Wisconsin Statutes Chapter 19. (Prior code § 2.02)

## 2.12.030 Order of business.

The business of the town board shall be conducted in the following manner:

A. Call to order by presiding officer;

B. Roll Call. If a quorum is not present, the meeting shall thereupon adjourn which may be to a specified date;

C. Reading, correction and approval of the minutes of the previous meeting;

D. Agenda and discussion of new matters. (Prior code § 2.03)

## 2.12.040 Presiding officer.

A. The town chairperson shall preserve order and conduct the proceedings of all meetings and hearings whether on petition or regular or special meetings. A member may appeal from the decision of the presiding officer, but such an appeal is not debatable and shall be sustained by a majority of the members present, exclusive of the presiding officer.

B. If the town chairperson is absent at any meeting, the first supervisor shall call the meeting to order and preside.

C. The town chairperson or other presiding officer shall vote as a board member on all questions properly before the board. He or she may make motions or second motions before the board. (Prior code § 2.04)

## 2.12.050 Committees.

A. The town chairperson shall designate and appoint all members of any standing and special committees or commissions established by the town board and may designate the chairperson. If not so appointed, the committee shall elect a chairperson and report such election to the town board. All committee appointments, except designation of the chairperson, shall be subject to confirmation by a majority vote of the board.

B. Each committee or commission shall submit such reports to the town board as the town board may from time to time require and, on request, shall meet with the town board to discuss any matters pertaining to the committee's or commission's business. (Prior code § 2.05)

## 2.12.060 Ordinances and resolutions.

No ordinance, resolution or by-law shall be considered unless it is presented and introduced in writing. Unless requested by a board member before final vote is taken, no ordinance, resolution or by-law need be read in full. Any ordinance, resolution or by-law introduced by any board member, as stated in this section, may be adopted by the town board at the same meeting it was introduced by a majority vote of the town board. (Prior code § 2.06)

## 2.12.070 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, except that such suspension shall have no effect after adjournment of the meeting at which the decision to suspend the rules was made. (Prior code § 2.07)

## 2.12.080 Signatures and endorsements.

A. Town board members, the town clerk/treasurer shall be permitted to use a signature stamp in lieu of their actual signature for all purposes and on all documents on which their respective signature is required. Use of signature stamps shall be in no way deemed to eliminate any existing requirements for signatures on particular documents, or the requirement that all expenditures of the town be approved at a regular meeting of the town board.

B. The town treasurer shall be authorized to use a computer program and computer generated signatures for checks issued by the town. Use of a computer program or computer generated signatures shall in no way be deemed to eliminate any existing requirements for approval of payments made or checks issued by the town.

C. The town chairperson shall sign all documents on which a signature is required on the part of the town including, but not limited to, ordinances, resolutions, contracts, checks and other forms of payment, and any other documentation authorized or permitted to be signed by the town board. In the event the town chairperson is unable or unwilling to carry out said duty, either supervisor may execute any such documentation in his/her stead, provided, however, that said supervisor be specifically authorized to execute any such documentation by a majority vote of the town board. (Ord. 2002-8; Ord. 2000-4)

# Chapter 2.20

## FIRE DEPARTMENT

### Sections:

2.20.010 Fire department recognized.

2.20.020 Membership.

2.20.030 Powers and duties of chief.

2.20.040 Equipment.

2.20.050 Police power of department.

2.20.060 Fees.

2.20.070 Fire inspector duties.

2.20.080 Violations—Penalties.

## 2.20.010 Fire department recognized.

A. The volunteer members of the Kansasville fire department are officially recognized as the fire department of the town. The duty of fire fighting and the prevention of fires in the town is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this chapter and by such by-laws adopted by the department as are approved by the town board, except as is otherwise provided by law and ordinance.

B. The town fire department is authorized and directed to adopt by-laws for the control, management, government and the regulation of business and proceedings of the department, which by-laws, after adoption by a two-thirds vote of the members of the department shall not become effective and operative until presented to and approved by the town board. Amendments shall be adopted in the same manner.

