

PART I

ADMINISTRATIVE

LEGISLATION

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[HISTORY: Adopted by the Town Board of the Town of Goodman as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code

[An ordinance adopting the Code of the Town of Goodman and making certain substantive changes to existing ordinances of the Town will be proposed before the Town Board. Upon final adoption it will be included here as Article I of this chapter.]

Chapter 14
COURT, MUNICIPAL

ARTICLE I
Joint Municipal Court

- § 14-1. Court established.
- § 14-2. Municipal Judge.
- § 14-3. Election.
- § 14-4. Jurisdiction.
- § 14-5. Operation.

- § 14-6. Collection of forfeitures and costs.
- § 14-7. Contempt of Court.
- § 14-8. Abolition of Court.

ARTICLE II
Jurisdiction over Juveniles

- § 14-9. Alternative juvenile dispositions and sanctions.

[HISTORY: Adopted by the Town Board of the Town of Goodman as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Joint Municipal Court
[Adopted 9-22-2008 by Ord. No. 156]

§ 14-1. Court established.

Pursuant to the authority granted by Ch. 755, Wis. Stats., there is hereby created and established a Joint Municipal Court to be designated "Municipal Court for the Town of Wabeno and the Town of Goodman and the Town of Laona," said Court to become operative and function on October 1, 2008.

§ 14-2. Municipal Judge.

- A. Qualifications. The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge who resides in one of the municipalities that is a party to the agreement forming this Joint Court.
- B. Oath and bond. The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in § 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$1,000. The Judge shall not act until the oath and bond have been filed as required by § 19.01(4)(c), Wis. Stats., and the requirements of § 755.03(2), Wis. Stats., have been complied with.
- C. Salary. The salary of the Municipal Judge shall be fixed by the Town Board of the municipalities that are parties to the agreement, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by § 755.03, Wis. Stats., and filed pursuant to § 19.01(4)(c), Wis. Stats. The municipalities may by separate ordinance

allocate funds for the administration of the Municipal Court pursuant to § 66.0301, Wis. Stats.

§ 14-3. Election.

- A. Term. The Municipal Judge shall be elected at large in the spring election in odd-numbered years for a term of four years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in § 8.10, Wis. Stats., and selection at a primary election if such is held as provided in § 8.11, Wis. Stats. The State Elections Board shall serve as filing officer for the candidates.
- B. Electors. Electors in all municipalities that are parties to the agreement shall vote for Judge.

§ 14-4. Jurisdiction.

- A. The Municipal Court shall have jurisdiction over incidents occurring on or after October 1, 2008, as provided in Article VII, § 14 of the Wisconsin Constitution, §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and bylaws.
- B. The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §§ 755.045(2) and 66.0119, Wis. Stats.
- C. The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of § 938.17(2)(cm), Wis. Stats.¹

§ 14-5. Operation.

- A. Hours. The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.
- B. Employees. The Judge shall, in writing, appoint such clerks and deputy clerks as are authorized and funded by the Town Board of the municipalities that are parties to the agreement.

§ 14-6. Collection of forfeitures and costs.

The Municipal Judge may impose punishment and sentence as provided by Chs. 800 and 938, Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the

1. Editor's Note: See Art. II, Jurisdiction over Juveniles, of this chapter.

agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the Treasurer of the municipality within which the case arose within seven days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the Treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected.

§ 14-7. Contempt of Court.

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under § 800.12, Wis. Stats., and may impose a forfeiture therefor not to exceed \$50 or, upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven days.

§ 14-8. Abolition of Court. ²

The Municipal Court hereby established shall not be abolished while the agreement under § 755.01(4), Wis. Stats., is in effect.

ARTICLE II

Jurisdiction over Juveniles

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 14-9. Alternative juvenile dispositions and sanctions.

- A. The Municipal Court shall have the authority to impose alternative dispositions and sanctions in Municipal Court as follows:
- (1) For a juvenile adjudged to have violated a municipal ordinance, the Court is authorized to impose any of the dispositions listed in §§ 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.
 - (2) For a juvenile adjudged to have violated a municipal ordinance who violates a condition of a dispositional order of the Court under § 938.343 or 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in § 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
- B. This section is enacted under the authority of § 938.17(2)(cm), Wis. Stats.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 23
ELECTIONS

ARTICLE I
Election Officials

§ 23-2. Tabulators.

