

CHAPTER 1

GENERAL GOVERNMENT

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1.01 FORM OF GOVERNMENT. The Town of Kewaskum, Washington County, Wisconsin, operates under the town system of government under Ch. 60, Wis. Stats.

1.02 ELECTED OFFICIALS. The elected officials of the Town shall consist of the following:

(1) **TOWN BOARD MEMBERS.** The Town Board shall consist of 3 Supervisors who shall be elected in odd-numbered years for 2 year terms; one shall be designated on the election ballot as Town Chairperson.

1.03 APPOINTED OFFICIALS. The appointed officials of the Town shall consist of the following. Those appointed for one year shall be appointed in April of each year and those appointed for two years shall be appointed in April of odd-numbered years.

<u>OFFICIALS</u>	<u>HOW APPOINTED</u>	<u>TERM</u>
(1) Clerk	Town Board	Up to three years
(2) Treasurer	Town Board	Up to three years
(3) Building Inspector	Town Chairperson, subject to confirmation by Town Board	By contract
(4) Zoning Administrator	Town Chairperson, subject to confirmation by Town Board	By contract
(5) Weed Commissioner	Town Chairperson	One year, appointed in April of each year

1.04 BOARDS AND COMMISSIONS. (1) **BOARD OF ZONING APPEALS.**
 (a) *Membership.* The Board of Zoning Appeals shall consist of 5 citizen members appointed by the Town Chairperson for staggered 3 year terms, subject to confirmation by the Town Board, and one alternate member shall be appointed by the Town Chairperson, subject to confirmation by the Town Board, for a 3 year term. The alternate member shall act, with full power, only when a member of the Board is absent or refuses to vote because of an interest in the matter to be heard. The Town Chairperson shall appoint the Board Chairperson.

(b) *Powers and Duties.* The Board shall have the powers and duties prescribed in §62.23(7)(e), Wis. Stats.

(2) **PLAN COMMISSION.** (a) *Membership.* The Plan Commission shall consist of the Town Chairperson who shall be the chairperson of the Commission, one Town Supervisor and 5 Town citizens of recognized experience and qualification. The Supervisor shall be appointed in April by the Chairperson, subject to confirmation of the Town Board, for a one-year term and all citizen members shall be appointed in April by the Town Chairperson, subject to confirmation by the Town Board, for staggered 3-year terms.

(b) *Officers.* The Plan Commission shall hold an annual organizational meeting in May at which time it shall elect from among its members a Vice Chairperson. The Plan Commission shall appoint a secretary.

(c) *Meetings and Proceedings.* The Plan Commission shall meet monthly or at the call of the Chairperson.

1. Quorum. A majority of the members of the Plan Commission shall constitute a quorum.

2. Records. The Secretary shall keep a written record of the proceedings of the Commission and the original thereof shall be filed with the Town Clerk.

3. Compensation. The Town Board shall, from time to time, fix the compensation of all Commission members.

(d) *Powers and Duties.* The Plan Commission shall be responsible for developing plans and making recommendations to the Town Board relating to the development of a Town land use plan, including zoning districts; land use classifications and standards; and other matters relating to the proper use and development of lands within the Town. In addition, the Commission shall have the powers and duties granted by §62.23, Wis. Stats., and such other powers and duties as shall be vested in it from time to time by the Town Board, the Zoning Code, the Subdivision and Platting chapter and other applicable laws.

(3) BOARD OF REVIEW. (a) *Membership.* 1. The Board of Review shall consist of 5 members who shall be the Town Chairperson, one Town Supervisor, the Town Clerk and 2 residents of the Town. The resident members shall be appointed by the Town Chairperson for staggered 5 year terms. The initial term of the resident members shall be for 3 and 4 years. The Town Supervisor shall be selected by the Town Chairperson for a 2 year term. The Clerk shall serve for a 2 year term. The Town Chairperson shall serve for as long as he holds office. The Town Assessor shall attend all meetings of the Board of Review.

2. Alternate Members. Pursuant to §§70.47(6m)(c) and 70.46(1), Wis. Stats., the Town Board shall appoint alternates to serve on the Board in the event a standing member is removed or unable to serve for any reason.

(b) *Compensation.* Members of the Board shall be paid \$40 per diem.

(c) *Powers and Duties.* The Town Chairperson shall preside over the Board. The Town Clerk shall take the minutes of the Board. The Board shall have the powers and duties prescribed in §70.47, Wis. Stats.

(d) *Confidentiality of Assessor's Records.* See sec. 1.10(8) of this chapter.

(e) 1. *Procedure.* (Added Ord. 2015-01) In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures: a) the legal requirement to provide notice of intent to appear at BOR must be satisfied; and b) an Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law.