C. The town board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the fire department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire. (Ord. dated 1/9/95 § 15.01; prior code § 15.01)

## 2.20.020 Membership.

A. The fire department shall consist of the following officers: chief, assistant chief, secretary, treasurer and two directors as elected officers. Three captains and four lieutenants shall be appointed by the chief. In addition, the chief shall appoint as many drivers and firefighters who live or normally work within the town as may be required. The appointees shall be approved by the town board.

B. Chief.

1. A vacancy in the office of the chief shall be filled by an election of a majority vote of the members of the fire department. Upon creation of a vacancy of the office of chief, the ranking officer shall perform the duties of the chief until such vacancy has been filled. The town board will allow the members of the fire department to choose their own chief.

2. The chief shall immediately assume office and shall hold office until the next scheduled election.

3. No member of the department shall be eligible for the office of chief or assistant chief who does not live or work in the town and who has not been a member of the department for at least one year.

C. Application.

1. Any person desiring to be a member of the fire department may file with the secretary an application in such form as the fire department may require. Each applicant shall also file a certificate of physical fitness from such physician as the chief may designate.

2. All resignations from the department shall take the same course as applications for and appointment to membership.

D. Officers. The election of the secretary and a treasurer and such officers as the by-laws may require shall be held at the odd-year annual meeting of the department in such manner as is provided in the by-laws. In case of any vacancy, the chief shall appoint a member in good standing to fill the office until the next election. (Ord. 97-6; Ord. dated 1/9/95 § 15.02; prior code § 15.02)

## 2.20.030 Powers and duties of chief.

A. The chief shall have general supervision of the department, subject to this chapter and the by-laws of the department, and shall be responsible for the personnel and general efficiency of the department.

B. The chief shall preside at all meetings of the department, call special meetings, prescribe order, decide all points of order that may arise and enforce a rigid observance of this chapter and the by-laws.

C. The chief shall be present at all fires if possible, have complete command of and entire responsibility for all fire fighting operations, plan the control of the same, direct the action of the department when he or she arrives at a fire, observe that every firefighter does his or her duty, grant leaves of absence at a fire when the chief may deem it proper and see that the fire apparatus is kept in proper condition at all times.

D. The chief shall have the power to demote or expel any officers or member of the department for neglect or refusal to perform his or her departmental duties.

E. Not later than October 15th of each year, the chief shall file with the town clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

F. The chief shall submit a written report to the town board not later than April 1st of each year, and at such other times as the chief deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the department and resignations and expulsions from the department. The chief shall also report upon the drill and training program of the department, together with other pertinent information, including recommendations of such improvements as he or she deems proper and necessary for the operation of the department.

G. The chief shall enforce all fire prevention ordinances of the town and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the department.

H. The chief (or a designated person) shall keep a fire record of every fire to which the department was called and shall enter in such book the locality of the fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

I. The chief (or a designated person) shall keep an inventory of all apparatus and equipment and an inventory of all hose showing dates and results of tests on each length, which shall be individually identified.

J. The chief shall perform such other duties as are incumbent on the commanding officer of the fire department. (Ord. dated 1/9/95 § 15.03; prior code § 15.03)

## 2.20.040 Equipment.

A. The chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.

B. No apparatus shall be used for any purpose except for fire fighting within the town limits, or in training therefor, except pursuant to an agreement approved by the town board except when the chief has given his or her recommendations on such use. With the approval of the chief, such apparatus may be used for emergency purposes other than fire fighting with the town. A written report of all such uses shall be made yearly to the town board.

C. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the town, and no vehicle shall be driven over any unprotected hose of a fire 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 fire department official in command. (Ord. dated 1/9/95 § 15.04; prior code § 15.04)

## 2.20.050 Police power of department.

A. The chief and assistants, officers or senior person in command at any fire are vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.

B. The town fire chief or person in command may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer or senior person of the department, shall be permitted to come. The chief or person in command shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire, the chief shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The chief shall also have the power to cause removal of all wires or other 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.

C. Any firefighter, while acting under the direction of the town fire chief or other person in command, may enter upon the premises adjacent to or in the vicinity of any building or other property other than that on fire for the purpose of extinguishing such fire, and if any person shall hinder, resist or obstruct any firefighters in the discharge of their duty, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.