§ 23-3. Compensation

**§ 23-1. Reduction in number of officials;
designation.**

[HISTORY: Adopted by the Town Board of the Town of Goodman as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Election Officials
[Adopted 2-21-1961 by Ord. No. 113]

§ 23-1. Reduction in number of officials; designation.

The seven election officials required pursuant to § 7.30(1), Wis. Stats., shall be reduced to five and designated as two inspectors, two clerks of election and one ballot clerk, all pursuant to § 7.30(1)(a), Wis. Stats.

§ 23-2. Tabulators.

In addition to the above, the Town Clerk is hereby authorized to appoint two tabulators who shall assist and be under the direction of the election inspectors after the close of the polls, all pursuant to § 7.30(3), Wis. Stats.

§ 23-3. Compensation

The compensation for election officials shall be fixed by the Town Board in accordance with § 7.03(2), Wis. Stats.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1. General Provisions, Art. I).

Chapter 29

ETHICS, CODE OF

§ 29-1. Purpose.

§ 29-4. Violations and penalties.

§ 29-2. General regulations.

§ 29-5. Enforcement.

§ 29-3. Procurement regulations.

§ 29-6. Construal of provisions.

[HISTORY: Adopted by the Town Board of the Town of Goodman 1-27-2004 by Ord. No. 150. Amendments noted where applicable.]

§ 29-1. Purpose.

The purpose of this chapter is to establish a Code of Ethics for all elected and appointed Town officers, employees of the Town and all agents of the Town pursuant to § 19.59, Wis. Stats., and also to establish a written code of conduct pursuant to § 1942.18(j)(1) of the Code of Federal Regulations.

§ 29-2. General regulations.

- A. No Town officer, employee or agent of the Town shall use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family or for an organization with which he or she is associated. This subsection does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted under law.
- B. No person may offer or give to a Town officer, employee or agent, directly or indirectly, and no Town officer, employee or agent may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence his or her vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the Town officer, employee or agent. This subsection does not prohibit a Town officer, employee or agent from engaging in outside employment.
- C. No Town officer or employee may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or any other thing of value to or for the benefit of a candidate or political party.
- D. No Town officer, employee or agent may:

- (1) Take any official action substantially affecting a matter in which the officer, employee or agent, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.
- (2) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, employee, agent, one or more members of his or her immediate family, either separately or together, or an organization with which the official is associated. This subsection does not prohibit a Town officer, employee or agent from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses or prohibit a Town officer from taking official action with respect to any proposal to modify a Town ordinance.

§ 29-3. Procurement regulations.

- A. No Town officer, employee or agent shall participate in the selection, award or administration of a contract supported by Farmers Home Administration (FMHA) funds if a conflict of interest, real or apparent, would be involved. Examples of such conflicts would arise when the employee, officer or agent, any member of his or her immediate family, his or her partners, or an organization which employs, or is about to employ, any of the above has a financial or other interest in the firm selected for the award.
- B. The Town officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

§ 29-4. Violations and penalties.

The penalty for a violation of this chapter shall be a forfeiture in an amount not exceeding \$1,000 for each offense and a minimum forfeiture not exceeding \$100 for each offense.

§ 29-5. Enforcement.

This chapter shall be enforced in the name and on behalf of the Town by action of the District Attorney for Marinette County upon the verified complaint of any person. If the Marinette County District Attorney fails to commence an action to enforce this chapter within 20 days after receiving a verified complaint, or if the District Attorney refuses to commence such an action, the person making the complaint may petition the Attorney General to act upon the complaint. The State Attorney General may then bring an action to enforce this chapter.

§ 29-6. Construal of provisions.

This chapter shall be construed consistent with, and in reference to, provisions of § 19.59, Wis. Stats., and all statutory provisions not expressly stated in this chapter shall be adopted by reference thereto.

Chapter 36

FIRE DEPARTMENT

ARTICLE I Organization and Regulation

- § 36-1. Recognition of Volunteer Fire Department; bylaws; funds; compensation.
- § 36-2. Organization and membership.
- § 36-3. Powers and duties of Chief.
- § 36-4. Equipment.
- § 36-5. Authority at fires.
- § 36-6. Fire Inspector.
- § 36-7. Violations and penalties.

