

CHAPTER 1 - VILLAGE GOVERNMENT

TABLE OF CONTENTS

1.01	VILLAGE BOARD.....	3
1.02	VILLAGE BOARD MEETINGS.....	3
1.03	VILLAGE BOARD COMMITTEES.....	3
1.04	ELECTED OFFICIALS.....	3
1.05	APPOINTED OFFICIALS.....	3
1.06	BOARDS AND COMMISSIONS.....	4
	(1) BOARD OF REVIEW.....	4
	(2) PLAN COMMISSION.....	4
	(3) BOARD OF APPEALS.....	6
	(4) ELECTION BOARD.....	6
1.07	POLICE ADVISORY COMMITTEE.....	6
	(1) ESTABLISHMENT AND MEMBERS.....	6
	(2) MEETINGS AND POWERS.....	7
	(3) POLICE OFFICER POWERS.....	7
1.08	OFFICIAL BULLETIN BOARDS.....	7
	(1) LOCATION AND USE.....	7
	(2) INTERFERENCE WITH SIGNS/POSTINGS PROHIBITED.....	7
1.09	STREET EXCAVATIONS.....	7
	(1) PERMIT REQUIRED.....	7
	(2) APPLICATION; BOND.....	7
	(3) EXTENT OF PRIVILEGE.....	8
	(4) RESTORING SURFACE.....	8
	(5) NOTICE TO POLICE DEPARTMENT.....	8
	(6) REPAIR BY THE VILLAGE.....	8
	(7) MORATORIUM ON LAC LA BELLE DRIVE.....	8
	(8) DEFINITIONS.....	8
	(9) PENALTY.....	9
1.10	REGISTRATION FOR ELECTIONS.....	9
1.11	COLLECTION OF TAXES.....	9
	(1) VILLAGE TREASURER RESPONSIBLE FOR.....	9

- (2) DATES FOR PAYMENT OF TAXES, SPEICAL ASSESSMENTS, AND SPECIAL CHARGES.....9
- (3) WHEN NO INSTALLMENTS.....9
- (4) TO WHOM PAYMENTS MADE.....9
- (5) DELINQUENT FIRST INSTALLMENT..... 10
- (6) DELINQUENT SECOND INSTALLMENT..... 10
- (7) DELINQUENT ANNUAL PAYMENT..... 10
- (8) PAYMENT OF DELINQUENT PAYMENTS, INTEREST, AND PENALTY..... 10
- (9) PAYMENT PRIORITY..... 10
- (10) TAXES PAID IN ADVANCE OF LEVY..... 11
- 1.12 REFERENDUM ON LARGE-SCALE PROJECTS. (Charter Ordinance: Adopted: April 12, 1983)..... 11
- 1.13 PUBLIC RECORDS..... 12
 - (1) DEFINITIONS..... 12
 - (2) DUTY TO MAINTAIN RECORDS..... 13
 - (3) LEGAL CUSTODIAN(S)..... 13
 - (4) PUBLIC ACCESS RECORDS..... 14
 - (5) ACCESS PROCEDURES..... 15
 - (6) LIMITATIONS ON RIGHT TO ACCESS..... 16
 - (7) DESTRUCTION OF RECORDS..... 19
 - (8) PRESERVATION THROUGH MICROFILM..... 20
- 1.14 COLLECTION OF AMBULANCE COSTS AND EXPENSES..... 20
- 1.15 CHARGE FOR VILLAGE PROFESSINOAL FEES..... 21
 - (1) CHARGES AUTHORIZED..... 21
- 1.16 VILLAGE ADMINISTRATOR..... 22
 - (1) OFFICE CREATED..... 22
 - (2) TERM..... 22
 - (3) SCOPE OF ORDINANCE..... 22
 - (4) PURPOSE OF ORDINANCE..... 22
 - (5) COMPENSATION..... 22
 - (6) QUALIFICAITONS..... 22
 - (7) DUTIES. The duties of the Village Administrator shall be as follows:..... 23

1.1 VILLAGE BOARD.

The Village Board shall consist of the Village President and two (2) Trustees elected for two-year terms in odd numbered years, and two (2) Trustees elected for two-year terms in even numbered years.

1.2 VILLAGE BOARD MEETINGS.

Regular meetings of the Village Board shall be held at such place as designated by the Village Board on the third Wednesday of each month at 7:30p.m. and/or at such other times as the Board may direct. The Board may adjourn any regular meeting to any future date at which new business may be introduced as well as unfinished business completed. Special meetings may, and on written request of two trustees, shall, be called by the Village President.

1.3 VILLAGE BOARD COMMITTEES.

The Village Board shall function as a committee of the whole with the Chairman appointed by the Village President. Other committees may be appointed by the President for two-year terms subject to confirmation by the Village Board.

1.4 ELECTED OFFICIALS.

The elected officials of the Village shall be the President and members of the Village Board.