D. Every person present at a fire shall be subject to the orders of the town fire chief or person in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such person shall have the power to cause the arrest of any person or persons refusing to obey such orders. (Ord. dated 1/9/95 § 15.05; prior code § 15.05)

## 2.20.060 Fees.

A. The department may charge a property owner a fee for any fire call made to the owner's property. The fee shall be equal in amount of actual out-of-pocket costs incurred by the department in extinguishing the fire.

B. The department may charge the property owner a fee of one hundred fifty dollars (\$150.00) for each unintentional fire call to the same property in excess of three in a twenty-four-month period in which no fire has occurred.

C. Every person who shall call upon the town for rescue service or for assistance in protecting from fire his or her property on a public highway, shall pay to the town the following charges for the services of each piece of apparatus of the fire department: six hundred dollars (\$600.00) for each hour or any fraction thereof, the time to be computed from the time the apparatus leaves its station until it returns thereto. If such payment is made by the municipality in which the property is located or by the state, the owner shall be discharged of responsibility for such payment.

D. In the event the fire department or rescue squad shall, in the performance of their duties, be required to hire specialized help and/or equipment, the property owner or person for whose benefit such extra help or equipment was hired shall be responsible for the actual costs thereof.

E. The town may charge any person who is a recipient of a rescue squad call in the town fees based upon service rendered by the town. The town shall render an itemized statement to the recipient of such services. The fees charged by the town shall be based upon the amount that the town is charged for such call by the rescue squad rendering the rescue squad services, the level of services rendered, the time involved in rendering services, supplies furnished, and such other and further factors as the town deems appropriate. (Ord. 98-9; Ord. dated 1/9/95 § 15.06; Ord. 92-34 § 1: prior code §§ 3.12, 15.06)

## 2.20.070 Fire inspector duties.

A. The town fire chief shall hold the office of fire inspector, with power to appoint or contract one or more deputy fire inspectors who shall perform the same duties and have the same powers as the fire inspector.



B. Fire inspectors shall inspect semi-annually all buildings, premises and public thoroughfares within the town limits for the purposes of noting and causing to be corrected any condition liable to cause fire. The inspector shall also investigate the storage and handling of explosives and flammable liquids within the town.

C. Whenever or wherever in the town any inspection by the town fire chief or fire department deputies reveals a fire hazard, the chief or fire department deputies shall serve written notice on the owner of the property, giving the owner a reasonable time in which to remove the fire hazard, or to take corrective or affirmative action, to eliminate or reduce the fire hazard, including, but not limited to, installation of smoke detectors, fire exit signs, extinguishers, etc. If the fire hazard is not removed, it may be deemed a nuisance and the fire chief may have the same removed by the town, and the cost of such removal shall be recovered in an action by the town against the owner of the property. In the event an owner fails to take any corrective or affirmative action, it shall be deemed a violation under this chapter.

D. The chief shall keep a written record card of each property inspected which shall conform to the requirements of the Department of Industry, Labor and Human Relations (DILHR) and shall make the quarterly report of inspections required by DILHR.

E. No person shall deny the chief or fire department deputies free access to any property within the town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his or her duty or refuse to observe any lawful direction given by the fire inspector. (Ord. 05-05; Ord. dated 1/9/95 § 15.10; prior code § 15.10)

## 2.20.080 Violations—Penalties.

A. Any person, firm or corporation who shall violate any of the terms of this chapter shall, upon conviction, be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for any violation thereof with each day of violation constituting separate offense.

B. If the court finds that the violation has a commercial motivation, then any person, firm or corporation who shall violate any of the terms of this chapter shall, upon conviction, be subject to a forfeiture of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), together with any costs incurred by the town in controlling the fire. (Ord. dated 1/9/95 § 15.12 (part); prior code § 15.12 (part))

## Chapter 2.24

# MUNICIPAL COURT

### Sections:

2.24.010 Municipal court created.

2.24.020 Municipal court maintenance and operation.

2.24.030 Municipal court expenses.

2.24.040 Jurisdiction.

2.24.050 Juvenile jurisdiction.

2.24.060 Contempt powers.

2.24.070 Hearing required.

2.24.080 Penalties.

## 2.24.010 Municipal court created.

In accordance with Wisconsin Statutes Section 755.01, the town board does provide the election of a municipal judge, to serve a two-year term, commencing May 1st of each odd-numbered year. (Prior code § 1.03(1))