ARTICLE II Volunteer Funds

- § 36-8. Authority.
- § 36-9. Definitions.
- § 36-10. Limitation on spending funds.
- § 36-11. Ownership of funds.
- § 36-12. Access to records.
- § 36-13. Inventory of supplies.
- § 36-14. Department budget money.
- § 36-15. Volunteer moneys.

[HISTORY: Adopted by the Town Board of the Town of Goodman as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Organization and Regulation [Adopted 8-17-1998 by Ord. No. 145]

§ 36-1. Recognition of Volunteer Fire Department; bylaws; funds; compensation.

- A. The Volunteer Fire Department of Goodman, Wisconsin, is hereby officially recognized as the Goodman Volunteer Fire Department of the Town of Goodman, and the duty of firefighting and the prevention of fires in the Town of Goodman is delegated to such Department. Its organization and internal regulations shall be governed by the provisions of this article and by such bylaws adopted by the Department as are approved by the Town Board, except as is otherwise provided by law and ordinance.
- B. The Goodman Volunteer Fire Department is hereby authorized and directed to adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws, after adoption by a vote of 51% 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 the 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.
- D. The officers and members of the Fire Department shall receive such compensation from the Town as from time to time shall be fixed by the Town Board.

§ 36-2. Organization and membership.

- A. The Fire Department shall consist of the following officers: Chief, Assistant Chief, Secretary, Treasurer, Engineer, Captain (Goodman), and Captain (Armstrong Creek) and as many firefighters who live and normally work within the Town of Goodman and surrounding fire protection area, provided that at no time shall the Department consist of fewer than 22 active members.
- (1) A vacancy in the office of the Chief shall be filled by appointment by a majority vote of the Town Board. Upon creation of a vacancy of the office of the Chief, the ranking officer shall perform the duties of the Chief until such vacancy has been filled.
 - (2) The Chief shall immediately assume office and shall hold office until removed for cause after a hearing by action of 2/3 of the members of the Town Board, unless his services are sooner terminated by resignation, change of residence to outside the Town of Goodman, or death.
 - (3) No person shall be eligible for the office of Chief or Assistant Chief whose entire time, both day and night, is not ordinarily spent within the Town. Except for initial appointments under this article, the Chief and Assistant Chief shall be members in good standing for at least two years or persons with at least two years' training and experience in Fire Department operations.
- B. Any person desiring to be a member of the Fire Department may file with the Secretary an application in such form as the Town Board may require. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate. The Town reserves the right to require a full physical of any member with a physician chosen by the Town. The name of any applicant approved by the Chief as provided in the bylaws shall be presented to the Town Board for confirmation.
- C. All resignations from the Department shall take the same course as applications for and appointment to membership.
- D. Any member or officer of the Department who has been expelled or demoted for any offense or neglect of duty or insubordination shall have the right to appear before the members of the Town Board and state why such penalty should not be confirmed. The Town Board may by a two-thirds vote order the Chief to reinstate the member or officer. The Secretary shall report the name of each person expelled or demoted to the Town Board.
- E. The election of officers as required by the bylaws shall be held every two years in such manner as provided in the bylaws. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next regular meeting.

§ 36-3. Powers and duties of Chief.

The Chief shall have general supervision of the Department, subject to this article and the bylaws of the Department, and shall be responsible for the personnel and general efficiency of the Department.

- A. It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this article and the bylaws.
- B. It shall be the duty of the Chief to be present at all fires, to have complete command of the entire responsibility for all fire-fighting operations, to plan the control of the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
- C. The Chief shall have the power to demote or expel any officer or member of the Department for neglect or refusal to perform his Departmental duties, such demotion or expulsion to be subject to an appeal to the Town Board.
- D. Not later than September 15 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.
- E. It shall be the duty of the Chief to submit a written report to the Town Board not later than February 1 of each year, and at other times as he 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 the 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. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the Department.
- F. He shall enforce all fire prevention ordinances of this Town and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on activities of the Department.
- G. He shall keep a fire record book of every fire to which any company was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishing, equipment used and any other general remarks.
- H. He 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.
- I. He shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

§ 36-4. Equipment.