After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be

submitted to the town clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the BOR.

2. *CRITERIA TO BE CONSIDERED.* The board may consider any or all of the following factors when deciding whether to grant or deny the request:

- a. The requester's stated reason(s) for the request as indicated on the PA-814
- b. Fairness to the parties
- c. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony
- d. Ability to cross examine the person providing the testimony
- e. The BOR's technical capacity to honor the request
- f. Any other factors that the board deems pertinent to deciding the request

(4) **ADMINISTRATIVE REVIEW APPEALS BOARD.** (a) *Membership.* The Administrative Review Appeals Board shall consist of the Town Chairperson who shall be its presiding officer and 2 citizen members. The citizen members shall be appointed by the Town Chairperson, subject to confirmation by the Town Board, for staggered 2 year terms.

(b) *Powers and Duties.* The Board shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of Town officers, employes, agents, agencies, committees, boards and commissions filed in accordance with §68.10, Wis. Stats. In conducting administrative review hearings and making final decisions, the Board shall be governed by §§68.11 and 68.12, Wis. Stats.

1.05 HIRING OF PERSONNEL. (1) Employes of the Town shall be hired by the Town Board.

(2) The compensation, terms and conditions of employment of Town employes shall be established by the Town Board.

1.06 PURCHASING PROCEDURES. (1) The purchase of materials and supplies, the anticipated cost of which is under \$500, may be made by the Town Clerk, the Town Treasurer and the Town Maintenance Man without the approval of the Town Chairperson or any other Town Board members. "Materials and supplies" include paper, stationary, postage, office supplies, cleaning materials and supplies, maintenance materials, equipment repairs and other like and similar items. Such purchases shall be approved by the Town Treasurer for fund/budget availability prior to the purchase.

(2) The purchase of materials and supplies, permanent personal property and services, the anticipated cost of which is between \$500 and \$2,000, shall be authorized by the Chairperson and purchases over \$2,000 shall be approved by the Town Board.

(a) "Permanent personal property" includes furniture, furnishings, typewriters, calculating equipment, small machines, parts, tools and equipment or any other property which customarily has a use life of more than one year.

(b) Purchases under this subsection may be made on the open market and directly from a dealer or supplier without obtaining sealed quotations, but such purchases shall be made, when possible, after multiple quotations or proposals have been obtained.

(3) The purchase of materials and supplies or permanent personal property, the anticipated cost of which is between \$2,000 and \$5,000, shall be made by the Town Board after obtaining, whenever possible, at least 3 quotations.

(4) Public contracts, the estimated cost or amount of which will exceed \$10,000, shall, as required by §60.47, Wis. Stats., be let, pursuant to §66.0109, Wis. Stats. Public contracts with an estimated cost of more than \$5,000, but not more than \$10,000, shall be let only if a Class I notice is given pursuant to Ch. 985, Wis. Stats.

(5) The procedures set forth in this section may be waived when there is an immediate need for services, parts, materials, supplies or property in case of emergency, as authorized by §60.47(5), Wis. Stats.

(6) The attendance of Town officers and employees at seminars and conventions shall be subject to the approval of the Town Chairperson.

(7) Alternative Claims Procedure for approving financial claims against the town that are in the nature of bills and vouchers.

(a) Subject to the restrictions under Section IV, the payment of a claim against the town may be made from the town treasury if the town clerk approves in writing the claim as a proper charge against the town treasury. A claim against the town is a proper charge against the town treasury if the clerk determines that all of the following conditions have been met:

1. Funds are available under the town budget to pay the bill or voucher.
2. The item or service covered by the bill or voucher has been authorized by the town board or an authorized town official, agent, or employee.
3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
4. The claim appears to be a valid claim against the town.

(b) The town clerk may require submission of proof to determine compliance with the conditions under subsection A prior to approval. (For example, the clerk may require verification of quantity, quality, etc., by another town official or employee.)

(c) After determining that the conditions under subsection A have been met, the clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon approval of a bill or voucher under this procedure, the clerk shall prepare and sign a check and have it approved and countersigned by the town treasurer and the town chairperson, pursuant to s. 66.0607, Wis. stats. The treasurer shall then mail or deliver the completed checks to the appropriate parties.

(d) At least monthly, the town treasurer shall file with the town board a written list of claims approved pursuant to this ordinance. The list shall include the date paid, name of claimant, purpose, and amount.

1.07 ELECTIONS. (1) WARD BOUNDARIES ESTABLISHED. (Amd Ord 2011-08) As provided in §5.15, Wis. Stats., the Town shall be divided into 2 wards, the boundaries of which are coterminous with County Supervisory Districts #10 and #11, respectively. The ward boundaries are set forth on the Town Ward Map on file in the office of the Town Clerk.