## 2.24.020 Municipal court maintenance and operation.

The municipal judge shall conduct court sessions at the town hall at such times as he or she shall determine, in consultation with the town clerk as to the availability of the town hall. Court sessions shall be held on the same day of the same week on a monthly basis, and at such other time or times that the municipal judge may designate. (Prior code § 1.03(2))

### 2.24.030 Municipal court expenses.

The town shall pay the reasonable expenses of the municipal court and shall provide such support personnel as the town board deems necessary for the proper functioning of the court. (Prior code § 1.03(3))

### 2.24.040 Jurisdiction.

The municipal court shall have exclusive jurisdiction over any action in which the town seeks to impose forfeitures for violations of its ordinances, unless any such action is transferred to circuit court under Wisconsin Statutes Sections 800.04(1) or 800.05(3), or unless such action seeks equitable relief. (Prior code § 1.03(4))

### 2.24.050 Juvenile jurisdiction.

The municipal court shall exercise jurisdiction over juveniles under Wisconsin Statutes Section 48.17, 1985-85, in enforcing the provisions of the town ordinances and any Wisconsin Statutes incorporated therein. The provisions of Wisconsin Statutes Sections 48.19, 48.20, 48.343 and 48.344, 1985-86, and Sections 398.343, 398.344 and 398.355, are incorporated in this chapter and shall govern the operation of the municipal court and case disposition as such sections relate to juveniles who are found to be in violation of any of the town ordinances. (Ord. 99-14: prior code § 1.03(5))

### 2.24.060 Contempt powers.

A municipal judge of the town may punish for contempt:

A. Persons guilty of disorderly, contemptuous and insolent behavior towards the municipal judge while engaged in any judicial proceeding, or other conduct which tends to interrupt the proceeding or impair the respect due his or her authority;

B. Persons guilty of resistance of or disobedience to any lawful order or process made or issued by the municipal judge. (Prior code § 1.03(6))

### 2.24.070 Hearing required.

No person may be punished for contempt before a municipal judge until an opportunity has been given the person to be heard in his or her defense. For the purpose of hearing the person's defense, the municipal judge may, if the alleged offender is not present, issue a warrant for the person to be brought before the municipal judge. (Prior code § 1.03(7))

### 2.24.080 Penalties.

A municipal judge may impose a forfeiture for contempt under Section 2.24.060 in an amount not to exceed fifty dollars (\$50.00) or, upon nonpayment of the forfeiture and the penalty assessment under Wisconsin Statutes Section 165.87, a jail sentence not to exceed seven days. (Prior code § 1.03(8))

## Chapter 2.28

## PLAN COMMISSION

Sections:

2.28.010 Establishment.

2.28.020 Membership.

2.28.030 Organization.

2.28.040 Powers.

2.28.050 Duties.

2.28.060 Referrals.

2.28.070 Additional powers and duties.

### 2.28.010 Establishment.

There is established a town plan commission in accordance with Wisconsin Statutes Sections 62.23 and 61.35. (Ord. 97-7 § 1.16(1); Ord. dated 2/13/95 § 1.16(1); prior code § 1.16(1))

### 2.28.020 Membership.

The town plan commission shall consist of seven members who shall serve with compensation at the rate of twenty-five dollars (\$25.00) per meeting. One member shall be the town chairperson, another member shall be a supervisor on the town board, and five other members shall be citizen members of recognized experience and qualifications appointed by the town chairperson subject to confirmation by the town board.

- A. Presiding Officer. The town chairperson.
- B. Secretary. The town clerk shall act as secretary for all commission meetings.
- C. Official Oaths. Official oaths shall be taken by all members in accordance with Wisconsin Statutes Section 19.01, within ten days of receiving notice of their appointments.
- D. Terms. Two of the citizen members shall serve a one-year period and three citizen members shall serve a three-year term. (Ord. dated 2/13/95 § 1.16(2); prior code § 1.16(2))

### 2.28.030 Organization.

The town plan commission shall organize and adopt rules for its own government in accordance with the provisions of this section.