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.

- A. No apparatus shall be used for any purpose except for firefighting within the Town limits, or training therefor, except pursuant to an agreement approved by the Town Board

after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than firefighting within the Town. A written report of all such use shall be made quarterly to the Town Board.

- B. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Town of Goodman, 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.

§ 36-5. Authority at fires.

- A. Police power of Department. The Chief and assistants or officers in command at any fire are hereby 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 Fire Chief 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 of the Department, shall be permitted to come. The Chief 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 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. Firefighters may enter adjacent property. It shall be lawful for any firefighters, while acting under the direction of the Fire Chief or other officer in command, to 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 in case any person shall hinder, resist or obstruct any firefighters in the discharge of their duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.
- D. Duties of bystanders to assist. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief 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 or persons refusing to obey said orders.

§ 36-6. Fire Inspector.

- A. The Chief of the Department shall hold the office of Fire Inspector, with power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.
- B. It shall be the duty of Fire Inspectors to inspect semiannually all buildings, premises and thoroughfares within fire limits of this Town and to inspect semiannually all buildings, premises and public thoroughfares within the Town limits for the purpose of noting and causing to be corrected any condition liable to cause fire. The Inspector shall also

investigate and issue permits in accordance with the regulations of the Department of Commerce. He shall perform such other duties as required by the State Department of Commerce.

- C. Whenever or wherever in the Town any inspection by the Fire Chief or his deputies reveals a fire hazard, the Chief or his deputies shall serve notice in writing upon the owner of the property giving said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire Chief or his deputy is authorized to 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.
- D. The Chief shall keep a written record of each property inspected which shall conform to the requirement of the Department of Commerce and shall make the semiannual report of inspections required by the Department of Commerce.
- E. No person shall deny the Chief or his deputies free access to any property within the Town at any reasonable time for the purpose of making fire inspections.
- F. No person shall hinder or obstruct the Fire Inspector in the performance of his duty or refuse to observe any lawful direction given by him.

§ 36-7. Violations and penalties.

All sections of this article shall be governed by state law. Any person, firm or corporation that shall violate any of the provisions of this article shall forfeit not less than \$100 nor more than \$1,000 and the costs of prosecution and, in default of payment of the fine and costs of prosecution, shall be imprisoned in the county jail until said fine and the costs of prosecution are paid, but not to exceed 20 days. A separate offense shall be deemed committed on each day on which a violation of this article occurs or continues.

ARTICLE II Volunteer Funds [Adopted 3-20-2007 by Ord. No. 151]

§ 36-8. Authority.

It is hereby recognized that the Goodman Volunteer Fire Department has requisite authority to establish an account where volunteer funds and raised dollars shall be deposited. Dollars raised by the Goodman Volunteer Fire Department or by its respective support groups, through donations, fund-raisers, and other legitimate means, may be deposited into a separate account. The account remains the property of the Town of Goodman. However, the Goodman Volunteer Fire Department exercises exclusive control over the expenditure of its respective volunteer funds.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 36-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FIRE VOLUNTEER FUNDS — Funds of a municipality that are raised by employees of the municipality's Fire Department (Goodman Volunteer Fire Department) by volunteers or by donations to the Fire Department for the benefit of the municipality's Fire Department.

MUNICIPALITY — The Town of Goodman.

§ 36-10. Limitation on spending funds.

The authority of the Goodman Voluntary Fire Department, through its Chief, to spend such volunteer funds shall not be hindered, with the limited exception that any funds disbursed must go toward assistance in purchasing supplies or equipment or advancing the goals of the Goodman Fire Department. Disbursement of funds to benefit an individual is not allowed.

§ 36-11. Ownership of funds.

Notwithstanding the terms of this article, volunteer funds shall remain the property of the Town of Goodman until the funds are disbursed. [§ 66.0608(4), Wis. Stats.]

§ 36-12. Access to records.

The person designated within the Goodman Volunteer Fire Department shall provide the Town Clerk, Treasurer, or Town Auditor access to the financial records of their respective volunteer funds within 45 days of the end of each calendar year in order to allow inclusion of said funds in the financial reports and audit of the Town.

§ 36-13. Inventory of supplies.