1.5 APPOINTED OFFICIALS.

- (1) The following village officers shall be appointed by the Village Board upon nomination or recommendation by the Village President. They shall serve for a term of one year as of the first day of May and shall not be required to be residents of the village.
 - (a) Village Clerk. The powers and duties of the Village Clerk shall be as prescribed in Wis. § 61.25.
 - (b) Village Treasurer. The powers and duties of the Village Treasurer shall be set out in Wis. § 61.26.
 - (c) Deputy Clerks and Deputy Treasurers. The Village Board shall have the power to appoint Deputy Clerks and Deputy Treasurers upon nomination or recommendation of the Village President and/or the Village Clerk or Treasurer by a majority vote of the Village Board. The Deputy Clerk and/or Deputy Treasurer shall have the power of the Clerk or Treasurer, respectively, in his or her absence or disability.
 - (d) Village Attorney. (January 1 through December 31st appointment)
 - (e) Road Commissioner.
 - (f) Village Engineer.
 - (g) Village Forester.

(2) TREASURER BOND.

The Board of the Village of Lac La Belle elects not to give a bond to the Village Treasurer, provided for in Wis. § 70.67. Pursuant to Wis. § 70.67, the Village of Lac La Belle shall be obligated to pay, in case of the Treasurer, thereof, shall fail to do so. All State and County Taxes required by law shall be paid by such Treasurer to the County Treasurer.

1.6 BOARDS AND COMMISSIONS.

(1) BOARD OF REVIEW.

(a) The Board of Review shall consist of citizens appointed annually by the Village President. The members of the Board of Review shall serve without compensation. The first annual meeting of the Board of Review shall be held between the hours of 7:00 p.m. and 11:00 p.m. pursuant to Wis. § 70.47(3)(b), as amended from time to time.

(2) PLAN COMMISSION.

- (a) **Members.** The Village Plan Commission is hereby established and shall consist of seven (7) members. All members of the commission shall be appointed by the Village President, who shall also choose the presiding officer. The Village President may appoint him or herself to the commission and may appoint other city elected or appointed officials except that the commission shall always have at least three citizen members who are not Village officials. Citizen members shall be persons of recognized experience and qualifications. The Village Clerk shall serve as Secretary to the Plan Commission but shall not have the right to vote.
- (b) **Terms of Office.** The members of the commission shall be appointed to hold office for a period of three (3) years. Appointments shall be made by the Village President during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.
- (c) **Compensation.** Members of the Plan Commission shall serve without compensation.
- (d) **Report to Village Board.** The Village Trustee who is appointed to the Plan Commission by the Village Board of Trustees shall submit a report of each Plan Commission meeting at the first regularly scheduled Village Board meeting thereafter.
- (e) **Meetings and Hearings.**
- (i) A meeting of the Plan Commission may be called by its presiding officer, or upon the request of any two Plan Commission members, or at such other times as the Village Board of Trustees may request.
 - (ii) All meetings of the Commission shall be open to the public unless otherwise announced in the public notice of the meeting. Meetings of the Commission shall be held at the call of the Chairman or at such other times as the Village Board may request.
 - (iii) Public hearings may be held before the Plan Commission, as a body, and its recommendation subsequently submitted to the Village Board for approval and action. Public hearings may, alternatively, be held before the Village Board.
- (f) **Powers and Duties.** The Village Plan Commission shall have the duties of making reports and recommendations relating to the plan and development of the Village to public officials,

agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning. In addition to those powers and duties enumerated within this paragraph and otherwise specifically granted within the Village of Lac La Belle Code of Ordinances, the powers and duties of the Commission shall be:

- (i) To keep a record of the resolutions, transactions, findings and determinations which record shall be a public record.
- (ii) To perform such duties as are delegated to the Commission by any ordinances of the Village.
- (iii) To recommend to the Village President or Village Board programs for public improvements and the financing thereof.
- (iv) To recommend to the Village Board the designation of the park areas, playgrounds and other public, semi-public and private enterprises, grounds or recreational centers to the end that such matters may be in the highest degree effective, permanent, dignified and fitting through proper design, form and situation.
- (v) To advise regarding the planning and protection of trees and other improvements along highways and on public property.
- (vi) To report on matters referred to it by the Village Board or other public bodies or officers.
- (vii) To approve any proposed subdivision and to inspect and recommend as to the zoning thereof before acceptance by the Village Board.
- (viii) To recommend to the Village Board with respect to amendment and addition to the Building and Zoning Codes of the Village.
- (ix) To define the limits of zoning districts upon the request of the Board of Appeals when a request for interpretation of the Zoning Map is made due to district boundaries being undeterminable from the Zoning Map.
- (x) To review and recommend any amendment to the Official Map of the Village.
- (xi) To make and adopt a master plan for the physical development of the Village in accordance with the provisions of Wis. § 62.23(2).
- (xii) In performance of its function, to enter upon any land and to make examination thereof.
- (xiii) At its discretion, to make such recommendations to the Village Boards it deems advisable.
- (xiv) To employ experts and a staff, and to pay for their services, and such other expenses as may be necessary and proper, not exceeding, in all, any appropriation that may be made for the Plan Commission by the Village Board, or placed at the Plan Commission's disposal through gift, and subject to any ordinance or resolution enacted by the Village Board.

- (g) Appeals. Appeals from any order of the Plan Commission denying any application presented to it for approval may be taken up by any person aggrieved thereby to the Village Board of Appeals. Such appeals shall be taken within a period of ten days after the making of such order by filing with the Village Clerk a notice of appeal specifying the grounds thereof, together with a filing fee as may from time to time be determined by the Village Board. The Village Clerk shall forthwith prepare an appeal file containing all the papers in such matter. The Board shall forthwith set a date for hearing of such appeal and give public notice thereof and decide the same within a reasonable time. At the hearing, any party may appear in person or by an agent or attorney.