(2) POLLING PLACES. (Amd. Ord 2011-08) All primary, general, special and other elections in and for each of the wards of the Town shall be held in the Community Center located at 9019 Kettle Moraine Drive.

(3) POLLING HOURS. The polls for all elections in the Town, unless otherwise provided by law, shall be opened at 7:00 A.M. and closed at 8:00 P.M. each election day.

(4) REDUCTION OF NUMBER OF ELECTION OFFICIALS. Pursuant to §7.32, Wis. Stats., the Town Clerk is hereby authorized to reduce the number of election officials for any given election to not less than 3 and redistribute the duties of such remaining election officials.

(5) SHIFTS FOR ELECTION WORKERS (Cr. Ord. #7-09). Pursuant to §7.30(1), Wis. Stats., the Town Clerk is authorized to establish 2 shifts for election workers. The first shift shall commence at 6:30 A.M. and end at 2:00 P.M. The second shift shall commence at 2:00 P.M. and end with the completion of all required Election Day duties that follow the closure of the polls.

1.08 EMERGENCY MANAGEMENT. (1) DEFINITION. “Emergency Management” shall mean the preparation for and the carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.

(2) AGENT OF TOWN. The Washington County Director of Emergency Management, upon request by the Town Chairperson during a declared emergency or under emergency conditions, is hereby designated, as agent of the Town, to act for and in behalf of the Town in all matters directly related to, or pertaining to, such emergency situation for purposes of obtaining any and all available assistance from County, State or Federal sources.

(3) PENALTIES. Any person who intentionally fails to comply with the directives of emergency government authorities promulgated under this section during a state of emergency or during any training program or exercise may be subject to a forfeiture of not more than \$200 and, in default of payment of such forfeiture, may be imprisoned in the County jail, but not more than 90 days.

1.09 POSTING AND PUBLICATION. (1) POSTING (Am. Ord. #1-05). The Town Clerk shall, pursuant to §60.80 and Ch. 985, Wis. Stats., post ordinances, resolutions and notices which are not legally required to be published in the following places:

(a) (Am. Ord #2015-04) Community Center and/or Solid Waste Recycling Building , 9019 Kettle Moraine Drive, Section 11.

(b) (Am. Ord. #2015-04) Placed electronically on the town’s website.

(c) (deleted Ord #2015-04)

(2) PUBLICATION. Ordinances and notices required by law to be published and such other notices as the Town Board or the Plan Commission may direct to be published shall be published in the Kewaskum Statesman.

1.10 PUBLIC RECORDS. (1) **DESIGNATION OF LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN.** The Town Board hereby designates the Town Clerk as the official legal custodian of the public records of the Town. It shall be the responsibility of the Clerk to carry out all duties and responsibilities imposed upon the Town and the legal custodian by the Wisconsin Public Records and Property Law, as set forth in §§19.31 to 19.39, Wis. Stats. The Clerk shall be responsible for the timely response to any request for access to the public records, the release of the public records of the Town, the conditions under which records may be inspected and the collection of costs for the location and reproduction of such records.

(2) **DESIGNATION OF DEPUTY LEGAL CUSTODIAN.** The Town Treasurer is hereby designated as deputy legal custodian to act as legal custodian in the absence of the Town Clerk.

(3) **NOTICE TO ALL EMPLOYEES.** It is directed that all employees of the Town be informed, in writing, of the designation of the legal custodian and the deputy legal custodian of the public records of the Town. Employees shall be further informed of the duties of the official legal custodian and shall also be made aware of the other requirements and provisions of this section.

(4) **POWERS AND DUTIES OF THE OFFICIAL LEGAL CUSTODIAN.** All requests for the release, inspection and/or reproduction of public records of the Town shall be directed or referred to the Town Clerk who is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this section. The Clerk shall establish hours when persons shall have access to records maintained in the Town Hall. The Clerk shall prepare and post a notice to the public regarding access to public records, pursuant to §19.34, Wis. Stats.

(5) **FEE SCHEDULE REGARDING THE COSTS OF LOCATING AND/OR REPRODUCING RECORDS AND PROPERTY OF THE TOWN.** The cost of photocopying shall be 25¢ per page. It is intended that this fee schedule shall cover the payment of the actual, necessary and direct costs incurred in locating a document or in providing any person with a reproduction of any of the records of the Town.

(6) **Adoption of the Wisconsin Municipal Records Schedule:** The Wisconsin Municipal Records Schedule, as approved by the Public Records Board on August 27, 2018, attached hereto and incorporated herein by reference, is hereby adopted by the Town Board of Kewaskum as the Town's official record retention schedule.