An inventory of supplies will be completed at the year's end and updated at the end of each following year.

§ 36-14. Department budget money.

All Department budget money remaining in the Goodman Volunteer Fire Department account at year's end will go into a separate account to be used for future supplies or equipment.

§ 36-15. Volunteer moneys.

All volunteer moneys (i.e., meetings, training, and Department calls) will remain in their Association account without any government oversight.

Chapter 70
OFFICERS AND EMPLOYEES

ARTICLE I
Treasurer

ARTICLE II
Assessor

§ 70-1. Bond exemption.

§ 70-2. Confidential information.

[HISTORY: Adopted by the Town Board of the Town of Goodman as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Elections — See Ch. 23.

Code of Ethics — See Ch. 29.

ARTICLE I
Treasurer
[Adopted 12-19-1959 by Ord. No. 108]

§ 70-1. Bond exemption.

- A. Pursuant to § 70.67(2), Wis. Stats., the Town Treasurer of the Town of Goodman shall not be required to give bond as required by § 70.67(1), Wis. Stats. The Town of Goodman shall pay, in case the Treasurer of the Town of Goodman shall fail to do so, all taxes of any kind required by law to be paid by such Treasurer to the County Treasurer of Marinette County, Wisconsin.
- B. A certified copy of this article shall be filed with the County Treasurer of Marinette County and shall remain in effect until a certified copy of its repeal shall be filed with the County Clerk and County Treasurer of Marinette County.

ARTICLE II
Assessor
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 70-2. Confidential information.

Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to § 70.47(7)(af), Wis. Stats., 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 discharge of duties imposed by law; in the discharge of duties imposed by 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 § 70.47(7)(af), Wis. Stats., unless a court

determines that it is inaccurate, is, per § 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.

Chapter 78

PARK COMMISSION

§ 78-1. Town Board to serve as Park Commission.

§ 78-2. Authority of Commission.

[HISTORY: Adopted by the Town Board of the Town of Goodman 6-16-1958 by Ord. No. 103. Amendments noted where applicable.

GENERAL REFERENCES

Boating and fishing — See Ch. 136.

§ 78-1. Town Board to serve as Park Commission.

By virtue of the power granted by § 60.10(2), Wis. Stats., and that resolution adopted by the Annual Town Meeting of the Town of Goodman, Marinette County, Wisconsin, on April 7, 1957, the members of the Town Board of the Town of Goodman, Marinette County, Wisconsin, are hereby declared to be a Park Commission for said Town of Goodman.

§ 78-2. Authority of Commission.

Said Park Commission shall have the authority to adopt such rules, regulations and penalties for the maintenance and management of the parks within its jurisdiction as it shall from time to time deem in the best interests of the Town of Goodman and those persons using said parks.

Chapter 84
PLAN COMMISSION

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| § 84-1. Title. | § 84-11. Chairperson and officers. |
| § 84-2. Purpose. | § 84-12. Commission members as local public officials. |
| § 84-3. Authority; establishment. | § 84-13. General powers. |
| § 84-4. Membership. | § 84-14. Comprehensive Plan. |
| § 84-5. Appointments. | § 84-15. Procedure for Comprehensive Plan adoption or amendment. |
| § 84-6. Terms of office. | § 84-16. Plan implementation and administration. |
| § 84-7. Vacancies. | § 84-17. Referrals to Plan Commission. |
| § 84-8. Compensation; expenses. | |
| § 84-9. Experts and staff. | |
| § 84-10. Rules; records. | |

[HISTORY: Adopted by the Town Board of the Town of Goodman 5-18-2009 by Ord. No. 157. Amendments noted where applicable.]

GENERAL REFERENCES

Comprehensive Plan — See Ch. 159.

§ 84-1. Title.

This chapter is titled the "Town of Goodman Plan Commission Ordinance."

§ 84-2. Purpose.

The purpose of this chapter is to establish a Town of Goodman Plan Commission and set forth its organization, powers and duties and to further the health, safety, welfare and wise use of its resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions through the adoption and implementation of comprehensive planning with significant citizen involvement.

§ 84-3. Authority; establishment.