- A. Meetings. Meetings shall be held monthly or at the call of the presiding officer or a majority of the full commission and shall be open to the public.
- B. Standing and Special Committees. Standing and special committees may be appointed by the chairperson.
- C. Quorum. Four members, but all actions shall require approval of a majority of the full commission except a motion to adjourn.
- D. Written Record. Written records shall be kept showing all actions taken, resolutions, findings, determinations, transactions and recommendations made; and a copy shall be filed with the town clerk as a public record. (Ord. dated 2/13/95 § 1.16(3); prior code § 1.16(3))

### 2.28.040 Powers.

The town plan commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote municipal planning. Such powers shall include the following:

- A. Employment of Experts and Staff. Employ and pay experts and staff for their services, supplies and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the town board, and the initial annual budget of the plan commission shall be as established by the town board and amended from time to time.
- B. Make Reports and Recommendations. Make reports and recommendations relating to the plan and development of the municipality to public officials, agencies, utilities and other organizations and citizens.
- C. Recommend Public Improvement Programs. Recommendations of and financing public improvement programs to the town board or town chairperson.
- D. Request Available Information Programs. Request available information from any public official to be furnished within a reasonable time.
- E. Enter Upon Any Land. The commission, its member and employees, may enter upon any land in the performance of its functions, make examinations and surveys and place and maintain necessary monuments and marks thereon, except that in such event, the commission, its members and employees shall be responsible and make restitution for any damages sustained by a property owner or occupant by virtue of such entry and shall forthwith pay the same. (Ord. dated 2/13/95 § 1.16(4); prior code § 1.16(4))

### 2.28.050 Duties.

The town plan commission shall have the following functions and duties:

- A. Make and Adopt a Master Plan. A master plan may be recommended to the town board for the physical development of the town including any areas outside of its boundaries in accordance with Wisconsin Statutes Section 62.23(2) and (3).

B. Make and Recommend an Official Map. An official map shall be recommended to the town board in accordance with Wisconsin Statutes Section 62.23(6).

C. Prepare and Recommend a Zoning District Plan. Preparation and recommendation of a zoning district plan, and regulations, shall be presented to the town board in accordance with Wisconsin Statutes Section 62.23(7).

D. Prepare and Recommend Land Division Regulations. Preparation and recommendations of land division regulations shall be presented to the town board in accordance with Wisconsin Statutes Section 236.45.

E. Make Recommendations Concerning Changes to the Master Plan. The commission shall make recommendations concerning any changes deemed necessary or desirable to the master plan and it shall recommend any changes or amendments to the town board that they deem necessary or desirable concerning the official map, zoning, land division, and fire prevention ordinances.

F. Consider and Report or Make Recommendations. All matters referred to the commission shall be considered and reports or recommendations shall be made to the town board. (Ord. dated 2/13/95 § 1.16(5); prior code § 1.16(5))

## 2.28.060 Referrals.

The town board or other public body or officer of the town having final authority thereon shall refer to the town plan commission for its consideration and report before final action is taken, the following matters:

A. Location and Architectural Design. The location and architectural design of any public building.

B. Location of any Statue or Other Memorial. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition or lease of land for any street, alley or other public way, park, playground, airport, parking area or other memorial or public grounds.

C. Location, Extension, Abandonment. The location, extension, abandonment or authorization for any public utility, whether publicly or privately owned.

D. Location, Character and Extent. The location, character and extent of acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief or congestion or vacation camps for children.

E. Proposed fire prevention regulations.

F. All Annexations. All annexations, incorporations or consolidations affecting the town.

G. All Divisions of Lands. All divisions of lands within the town's platting jurisdiction.

H. All Proposed or Requested Changes and Amendments. All proposed or requested changes and amendments to the town's master plan, official map, zoning, land division and fire prevention ordinances. (Ord. dated 2/13/95 § 1.16(6); prior code § 1.16(6))

## 2.28.070 Additional powers and duties.

The town plan commission shall have all additional powers and duties granted or assigned by the town board or town ordinances. All the powers and duties granted or assigned by the Wisconsin Statutes to the plan commission and any amendments thereto are granted or assigned to the commission and such statutes are adopted by reference as though set forth at length in this chapter. (Ord. dated 2/13/95 § 1.16(7); prior code § 1.16(7))