(3) BOARD OF APPEALS.

- (a) See Chapter 8 of this Code.

(4) ELECTION BOARD.

- (a) The election officials shall be appointed as provided in Wis. Stats. § 6.32.

1.7 POLICE ADVISORY COMMITTEE.

(1) ESTABLISHMENT AND MEMBERS.

Pursuant to Wis. Stats. § 61.65(1)(am)1 the Board of Trustees hereby creates a police advisory committee consisting of three (3) members, appointed by the Village President, including the designation of a chairman, and confirmed by the Board of Trustees and serving a term of two (2) years. The term of said committee members shall begin on May 1 following the election of the Village President for a regular two-year term. A vacancy on the committee occurring prior to the expiration of the committee member's term shall be filled by appointment of the Village President and confirmation of the Board of Trustees, but said committee member's term shall expire on April 30 of the next year in which a regular election for Village President is held. All members of the committee shall be residents of the Village of Lac La Belle at the time they are appointed to the committee. No member of the committee may hold any other office in the Village, whether elected or appointed, nor may any member of the committee be employed by the Village. A Committee member may no longer serve on the committee after terminating his or her residence within the Village of Lac La Belle or after accepting election or appointment to a Village office or employment by the Village.

(2) MEETINGS AND POWERS.

The committee shall meet as often as necessary (but at least two times annually) to perform the responsibilities of;

- (a) Disciplining and discharging from employment such police officers as are determined appropriate by the committee pursuant to Wis. Stats. § 61.65(i)(am)1 and 62.13(5); and

(b) Making advisory recommendations to the Board of Trustees and Chief of Police concerning law enforcement activities within the Village. All discipline and discharge from employment of police officers shall be conducted pursuant to Wis. Stats. § 62.13(5).

(3) POLICE OFFICER POWERS.

Police Officers hired by the Village shall have the powers of Village Marshall and Village Constable as specified in Wis. Stats. § 61.28 and 61.29.

1.8 OFFICIAL BULLETIN BOARDS.

(1) LOCTION AND USE.

The Village Clerk shall cause to be erected within the limits of the Village of Lac La Belle three (3) official bulletin boards as follows for the posting of all public notices required by law:

- (a) One at Seminary Entrance.
- (b) One on Saeger Avenue (Village Lot).
- (c) One at La Belle Court Entrance.

(2) INTERFERENCE WITH SIGNS/POSTINGS PROHIBITED.

Any person who shall destroy or deface said bulletin boards, or shall remove therefrom or deface or destroy any notice duly posted thereon, excepting only Village Officers in the exercise of their duties, shall be subject to a penalty as provided in sec. 15.04 of this Code.

1.9 STREET EXCAVATIONS.

(1) PERMIT REQUIRED.

No person except the Village, its agents, employees and contractors, shall excavate, open, or cut any street or alley, within the Village without first obtaining a permit from the Village Clerk.

(2) APPLICATION; BOND.

Application for such permit shall state the purpose for which the permit is desired and the location of the proposed excavation, opening or cut, and shall contain an agreement that the applicant will pay all damages to persons, or property, public or private, cause by the applicant, his agents, employees or servants in the doing of work for which the permit is granted. Any applicant may be required as a condition to the granting of a permit in the discretion of the Road Commissioner, to file an undertaking of such amount as the Road Commissioner determines to leave the street in as good condition as the same was in when the work was commenced, to at all times keep the place where the excavation is made properly guarded by day and lighted by night, and to save the Village harmless from all damages, costs, and charges that may accrue from the applicant's use of such street or alley by reason of such excavation, opening or cut.

(3) EXTENT OF PRIVILEGE.

No permit for an excavation, opening, or cut shall be deemed to convey or grant any privilege to occupy the space within or below any street or sidewalk, or any utility, vault, pipe, or drain.

(4) RESTORING SURFACE.

When excavations, openings, or cuts are made hereunder, they shall not be left open longer than the necessities of the work demand. In refilling the excavation, opening, or cut, all earth, stone and screenings shall be thoroughly and properly tamped and the surface of the street or alley left in as good condition as the same was in before the excavation, opening, or cut was made.

Whenever it is necessary to break into a sidewalk to make any excavation, opening or cut, the entire stones so broken shall be removed and replaced, it being the intent of this subsection to prohibit the patching of an entire stone or stones of a sidewalk. In addition, the surface of such street or alley shall be maintained in good repair by the applicant for one (1) year following the completion of the same.

(5) NOTICE TO POLICE DEPARTMENT.

Before an excavation, opening or cut in any street or alley is made by any person forty-eight (48) hours advance notice shall be given by the contractor to the person intending to make such excavation, opening or cut to the Police Department, except in cases of emergency.

(6) REPAIR BY THE VILLAGE.

If the permittee neglects to perform any portion of the work required by this section, in addition to any penalty provided by law, the Village shall cause the same to be done, and the expense thereof shall be certified to the Village Clerk by the Public Works Committee. The Village Clerk shall forthwith give written notice to the permittee of the amount so certified, and if the amount is not paid within thirty (30) days such amount shall be carried into the tax roll as a special tax against the abutting property.