The Town Board of the Town of Goodman, having been authorized by the Town Meeting under § 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under § 60.22(3), Wis. Stats., and establishes a seven-member Plan Commission under §§ 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under §§ 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

§ 84-4. Membership.

The Plan Commission consists of one member of the Town Board, who may be the Town Board Chairperson, and six citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

§ 84-5. Appointments.

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. (All appointments are subject to the advisory approval of the Town Board.) In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five days of notice of appointment, as provided under §§ 19.01 and 60.31, Wis. Stats.¹

§ 84-6. Terms of office.

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three years, ending on April 30, or until a successor is appointed and qualified. However, the Plan Commission Chairperson or member who is a Town Board Chairperson or Town Board member shall serve on the Commission for a period of two years, as allowed under § 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board. An initial appointment of such Town Board Chairperson or Town Board member made after April 30 shall be for a term that expires two years from the previous April 30.

§ 84-7. Vacancies.

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

§ 84-8. Compensation; expenses.

The Town Board of the Town of Goodman hereby sets a per diem allowance (to be determined annually by the Town Board and posted as a separate resolution) for citizen and Town Board members of the Plan Commission, as allowed under § 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under § 60.321, Wis. Stats.

1. Editor's Note: Original Sec. 6, Terms of office, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 84-9. Experts and staff.

The Plan Commission may, under § 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff and may review and recommend to the approval authority proposed payments under any contract with an expert.

§ 84-10. Rules; records.

The Plan Commission, under § 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under §§ 19.21 to 19.39, Wis. Stats.

§ 84-11. Chairperson and officers.

A. Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in §§ 84-5 and 84-6 of this chapter. The Chairperson shall, subject to Town ordinances and Commission rules:

- (1) Provide leadership to the Commission;
- (2) Set Commission meeting and hearing dates;
- (3) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (4) Preside at Commission meetings and hearings; and
- (5) Ensure that the laws are followed.

B. Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under § 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

C. Secretary. The Plan Commission shall elect, by open vote or secret ballot under § 19.88(1), Wis. Stats., one of its members to serve as Secretary or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

§ 84-12. Commission members as local public officials.

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, § 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on public records, §§ 19.21 to 19.39; code of ethics for local government officials, §§ 19.42, 19.58 and 19.59; open meetings, §§ 19.81 to 19.89; misconduct in office, § 946.12; and private interests in public contracts, § 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

§ 84-13. General powers.

The Plan Commission, under § 62.23(4), Wis. Stats., shall have the power:

- A. Necessary to enable it to perform its functions and promote Town planning.
- B. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- C. To recommend to the Town Board programs for public improvements and the financing of such improvements.
- D. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- E. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under § 66.0119, Wis. Stats., or other court-issued warrant.²

§ 84-14. Comprehensive Plan.³

- A. The Plan Commission, under § 62.23(2), Wis. Stats., shall, except as provided in Subsection B of this section, make and adopt the Town Comprehensive Plan, with accompanying maps, plats, charts and descriptive and explanatory matter, which shall include the nine elements specified under the comprehensive planning law, § 66.1001(2), Wis. Stats.⁴
- B. In lieu of the adoption of a Comprehensive Plan under Subsection A of this section, the Plan Commission may make and adopt a Comprehensive Plan under §§ 62.23 and 66.1001, Wis. Stats., which contains the elements specified in § 66.1001(2), Wis. Stats, and follows the procedures in § 66.1001(4), Wis. Stats.
- C. Regardless of whether the Town has a Comprehensive Plan under Subsection A of this section or is developing one, the Plan Commission shall make and adopt a Comprehensive Plan under Subsection B of this section and the comprehensive planning law, § 66.1001, Wis. Stats., within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town Comprehensive Plan is in effect by the date on which any Town program or action

2. Editor's Note: Original Sec. 14, Town comprehensive planning: general authority and requirements, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).

4. Editor's Note: A Town Comprehensive Plan was adopted 8-24-2009 by Ord. No. 158. See Ch. 159, Comprehensive Plan.

affecting land use must be consistent with the Town Comprehensive Plan under § 66.1001(3), Wis. Stats.

- D. In this section the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the Regional Planning Commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

§ 84-15. Procedure for Comprehensive Plan adoption or amendment.