## Chapter 2.32

### EAGLE LAKE SEWER UTILITY COMMISSION

Sections:

2.32.010 Created.

2.32.020 Vacancies.

2.32.030 Authority and duties.

2.32.010 Created.

There is created the Eagle Lake sewer utility commission consisting of five members, if a member of the town board is a resident in the Eagle Lake sewer utility district, or consisting of seven members if no members of the town board reside within the Eagle Lake sewer utility district. In either event, three of the members of the Eagle Lake sewer utility commission shall be members of the town board for terms of and concurrent with their terms on the town board. Two members shall be residents of the town and the district

and shall be appointed by the town board for terms of three years each beginning on the first day of October. If required, the remaining two shall be residents of the town and district, and shall be appointed for two years on May 1st following the election. Each member of the commission who is not a member of the town board shall receive as compensation the sum of twenty-five dollars (\$25.00) for each meeting of the commission which the member attends. On October 1st of each year, the number of members on the commission shall be adjusted, if necessary to comply with the foregoing provisions. (Ord. dated 6/9/97 § 5.01(2)(a); prior code § 5.01(2)(a))

### 2.32.020 Vacancies.

Vacancies on the commission shall be filled by the town chairperson, subject to the confirmation of the town board, for the unexpired term. (Ord. dated 6/9/97 § 5.01(2)(b); prior code § 5.01(2)(b))

### 2.32.030 Authority and duties.

A. The commission is responsible for the management of the Eagle Lake sewer utility district and may employ such persons as are necessary to fulfill its duties and shall fix their compensation.

B. The commissioners may choose from among their number a president. They may command the services of an engineer and may employ and fix the compensation of such subordinates as shall be necessary. They may make rules for their own proceedings and for the government of their department.

C. The commission shall:

1. Contract for and purchase all fuel, supplies and repairs necessary for or incident to the proper operation or maintenance of such utility;
2. Contract, purchase, construct and install all extensions, additions and alterations to such utility, whenever the same shall have been approved by the town board. Actual construction work shall be under the immediate supervision of the town board or its designee;
3. Enact, amend and repeal all needful rules and regulations under which the patrons of such utility shall be served, subject to the approval of the town board and control of the Public Service Commission of Wisconsin, as provided by law;
4. Keep books of account in the manner and form prescribed by law, which shall be open to the public;
5. Prepare an annual budget of income and expenditures which shall be subject to the approval of the town board;
6. Not deviate from the annual budget without approval of the town board. The commission may not transfer funds from reserves without approval of the town board.

D. The town board may, at any time, modify, alter or repeal any of the ordinances relating to the sewer utility commission and sewers. (Ord. dated 6/9/97 § 5.01(2)(c); prior code § 5.01(2)(c))

## Chapter 2.36

### BOARD OF APPEALS

Sections:

2.36.010 Board of appeals.

2.36.020 Procedures.

2.36.030 Powers of the board of appeals.

2.36.040 Appeals.

### 2.36.010 Board of appeals.

A. Board Established. There shall be, and is created, a town board of appeals which shall be comprised of five resident citizens of the town as appointed by the town chairperson. The town chairperson may appoint an alternate member of the board who shall act with full power only when a member of the board refuses to vote because of conflict of interest.

B. Term of Office. Members of the board of appeals, including the alternate if one is appointed, shall serve for a term of three years commencing on May 1st of each year, except that of those first appointed, one shall serve for one year, two for two years, and two for three years which terms shall commence on the date of appointment.

C. Removal. Members of the board shall be removed by the town chairperson for cause upon written charges and after public hearing. (Prior code § 12.01)

### 2.36.020 Procedures.

A. Meetings of the board of appeals shall be held within thirty (30) days of receipt of any petition for appeal.

B. The board of appeals 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 with the town clerk and shall be a public record.

C. The board of appeals shall adopt rules for its government and procedure. (Prior code § 12.02)

### 2.36.030 Powers of the board of appeals.

A. The board of appeals shall have the power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official of the town, except that no appeal may be taken of any decision of the town board.

B. The board of appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made under the circumstances and to that end shall have all the powers of the appropriate administrative official. The concurring vote of three members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass.