(7) MORATORIUM ON LAC LA BELLE DRIVE.

No permit shall be issued under this section and no excavation or cut shall be made in that portion of Lac La Belle Drive repaired in the road repair Project of 2003 without the approval of the Village Board in its sole discretion.

(8) DEFINITIONS.

As used herein, "street" means the entire right-of-way, including the traveled portion of the highway, curb or gutter, sidewalk, and terrace; "person" includes firms and corporations.

(9) PENALTY.

Any person who shall violate this section shall be subject to penalties as set forth in sec. 15.04 of this Code.

1.10 REGISTRATION FOR ELECTIONS.

Registration for electors of all Village elections shall be required as provided in Chapter 6 of the Wisconsin Statutes as amended from time-to-time.

1.11 COLLECTION OF TAXES.

(1) VILLAGE TREASURER RESPONSIBLE FOR.

- (a) The Village Treasurer shall collect, or cause to be collected, the general property taxes, special assessments, special taxes, and special charges show in the tax roll.
- (b) The Village Treasurer shall use the tax receipts furnished by Waukesha County. In addition, if requested by the person to whom the tax bill is sent under Wis. Stats. § 74.09(3)(g), the Village Treasurer shall mail a copy of the tax receipt to the requestor.
- (c) The Village Treasurer shall make settlement for all collections as provided in Chapter 74 of the Wisconsin Statutes.

(2) DATES FOR PAYMENT OF TAXES, SPECIAL ASSESSMENTS, AND SPECIAL CHARGES.

General property taxes, special assessments, special charges, and special taxes collectible under Wisconsin Statute Chapter 74 are payable as follows:

- (a) Real Property Taxes. All taxes on real property shall be paid in one of the following ways:
 - (i) In full on or before January 31 in the year after the taxes are levied.
 - (ii) In 2 equal installments, unless subject to sub. (c), with the first installment payable on or before January 31 in the year after the taxes are levied and the second installment payable on or before July 31 of that same year.
- (b) Special Assessments, Special Charges and Other Taxes. All special assessments, special charges, and special taxes that are placed in the tax roll shall be paid in full on or before January 31 in the year after the taxes are levied.
- (c) Personal Property Taxes. All taxes on personal property shall be paid in full on or before January 1 in the year after the taxes are levied.

(3) WHEN NO INSTALLMENTS.

If the total real property tax is less than \$100.00, it shall be paid in full on or before January 31 in the year after the taxes are levied.

(4) TO WHOM PAYMENTS MADE.

- (a) Payments made on or before January 31, in the year after the taxes are levied shall be made to the Village Treasurer.
- (b) All other payments shall be made to the county treasurer.

(5) DELINQUENT FIRST INSTALLMENT.

If the first installment of taxes on real property is not paid on or before January 31 in the year after the taxes are levied the entire amount of the taxes remaining unpaid is delinquent as of February 1 of that same year.

(6) DELINQUENT SECOND INSTALLMENT.

If the second installment of taxes on real property is not paid on or before July 31 in the same year after the taxes are levied, the enter amount of the taxes remaining unpaid is delinquent as of August 1 of that same year.

(7) DELINQUENT ANNUAL PAYMENT.

- (a) If all special assessments, special charges, special taxes and personal property taxes are due under Wis. Stats. § 74.11(3) or 74.11(4) are not paid in full on or before January 31 in the year after the taxes are levied, the amounts unpaid are delinquent as of February 1 of that same year.
- (b) If any special assessments, special charges, special taxes are entered in the tax roll as charges against a parcel of property and are delinquent under paragraph (a), the entire annual amount of real property taxes on that parcel which is unpaid is delinquent as of February 1 in the year after the taxes are levied.

(8) PAYMENT OF DELINQUENT PAYMENTS, INTEREST, AND PENALTY

- (a) All real property taxes, special assessments, special charges, and special taxes that become delinquent shall be paid; together with interest and penalties charged from February 1 in the year in which delinquency occurs, to the county treasurer.
- (b) All personal property taxes that become delinquent shall be paid, together with interest charged from February 1 in the year in which delinquency occurs, to the Village Treasurer.
- (c) Interest. The interest rate on delinquent property taxes, special charges, special assessments, and special taxes included in the tax roll for collection is one percent (1%) per month or fraction of a month.
- (d) All interest on payments of delinquent personal property taxes collected by the Village Treasurer shall be retained by the Village Treasurer on behalf of the Village.