The Plan Commission, in order to ensure that the requirements of § 66.1001(4), Wis. Stats, are met, shall proceed as follows.

- A. Public participation verification. Prior to beginning work on a Comprehensive Plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
- B. Resolution. The Plan Commission, under § 66.1001(4)(b), Wis. Stats., shall recommend its proposed Comprehensive Plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under § 66.1001, Wis. Stats., namely that:
- (1) The Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan;
 - (2) The plan contains the nine specified elements and meets the requirements of those elements;
 - (3) The (specified) maps and (specified) other descriptive materials relate to the plan;
 - (4) The plan has been adopted by a majority vote of the entire Plan Commission, which the Clerk or Secretary is directed to record in the minutes; and
 - (5) The Plan Commission Clerk or Secretary is directed to send a copy of the Comprehensive Plan adopted by the Commission to the governmental units specified in § 66.1001(4), Wis. Stats., and Subsection C of this section.
- C. Transmittal. One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

- (1) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
- (2) The Clerk of every city, village, town, county and Regional Planning Commission that is adjacent to the Town.
- (3) The Wisconsin Land Council.
- (4) The Department of Administration.
- (5) The Regional Planning Commission in which the Town is located.
- (6) The public library that serves the area in which the Town is located.

§ 84-16. Plan implementation and administration.

- A. Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
 - (1) Zoning. A proposed Town zoning ordinance under village powers, §§ 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under § 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
 - (2) Official map. A proposed Official Map ordinance under § 62.23(6), Wis. Stats.
 - (3) Subdivisions. A proposed Town subdivision or other land division ordinance under § 236.45, Wis. Stats.
 - (4) Other. Any other ordinance specified by the Town Board (e.g., historic preservation, design review, and site plan review).
- B. Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
- C. Nonregulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose nonregulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- D. Program administration (pending adoption of a zoning and/or subdivision ordinance). The Plan Commission shall, pursuant to Town ordinances, have the following powers:⁵

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) Zoning conditional use permits. The Zoning Administrator shall refer applications for conditional use permits under a Town zoning ordinance to the Plan Commission for review and recommendation to the Town Board as provided in the ordinance.
 - (2) Subdivision review. Proposed plats under Ch. 236, Wis. Stats. (and proposed subdivisions or other land divisions under the Town subdivision ordinance under § 236.45, Wis. Stats. and the ordinances) shall be referred to the Plan Commission for review and recommendation to the Town Board.
- E. Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's Comprehensive Plan under §§ 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.

§ 84-17. Referrals to Plan Commission.

- A. Required referrals under § 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) The location and architectural design of any public building.
 - (2) The location of any statue or other memorial.
 - (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 - (a) Street, alley or other public way;
 - (b) Park or playground;
 - (c) Airport;
 - (d) Area for parking vehicles; or
 - (e) Other memorial or public grounds.
 - (4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (5) All plats under the Town's jurisdiction under Ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under § 236.45, Wis. Stats.
 - (6) The location, character and extent or acquisition, leasing or sale of lands for:
 - (a) Public or semipublic housing;
 - (b) Slum clearance;