(a) **NOTIFICATION TO WISCONSIN STATE HISTORICAL SOCIETY:** When a record has met the terms of the retention period, the record may be destroyed by the legal custodian of the record, provided the custodian has complied with the notification requirement set forth in s. 19.21(4), Wis. Stats., to the Wisconsin State Historical Society.

(b) **CONFLICT:** In the event of any conflict between the terms of this ordinance and any applicable state statute, the applicable state statute shall control.

(8) CONFIDENTIALITY OF ASSESSOR'S RECORDS. (a) *State Statutes Adopted.* Section 70.47(7)(af), Wis. Stats., is hereby adopted by reference. Income and expense information provided by a property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under §19.35(1), Wis. Stats.

(b) *Exceptions.* 1. The Assessor has access to such information in the performance of his duties.

2. The Board may review such information when needed, in its opinion, to decide upon a contested assessment.

3. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law.

4. The officer is complying with a court order.

5. The person providing the income and expense information has contested the assessment level at either the Board or by filing a claim for excessive assessment under §74.37, Wis. Stats., in which case the base records are open and public.

1.11 USE OF TOWN HALL. (1) PURPOSE AND INTENT. The Town Board adopts this section to establish uniform and reasonable rules, regulations and fees to govern the rental and use of the Town Hall. The Town Hall shall be rented to Town residents only.

(2) RULES AND REGULATIONS. Any person and his guests or invitees who rent or use the Town Hall shall abide by the following rules and regulations:

(a) *Kitchen.* The kitchen may be used for the keeping and serving of food and beverages, but the kitchen shall not be used for the preparation of food or meals, except as provided in par. (g) below.

(b) *Tables and Chairs.* Whenever tables and/or chairs are used, the user shall be responsible to set them up and take them down.

(c) *Care of Hall.* The user shall not cause or permit anything to occur whereby Town property will, in any manner, be injured, marred, defaced or damaged, nor shall the user drive or permit to be driven any nails, hooks, tacks or screws into any part of the building, nor shall user make or allow to be made any alterations to the building of any kind.

(d) *Engines Prohibited.* No internal combustion engine may be operated within the Town Hall, except by Town employees for floor maintenance purposes.

(e) *Removal of User's Property.* All goods, wares, merchandise and/or property of the user must be removed from the Town Hall not later than one day after the day of rental or use.

(f) *Cleanup.* The user shall, not later than one day after the day of rental or use, clean the hall of all waste, debris and soil so that the same will not require extraordinary janitorial services by the Town.

(g) *Caterers.* Caterers may use the kitchen for cooking and storage of food on the day prior to the event they are catering so long as such use does not interfere with any regularly scheduled use of the Town Hall. The fee pursuant to sub. (3) below shall be paid in addition to and at the same time as the rental fee.

(3) **RENTAL FEES AND SECURITY DEPOSIT.** (a) *General.* The per day rental fees and security deposit for the use of the Town Hall shall be as established by the Town Board from time to time. Rental fees shall be paid at the time of reservation. Fees shall not be refunded unless the reservation is cancelled at least 60 days prior to the date of use.

(b) *Exemptions.* Nonprofit public groups, organizations or agencies such as 4-H, Scouts, Homemakers, etc., shall be exempt from the fee schedule and security deposit when using the Town Hall for regular membership meetings.

1. An adult shall be present at all times.
2. Recurring requests shall require Town Board approval and are limited to 2 times per month.

- (c) *Security Deposit.*
1. The security deposit shall be paid with the rental fee.
 2. The deposit shall be security for the user's faithful observance of the rules and regulations herein provided.
 3. The security deposit is not an advance payment of the rental fee and is not a measure of the Town's damages.
 4. The Town Board shall determine the amount of security deposit to be forfeited based upon damages or extra work required by Town employees to clean or restore the hall to its former condition.

(4) **PEACE AND GOOD ORDER.** It shall be the responsibility of the user to maintain peace and good order among all persons attending any activity or event at the Town Hall, in compliance with all applicable State and local laws and ordinances. The user shall be strictly liable to the Town for any damage which occurs within the Town Hall or to the Town Hall premises because of a breach of peace and order.

(5) **CONTROL OF BUILDING.** The Town retains the right at all times to control the management of its facilities and to enforce all necessary rules and regulations, whether or not contained in this section.

(6) **ADMINISTRATION.** This section shall be administered by the Town Clerk.

1.12 USE OF TOWN EQUIPMENT, TOOLS AND FURNISHINGS. Town equipment, including trucks, tractors, mowers, etc., and other property of the Town shall not be rented, lent or otherwise made available for use to town residents, commercial or nonprofit enterprises or the general public without the written consent of the Town Board.