(9) PAYMENT PRIORITY

If the Village Treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special charges, special assessments and special taxes due, the Village Treasurer shall apply payment to the amounts due, including interest and penalties, in the following order as prescribed by Wis. Stats. § 74,11(12):

- (a) Special charges
- (b) Special assessments
- (c) Special taxes
- (d) General property taxes

(10) TAXES PAID IN ADVANCE OF LEVY

- (a) Village Treasurer Shall Accept. The Village Treasurer shall accept payment of general property taxes, special assessments, special charges, and special taxes in advance of the tax levy, subject to the following:

- (i) General property taxes, special assessments, special charges, and special taxes may be paid in advance of the levy either by single payment or by payment in installments of not less than one-hundred dollars (\$100.00). The total taxes paid in advance of the levy may not exceed the total taxes previously levied against the property, as show on the previous tax roll.
 - (ii) Except as proved in sub. (iii), general property taxes, special assessments, special charges, and special taxes may be paid in advance of the levy during the period from August 1 until the third Monday in December.
 - (iii) The Village Treasurer shall hold general property taxes, special assessments, special charges and special taxes paid in advance of the levy. Those taxes, assessments and charges are subject to settlement under Wis. Stats. § 74.23. Any interest earned prior to settlement under Wis. Stats. § 74.23 on general property taxes, special assessments, special charges or special taxes paid in advance of the levy accrues to the Village.
 - (iv) Upon receipt of the tax roll, general property taxes, special assessments, special charges, and special taxes which have been paid in advance shall be credited against the general property taxes, special assessments, special charges and special taxes the property shown in the tax roll. If the total paid general property taxes, special assessments, special charges, and special taxes paid in advance exceed the total show in the tax roll, the Village Treasurer shall return the excess to the person who made the advance payment.
- (b) Advance Payment Depositories. The Village Treasurer may designate on or more public depositories, among those previously designated under Wis. Stats. § 34.05, to which taxpayers may make payments in advance of the tax levy. A receipt for a payment in advance of the levy issued by a designated public depository has, under Wis. Stats. § 74.13(2), the same legal status as a receipt issued by the Village Treasurer.
 - (c) Advance Payment When Ceasing Business. Personal property taxes on property used in a commercial enterprise which is ceasing business may be paid in advance of the tax levy at any time before the third Monday in December of the year in which business ceases.

1.12 REFERENDUM ON LARGE-SCALE PROJECTS. (Charter Ordinance: Adopted: April 12, 1983)

- (1) The Village Board shall not enter into any contract for the performance of services or the furnishing of materials and supplies, or initiate a resolution to borrow money, or initiate a resolution to levy special assessments, where either the contract, the borrowing resolution, or the special assessment resolution, or the anticipated cost of the project with respect to which the contract or any such resolution is entered into or initiated, exceeds two percent (2%) of the previous year's equalized value of the real estate and personal property located within the Village, without approval of such contract, resolution or project by majority vote of the village electors.
- (2) This is a charter ordinance enacted pursuant to Wis. Stats. § 66.0101 and Wis. Const., Art. XI, s3. The Village elects not to be governed by any provision of state law, particularly those included in Wisconsin Statutes Chapters 61, 65, 66, and 67, insofar as such chapters and the sections of the

statutes contained therein permit the incurring of obligations and expenditures and the raising of funds in excess of two percent (2%) of the Village's equalized value without referendum.

1.13 PUBLIC RECORDS.

(1) DEFINITIONS

- (a) **AUTHORITY.** Means any of the following Village persons or entities having custody of a Village record: any office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; a governmental or quasi-governmental corporation; any court of law; a nonprofit corporation which receives more than fifty percent (50%) of its funds from a county or a municipality, as defined in Wis. Stats. § 59.001(3), and which provides services related to public health or safety to the county or municipality; or a formally constituted subunit of the foregoing Village.
- (b) **CUSTODIAN.** Means that officer, department head, division head, committee chairman, or employee of the Village designated herein or otherwise responsible by law to keep and preserve any Village 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 ordinance to respond to requests for access to such records or files.
- (c) **PERSONALLY IDENTIFIABLE INFORMATION.** Means information that can be associated with a particular individual through one or more identifiers or other information or circumstances.
- (d) **RECORD or FILES.** Means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts, and optical disks "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of the 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.
- (e) **REQUESTER.** Means any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom he or she has not been denied physical placement under Chapter 767 of the Wisconsin Statutes, and the record is otherwise accessible to the person by law.

(2) DUTY TO MAINTAIN RECORDS

- (a) Except as provided under Section (7), each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or

control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

- (b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Village Clerk – If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(3) LEGAL CUSTODIAN(S)

- (a) The Village Clerk, or in his or her absence or disability or in case of vacancy, the deputy clerk, is hereby designated the legal custodian of all Village records.
- (b) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Chapter 19 of the Wisconsin Statutes, and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.
- (c) The following public officials are deemed to be deputy custodian of their records: (This is in addition to the foregoing paragraphs and is not intended to be inclusive of all Village records.)
 - (i) Village Clerk – custodian of all records of the Village and all records required by the Village to be kept. (See subsection (b) above.)
 - (ii) Treasurer – all records of the treasurer shall be kept by the Treasurer subject to the direction of the Village Clerk.
 - (iii) Building Inspector – all records of the building inspector shall be kept by the building inspector subject to the direction of the Village Clerk.
 - (iv) Assessor – all records of the assessor shall be kept by the Village Assessor subject to the direction of the Village Clerk.
 - (v) Plan Commission – all records of the Plan Commission shall be kept by the Village Clerk.
 - (vi) Board of Appeals – all records of the Board of Appeals shall be kept by the Village Clerk.
 - (vii) Police Department – all records of the Police Department shall be kept by the Chief of Police subject to the direction of the Village Clerk.

(4) PUBLIC ACCESS RECORDS

- (a) Except as otherwise provided by law, any person is presumed to have a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. § 19.35(1).
- (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 requestor shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.

- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requestor shall be charged a fee to defray the cost of locating and copying records as follows:
 - (i) The cost of photocopying shall be twenty-five center (\$.25) per page. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
 - (ii) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (iii) The actual full cost of providing a copy of other record not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
 - (iv) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (v) There shall be no charge for locating a record unless the actual cost therefor exceeds fifty dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requestor.
 - (vi) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds five dollars (\$5.00).
 - (vii) Elected and appointed officials of the Village of Lac La Belle shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (viii) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
 - (ix) Pursuant to Wis. Stats. § 19.34, and the guidelines therein listed, 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 legal custodian from whom, and the methods whereby, 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. 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 legal custodian under Wis. Stats. § 19.33 from whom, and the methods whereby, 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 any local governmental body.
 - (x) Each authority which maintains regular office hours at the location where records in the custody of the authority are kept shall permit access to the records of the authority at all times during those office hours, unless otherwise specifically authorized by law.
 - (xi) Each authority which does not maintain regular office hours at the location where records in the custody of the authority are kept shall:
 1. Permit access to its records upon at least forty-eight (48) hours' written or oral notice of intent to inspect or copy a record; or

2. Establish a period of at least two (2) consecutive hours per week during which access to the records of the authority is permitted. In such case, the authority may require twenty-four (24) hours' advance written or oral notice of intent to inspect or copy a record.

(5) ACCESS PROCEDURES

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 4(f)(vi). A requestor may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall as soon as practicable and without delay, either fill the request or notify the requestor of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in sub (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial. If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requestor that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.

(6) LIMITATIONS ON RIGHT TO ACCESS.

- (a) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this section:
 - (i) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
 - (ii) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;

- (iii) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspections; and
- (iv) A record or any portion of a record containing information qualifying as a trade secret as defined in Wis. Stats. § 134.90(1)(c).
- (v) As provided by Wis. Stats. § 43.40, public library circulation records are exempt from inspection under this section.
- (vi) Identities Of Applicants For Public Positions.
 1. In this section, “final candidate” means each applicant for a position who is seriously considered for appointment or whose name is certified for appointment and whose name is submitted for final consideration to an authority for appointment to any state position, except a position in the classified service, or to any local public office, as defined in Wis. Stats. § 19.42 (7w). “Final candidate” includes, whenever there are at least five (5) candidates for an office or position, each of the five (5) candidates who are considered most qualified for the office or position by an authority, and whenever there are less than five (5) candidates for an office or position, each such candidate. Whenever an appointment is to be made from a group of more than five (5) candidate, “final candidate” also includes each candidate in the group.
 2. Every applicant for a position with any authority may indicate in writing to the authority that the applicant does not wish the authority to reveal his or her identity. Except with respect to an applicant whose name is certified for appointment to a position in the state classified service or a final candidate, if an applicant makes such an indication in writing, the authority shall not provide access to any record related to the application that may reveal the identity of the applicant.
- (vii) Identities Of Law Enforcement Informants.
 1. In this subsection:
 - a. Informant. Means an individual who requests confidentiality from a law enforcement agency in conjunction with providing information to that agency or, pursuant to an express promise of confidentiality by a law enforcement agency or under circumstance in which a promise of confidentiality would reasonably be implied, provides information to a law enforcement agency to obtain information, related in any case to any of the following:
 - i. Another person who the individual or the law enforcement agency suspects as violated, is violating or will violate a federal law, a law of any state or an ordinance of any local government.
 - ii. Past, present or future activities that the individual or law enforcement agency believes may violate a federal law, a law of any state or an ordinance of any local government.
 - b. “Law enforcement agency” has the meaning given in Wis. Stats. § 165.83(1)(b), and includes the department of corrections.
 - c. If an authority that is a law enforcement agency received a request to inspect or copy a record or a portion of a record under Wis. Stats. § 19.35 (1)(a) that contains

specific information including but not limited to a name, address, telephone number, voice recording or handwriting sample which, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained or, if no portion of the record can be inspected or copied without identifying the informant, shall withhold the record unless the legal custodian of the record, designated under Wis. Stats. § 19.33, makes a demonstration, at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access.

(viii) Unless access is specifically authorized or required by statute, an authority shall not provide access under this Chapter to records containing the following information, except to an employee or the employee’s representative to the extent required under Wis. Stats. § 103.13 or to a recognized or certified collective bargaining representative to the extent required to fulfill a duty to bargain under Chapter 111 of the Wisconsin Statutes or pursuant to a collective bargaining agreement under Chapter 111 of the Wisconsin Statutes:

1. Information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, or social security number of an employee, unless the employee authorizes the authority to provide access to such information.
2. Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of the investigation.
3. Information pertaining to an employee’s employment examination, except an examination score if access to that score is not otherwise prohibited.
4. Information relating to one or more specific employees that is used by an authority or by the employer of the employees for staff management planning including performance evaluations, judgments, or recommendation concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or ratings relating to employees.

(ix) Unless access is specifically authorized or required by statute, an authority shall not provide access under this Chapter to records, except to an individual to the extent required under Wis. Stats. § 103.13, containing information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, or social security number of an individual who holds a local public office or a state public office, unless the individual authorizes the authority to provide access to such information. This subsection does not apply to the home address of an individual who holds an elective public office or to the home address of an individual who, as a condition of employment, is required to reside in a specific location.