C. The board of appeals shall have the power to call on any other town department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required. (Prior code § 12.03)

### 2.36.040 Appeals.

A. Who May Appeal. Appeals to the board of appeals may be taken by any person aggrieved by any administrative decision of an officer, department or board of the town. Any such officer, department or board may appeal the decision of any other if affected thereby.

B. Time Limits. Petitions for appeal of administrative decisions as provided in this chapter must be made to the board of appeals within sixty (60) days of the decision or action appealed from.

C. How Initiated. Appeals shall be made to the board of appeals in writing and shall set forth the name, address of the appellant, the decision or action giving rise to the appeal and a general statement setting forth the bases of the appeal.

D. Fee. There shall be a two hundred twenty-five dollar (\$225.00) fee assessed upon submission of each matter submitted to the board of appeals. Payment of the fee may be waived by the board of appeals if it determines that assessment of the fee caused substantial hardship to the appellant so as to effectively deny him the right to appeal.

E. Effect of Appeal. An appeal shall stay all proceedings and furtherance of the action or decision appealed from unless the officer, department or board from which the appeal is taken shall certify to the board of appeals that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. (Ord. 99-8; prior code § 12.04)

## Chapter 2.40

## PUBLIC RECORDS

Sections:

2.40.010 Definitions.

2.40.020 Legal custodian.

2.40.030 Public access to records.

2.40.040 Access procedures.

2.40.050 Assessor requested records—Confidentiality.

## 2.40.010 Definitions.

As used in this chapter, the following terms are defined:

Authority. "Authority" means any of the following town entities having custody town of records: an officer, elected official, board, commission or committee created by constitution, law, ordinance, rule or order; or a formally constituted subunit of any of the foregoing.

Custodian. "Custodian" means that officer or employee of the town designated or otherwise responsible by law to keep and preserve any town records or file, deposit or keep such records in his or her office or is lawfully in possession or entitled to possession of such public records and who is required by this chapter to respond to requests for access to such records.

Record. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of the physical form or characteristics which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes and computer printouts. "Record" does not include drafts, notes, preliminary computations and similar 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 or her 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. (Prior code § 1.11)

## 2.40.020 Legal custodian.

A. Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

B. Unless otherwise prohibited by law, the town clerk or the clerk's designee shall act as legal custodian for the town board and for any committees, commissions, boards or authorities created by ordinance or resolution of the town board. (Prior code § 1.12)

## 2.40.030 Public access to records.

A. Any person has a right to inspect a record and to make or receive a copy of any record as provided in Wisconsin Statutes Section 19.35(1), except that the custodian of any record may deny access to it if the record is exempt from inspection under Wisconsin Statutes Section 19.36.

B. Records will be available for inspection and copying during all regular office hours.

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 forty-eight (48) hours' advance notice of intent to inspect or copy.

D. A requester shall be permitted to use facilities comparable to those available to town 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 shall be twenty-five cents (\$.25) per page;
2. If the form of 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 audio tapes or video tapes, shall be charged;
4. If mailing or shipping is necessary, the actual cost thereof shall also be charged;
5. Elected and appointed officials of the town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

G. Pursuant to Wisconsin Statutes Section 19.34 and the guidelines listed therein, each authority shall adopt, prominently display and make available for inspection and copying at its offices for the guidance of the public a notice containing a description of its organization and the established times and places at which the public may obtain information and access to records in its custody, make requests for records or obtain copies of records and the costs thereof. This subsection does not apply to members of the town board. (Prior code § 1.13)

#### 2.40.040 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. The request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wisconsin Statutes Section 19.37.