- (c) Relief of congestion; or
 - (d) Vacation camps for children.
- (7) The amendment or repeal of any ordinance adopted under § 62.23, Wis. Stats., including ordinances relating to the Town Plan Commission; the Town Master Plan or the Town Comprehensive Plan under § 66.1001, Wis. Stats.; a Town Official Map; and Town zoning under village powers.
- B. Required referrals under sections of the Wisconsin Statutes other than § 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) An application for initial licensure of a child welfare agency or group home under § 48.68(3), Wis. Stats.
 - (2) An application for initial licensure of a community-based residential facility under § 50.03(4), Wis. Stats.
 - (3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under § 66.0905, Wis. Stats.
 - (4) Matters relating to the establishment or termination of an architectural conservancy district under § 66.1007, Wis. Stats.
 - (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under § 66.1107, Wis. Stats.
 - (6) Matters relating to the establishment or termination of a business improvement district required to be referred under § 66.1109, Wis. Stats.
 - (7) A proposed housing project under § 66.1211(3), Wis. Stats.
 - (8) Matters relating to urban redevelopment and renewal in the Town required to be referred under Subchapter XIII of Ch. 66, Wis. Stats.
 - (9) The adoption or amendment of a Town subdivision or other land division ordinance under § 236.45(4), Wis. Stats.
 - (10) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- C. Required referrals under this chapter. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:⁶
- (1) Any proposal, under § 59.69, Wis. Stats., for the Town to approve general county zoning so that it takes effect in the Town, or to remain under general county zoning.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) Proposed regulations or amendments relating to historic preservation under § 60.64, Wis. Stats.
- (3) A proposed driveway access ordinance or amendment.
- (4) A proposed Town Official Map ordinance under § 62.23(6), Wis. Stats., or any other proposed Town ordinance under § 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Commission.
- (5) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to § 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under § 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats.
- (6) An application for a special exception permit under a Town zoning ordinance.
- (7) A proposed site plan.
- (8) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under § 62.23(7a), Wis. Stats.
- (9) A proposed boundary change pursuant to an approved cooperative plan agreement under § 66.0307, Wis. Stats., or a proposed boundary agreement under § 66.0225, Wis. Stats., or other authority.
- (10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under § 66.0307(7m), Wis. Stats.
- (11) Any proposed plan, element of a plan or amendment to such plan or element developed by the Regional Planning Commission and sent to the Town for review or adoption.
- (12) Any proposed contract, for the provision of information, or the preparation of a Comprehensive Plan, an element of a plan or an implementation measure, between the Town and the Regional Planning Commission, under § 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under § 66.0435, Wis. Stats.
- (14) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under § 66.1009, Wis. Stats.
- (15) A proposed Town airport zoning ordinance under § 114.136(2), Wis. Stats.
- (16) A proposal to create environmental remediation tax incremental financing in the Town under § 66.1106, Wis. Stats.
- (17) A proposed county agricultural preservation plan or amendment, under Subchapter IV of Ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.

- (18) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- D. Discretionary referrals. The Town Board, or other Town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
- (1) A proposed county development plan or Comprehensive Plan, proposed element of such a plan, or proposed amendment to such plan.
 - (2) A proposed county zoning ordinance or amendment.
 - (3) A proposed county subdivision or other land division ordinance under § 236.45, Wis. Stats., or amendment.
 - (4) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
 - (5) A proposed intergovernmental cooperation agreement, under § 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under § 66.0305, Wis. Stats.
 - (6) A proposed plat or other land division under the county subdivision or other land division ordinance under § 236.45, Wis. Stats.
 - (7) A proposed county plan, under § 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of Town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
 - (8) Any other matter deemed advisable for referral to the Plan Commission for report.
- E. Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report or 30 days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty-day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty-day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty-day referral period if deemed advisable.

Chapter 102
VILLAGE BOUNDARIES

§ 102-1. Findings.

**§ 102-2. Fixing and defining of
boundaries.**

[HISTORY: Adopted by the Town Board of the Town of Goodman 3-1-1960 by Ord. No. 109. Amendments noted where applicable.

§ 102-1. Findings.

- A. The Town of Goodman contains within its boundaries a settlement of individuals, homes and industries forming a compact group and occupying a well-defined and limited area within said Town.
- B. For the purpose of defining and regulating the application of Town ordinances within the several areas in said Town, it is deemed advisable to designate the boundaries of the settlement aforesaid in order that the same may in the future be designated and known as the "unincorporated Village of Goodman."

§ 102-2. Fixing and defining of boundaries.

The Board of Supervisors of the Town of Goodman does ordain that the following area shall henceforth be known as the "unincorporated Village of Goodman," and any ordinances, resolutions or regulations referring to the unincorporated Village of Goodman shall be applicable to and shall affect the area hereinafter described:

The Northwest Quarter (NW 1/4); the North Half of the Southwest Quarter (N 1/2 of SW 1/4); the Northwest Quarter of the Southeast Quarter (NW 1/4 of SE 1/4); the South Half of the Northeast Quarter (S 1/2 of NE 1/4); the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4); and the South Half of the Northeast Quarter of the Northeast Quarter (S 1/2 of NE 1/4 of NE 1/4), all in Section Three (3), Township Thirty-Six (36) North, Range Seventeen (17) East, and the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) in Section Thirty-four (34), Township Thirty-seven (37) North, Range Seventeen (17) East.