- (x) Unless access is specifically authorized or required by statute, an authority shall not provide access to a record prepared or provided by an employer performing work on a project to which Wis. Stats. § 66.0903, § 103.49, or § 103.50 applies, or on which the employer is otherwise required to pay prevailing wages, if that record contains the name or other personally identifiable information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information. In this subsection, “personally identifiable information” does not include an employee’s work classification, hours of work, or wage or benefit payments received for work on such a project.
- (b) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village attorney, may deny the request, in whole or in part, only if he or she determines that, at the time of the request, the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
 - (i) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (ii) Records of current deliberations after a quasi-judicial hearing.
 - (iii) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline or any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
 - (iv) Records concerning current strategy for crime detection or prevention.
 - (v) Records of current deliberations or negotiations on the purchase of Village property, investing of Village funds, or other Village business whenever competitive or bargaining reasons require nondisclosure.
 - (vi) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (vii) Communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Wis. Stats. § 905.03.
- (c) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village attorney prior to releasing any such record and shall follow the guidance of the Village attorney when separating out the exempt material. If in the judgment of the custodian and the Village attorney there is no feasible way to separate the

exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(7) DESTRUCTION OF RECORDS.

- (a) Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period:
 - (i) Bank statements;
 - (ii) Canceled checks;
 - (iii) Receipt forms;
 - (iv) Vouchers.
- (b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under chapter 442 of Wisconsin Statutes, subject to state public service commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.
 - (i) Contracts;
 - (ii) Excavation permits;
 - (iii) Inspection records.
- (c) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period.
 - (i) Old insurance policies;
 - (ii) Election notices;
 - (iii) Cancelled registration cards.
- (d) Unless notice is waived by the state historical society, at least sixty (60) days' notice shall be given the state historical society prior to the destruction of any record as provided by Wis. Stats. § 19.21(4)(a).
- (e) Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

(8) PRESERVATION THROUGH MICROFILM.

Any Village officer, or the director of any department or division of Village government may, (subject to the approval of the Village Board) keep and preserve public records in his or her

possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. § 16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections (4) through (6) of this ordinance.

1.14 COLLECTION OF AMBULANCE COSTS AND EXPENSES.

All costs and expenses incurred by the Village as a result of ambulance service from a provider contracting with the Village for the performance of such service shall be reimbursed to the Village by the party that benefited from the service. Costs and expenses due in accordance with this provision shall be a debt due to the Village. If the debt is not paid within twenty (20) days after notice of the costs and expenses is given to the benefited party, it shall be deemed delinquent. There shall be an added penalty of three-percent (3%) of the amount of the costs and expenses for every week the payment to the Village is delinquent.

1.15 CHARGE FOR VILLAGE PROFESSIONAL FEES

(1) CHARGES AUTHORIZED

- (a) Whenever the offices of the Village Attorney, Village Engineer or any other of the Village's contract profession staff are contacted for current services regarding a specific person's property, development, sanitary sewer service, annexation or other special matter in the Village of Lac La Belle by the Village President, Village Board Member, Village Board Committee member, or Village Commission member or any representative, agent or designee of the same; or a property owner or any person or entity or a respective representative, if said contact results in a charge to the Village of Lac La Belle for that professional's time and services and said service is not a service provided to the Village of Lac La Belle as a whole; then the Village Clerk shall be authorized to charge said person or entity for the current service provided and/or pursuant to the provision of Wis. Stats. § 66.0627, to impose a special charge for that current service to the benefited property owner for the fees incurred by the Village.
 - (b) Prior to contacting any of the Village's contract professionals, the person requesting contact with Village contract professionals shall be required to execute a Fees for Services Agreement to be provided by the Village Clerk.
- (2) The Village Clerk is authorized to invoice each person or entity for special charges, allowing a period of time, not more than thirty (30) days, to pay for provided current services. The invoice shall include an itemized statement of the professional service fees provided.
 - (3) The Village Clerk shall give each property owner invoiced for current services, unless otherwise waived, notice that a hearing may be requested before the Village Board regarding the charges against the property. If a hearing is timely requested in writing within twenty (20) calendar days of the mailing of the invoice for current services, the matter shall be heard in accordance with the

provisions of section 1.15 of this Code on the issue of the cost of professional fees incurred to benefit a specific land owner.

- (4) If any amount remains unpaid after the thirty (30) days allowed for payment where no hearing has been timely requested, the Village Clerk shall automatically charge that delinquent amount, plus any applicable penalty and/or interest, against the current or next tax roll as a delinquent tax against the property pursuant to Wis. Stats. § 66.0627. In the event the invoice rendered to a property owner or the time allowing for payment precludes placement on the current year's tax roll, any such delinquent charge shall be extended to the following year's tax roll.
- (5) Upon receipt of a timely request for a hearing on the invoice for special charges, the Village Board shall hold a hearing regarding same at its next regular meeting or, at its discretion, at a special meeting. Such hearing shall be preceded by posted public notice and written notice to the property owner.
- (6) When a timely hearing has been requested, no current charges for special services shall be placed on the tax roll until a hearing has been held and a decision has been rendered and reduced to writing. A copy shall be sent via first class mail, postage prepaid, to the property owner. Only that part of the charges for special services approved by the Village Board may be placed on the tax roll after the property owner has been given three (3) days to pay from the date of the Village Board decision.
- (7) The Village, in addition or instead of the above may follow any other legal means to collect the amounts due.