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 reason therefor. (Prior code § 1.14)

#### 2.40.050 Assessor requested records—Confidentiality.

Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wisconsin Statutes, or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the assessor on a confidential basis; except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by the office (including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wisconsin Statutes. (Ord. 99-18 § 1)

## Chapter 2.44

### EMPLOYMENT POLICY

Sections:

2.44.010 Purpose.

2.44.020 Employment policy.

2.44.030 Employee discipline.

#### 2.44.010 Purpose.

The purpose of this chapter is to establish guidelines for an employee policy and discipline for the employees of the town of Dover and the Eagle Lake sewer utility district (hereinafter "employee"). This chapter is not meant as an exhaustive remedy for all employment/employee issues which may from time to time arise in the town, but to provide a general framework for resolution of the same. (Ord. 2001-7 (part))

#### 2.44.020 Employment policy.

The town shall maintain an employee policy handbook, which may, from time to time, be amended with official board action. Said policy shall be made available to all employees of the town. The terms, rules and conditions of any such policy are designed as a guideline for employees and the town, and may be used as the basis for employee discipline as set forth in this chapter. Such policy shall not be deemed an exhaustive recitation of all rules, policies and procedures required of town employees of the town of Dover. (Ord. 2001-7 (part))

#### 2.44.030 Employee discipline.

A. In the event a town board member determines it is necessary or prudent to discipline or take certain action with respect to the actions or behavior of a town employee, said board member shall schedule the matter on the upcoming town agenda for a closed session to discuss the method and manner of any such discipline or action. Said meeting shall be posted in the usual manner.

B. In closed session, the board shall determine what, if any, reasonable disciplinary action should or should not be taken, by a majority vote of the members present. The board shall designate a member to carry out the action, which shall then be carried out in the method and manner approved by the majority.



C. No board member shall take any disciplinary action without majority approval as set forth in this section, unless the delay or posting and conducting a closed session meeting would be detrimental to the town of Dover, its property, citizens or employees, in which case said board member shall be authorized to take reasonable intermediary action to prevent further harm or damage until such time as a meeting can be conducted. Any action taken outside the scope of this chapter may be ratified or reversed by the board at a later meeting.

D. The board shall also approve, by majority vote, any written disciplinary record generated by the board prior to placing such record in an employee's file. (Ord. 2001-7 (part))

## Chapter 2.48

### AGENDAS

Sections:

2.48.010 Purpose.

2.48.020 Creation and approval.

2.48.030 Appeals.

#### 2.48.010 Purpose.

The purpose of this chapter is to establish a uniform method for creation and approval of agendas for regular and special board meetings for the town of Dover, Eagle Lake sewer utility district, joint town board and plan commission, and any other entity working under the auspices of the town for which public meetings are held, with the intention of creating an inclusive ordinance designed to allow board members, town residents and other persons having legitimate business before the town of Dover an opportunity to be heard. (Ord. 2002-2 (part))

#### 2.48.020 Creation and approval.

A. The town chairperson, supervisors, attorney, residents and any other persons having business in the town of Dover shall have the right to have matters placed on a given agenda for discussion and/or action so long as the request is timely.

B. All requests for agenda items shall be made to the town clerk during his or her regular hours at the town hall. The clerk may accept verbal requests to be placed on the agenda, but it shall not be a violation of this chapter if the item is not posted or if it is improperly posted, unless the request for an agenda posting is made in writing. The town clerk, town chairperson or supervisors may also require that the request for a particular agenda item be made in writing for purposes of accuracy and clarification.

C. All requests for agenda items shall be made no less than two weeks prior to the date of the meeting at which such issue is to be addressed, except for requests for re-zoning or conditional uses, which must be made at least three weeks prior to the date of the meeting. The town clerk, chairperson or supervisors may make exceptions to the time restrictions herein, on a case by case basis, so long as the request is made in sufficient time to allow for proper posting. It shall not be deemed a violation of this chapter if an untimely request for an agenda item is made and not posted.

D. All requests for agenda items shall clearly state the purpose and intent of the agenda item, and it shall not be deemed a violation of this chapter if a particular board cannot take action given the language of the agenda item, so long as it is posted as requested in writing.

E. The town board may, by a majority vote, determine that a particular requested agenda item is not legitimate town business, is repetitious or previously disposed of, that such business is not timely or ripe for consideration, or any other legitimate and reasonable basis why the requested item should not be placed on the agenda, and decline to post the matter.

F. The town chairperson shall approve the minutes, subject to the terms of this chapter, and shall ensure that notice of the agenda is properly given. (Ord. 2002-2 (part))

#### 2.48.030 Appeals.

Any person aggrieved by a posting, nonposting or board determination that a particular item should not be posted, may appeal to the board of appeals as set forth in Chapter 2.36 of this code. (Ord. 2002-2 (part))

-