1.16 VILLAGE ADMINISTRATOR

(1) OFFICE CREATED

There is hereby created the office of Village Administrator who shall perform such duties as are specified in this division and shall have general management of the administration and enforcement of this chapter.

(2) TERM

The Administrator shall be appointed by the majority of the Board of Trustees. He or she shall be the chief administrative officer of the Village. He or she shall be appointed on merit and without regard to the person's political beliefs and need not be a resident of the Village. The Administrator shall be appointed for a three (3) year term with an optional annual rolling horizon extension of one year and may, at any time, be removed from office with cause by a majority vote of the Board of Trustees. Administrator may terminate upon no less than six (6) months' notice.

(3) SCOPE OF ORDINANCE

The provisions of this ordinance shall apply in all respects to the administrative process in the Village, including implementing, coordinating, evaluating and planning services and programs within the ordinances or policy limits set by the Board of Trustees to ensure an efficient and effective organization and operation of all village departments.

(4) PURPOSE OF ORDINANCE

The purpose and object of this ordinance is to provide for the proper administrative process whereby the organizational structure of the village government has a flow of accountability for all department services and functions.

(5) COMPENSATION

The compensation of the Village Administrator shall be determined by resolution of the Village Board of Trustees.

(6) QUALIFICATION

The person appointed to the office of the Village Administrator shall have the following qualifications:

- (a) Thorough knowledge of the principles and practices of municipal government administration, including budgeting, accounting, and financing.
- (b) Understanding of public works operations, grantsmanship, planning and zoning, and growth issues.
- (c) The ability to establish and maintain effective working relationships with Village Board members, appointed officials, consultants, department heads, employees and the general public.
- (d) Have good professional judgment.
- (e) Have previous experience in municipal government, with a minimum of ten years municipal budgeting accounting, and financial projecting experience preferred.
- (f) Be a graduate from a college or university or recognized standing with a major in public administrations or business administration, preferably a graduate degree in a relevant field, or any equivalent combination of experience and training which provides required knowledge, skills and abilities. A Certified Public Accountant license is preferred.
- (g) Have a working knowledge of local, state and federal laws, rules, regulations and assistant programs for municipalities.

(7) DUTIES. The duties of the Village Administrator shall be as follows:

- (a) Oversee and direct Village budget development, presentation, recommendation, implementation, control, and auditing. Research past expenditures and revenues. Forecast expenditures and revenues, and be responsible for monthly bookkeeping. Recommend personnel staffing levels, capital improvement plans, equipment and supply needs annually. Monitor fund and line item expenditures. Recommend line item transfers. Participate in special and overall audits of Village financial activities, and have the authority to accept same on behalf of the Village without further Board of Trustees action. Develop program goals and objectives.
- (b) Prepare agenda items and information for Village Board, Plan Commission, Board of Review, Board of Appeals, and other meetings as required and necessary with the assistance of Village

- clerk and assessor. Prepare for and participate in meetings of the above entities and others as required and needed.
- (c) Administer Village operations and services including public works, snow removal and waste pickup. Have charge of the operation and maintenance of all village-owned property, lands, buildings, improvements and equipment and all public ways, ditches, drains, and storm sewers. Function as Sewer Commissioner and Road Commissioner. Direct and coordinate village services, functions and programs, except when such authority is vested in boards, commissions and appointed officials by statutes.
 - (d) Monitor Police department and Police Chief through the budgetary process.
 - (e) Discuss Village actions, decisions, and potential decisions with Village Trustees and Village Attorney. Advise the Village Board during preparation of the annual budget.
 - (f) Direct, implement, appoint on merit and, when necessary, suspend or discharge employees for cause, except for any officer appointed by the Board of Trustees, and employees of the police and fire departments. Serve as personnel officer, including responsibility for employee relation matters, with the authority to review routines and working hours, administer fringe benefit plans, and recommend to the Board of Trustees administrative control routines to promote efficiency and economy. Designate appropriate employees or departments for the handling or transacting of business that is not of a routine nature. Conduct staff meetings with department heads as needed. Evaluate the performance of department heads annually.
 - (g) Represent the Village to County, State and Federal governments and agencies; school districts; and community service organizations. Represent the Village in development projects. Prepare, negotiate, monitor and enforce contracts for various services and products, and prepare, review, and follow up on grant applications. Attend meetings as needed.
 - (h) Hear, discuss, investigate, evaluate and mediate citizens' and other complaints within the scope of the village ordinances and policy limits of the village.
 - (i) Act as public information officer for the Village, with the responsibility of assuring that the news media are kept informed about the operations of the Village, and along with the Village Clerk, that all open meetings and public records statues are followed.
 - (j) Meet FEMA, or other state or federal requirements as Village representative (incident commander) in times of emergency.
 - (k) Perform such other duties as may be prescribed by the Board of Trustees, by this chapter or resolutions of the Board of Trustees.