

TITLE III: ADMINISTRATION

Chapter

- 30. TOWN OFFICIALS**
- 31. DEPARTMENTS, BOARDS AND COMMISSIONS**
- 32. EMERGENCY MANAGEMENT**
- 33. TAXATION AND FINANCE**
- 33. ELECTIONS**

CHAPTER 30: TOWN OFFICIALS

Section

- 30.01 Receipt of gifts and gratuities
- 30.02 Vacating elected position of Town Assessor and making this position an appointed position
- 30.03 Clerk permitted to issue checks between Town Board meetings
- 30.04 Clerk to issue operator licenses between Town Board meetings
- 30.05 Town Board authorized to hire town officers at an hourly wage

§ 30.01 RECEIPT OF GIFTS AND GRATUITIES.

(A) It shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value which he or she is not authorized to receive from any person, if such person:

- (1) Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official;
- (2) Conducts operations or activities which are regulated by such public employee's employer or the governmental body of a public official; or
- (3) Has interests which may be substantially affected by such public employee's employer or the governmental body of the public.

(B) The receipt of any gift, gratuity or anything of value as donated above is contrary to the public policy of the Town Board.

(Ord. 7-74, passed 2-12-74) Penalty, see § 10.99

§ 30.02 VACATING ELECTED POSITION OF TOWN ASSESSOR AND MAKING THIS POSITION AN APPOINTED POSITION.

The Town Board resolved at the special meeting of electors held on October 13, 1998 to vacate the elected position of the Town Assessor, thus making this position an appointed position by the Town Board.

(Res. 6, passed 10-13-98)

§ 30.03 CLERK PERMITTED TO ISSUE CHECKS BETWEEN TOWN BOARD MEETINGS.

The town authorizes the Town Clerk to issue checks between meetings for the purpose of payroll checks, tax liabilities, insurance premiums, retirement, seminar registration and for criminal record checks for operator licenses.

(Res. 12, passed 10-12-99)

§ 30.04 CLERK TO ISSUE OPERATOR LICENSES BETWEEN TOWN BOARD MEETINGS.

The town authorizes the Town Clerk to issue operator licenses between meetings contingent upon criminal check approval and if qualifications have been met under Wis. Stat. § 125.04(5)(a), (b), and (d).

(Res. 13, passed 10-12-99)

Statutory reference:

Alcoholic beverages regulated, see Wis. Stat. §§ 125.01 et seq.

§ 30.05 TOWN BOARD AUTHORIZED TO HIRE TOWN OFFICERS AT AN HOURLY RATE.

The town authorizes the Town Board to hire town officers as town employees at an hourly wage established by the electors.

(Res. 26, passed 11-13-01)

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

Board of Review

- 31.01 Alternate members for Board of Review
- 31.02 Compensation

Planning Commission

- 31.10 Title
- 31.11 Purpose
- 31.12 Authority; establishment
- 31.13 Membership
- 31.14 Appointments
- 31.15 Terms of office
- 31.16 Vacancies
- 31.17 Compensation; expenses
- 31.18 Experts and staff
- 31.19 Rules; records
- 31.20 Chairperson and officers
- 31.21 Commission members as local public officials
- 31.22 General and miscellaneous powers
- 31.23 Town comprehensive planning; general authority and requirements
- 31.24 Procedure for Plan Commission adoption and recommendation of a town comprehensive plan or amendment
- 31.25 Plan implementation and administration
- 31.26 Referrals to the Plan Commission

BOARD OF REVIEW

§ 31.01 ALTERNATE MEMBERS FOR BOARD OF REVIEW.

Pursuant to Wis. Stat. §§ 70.47 (6m) (c) and 70.46 (1), the Town Board shall provide for the appointment of alternates to serve on the Town Board of Review in the event a standing Board member of the Board of Review is removed or unable to serve for any reason.
(Ord. 4-13-2000-2, passed 4-13-00)

§ 31.02 COMPENSATION.

The Town Board will set the compensation of the Board of Review members.
(Res. 24, passed 5-8-01)

PLANNING COMMISSION**§ 31.10 TITLE.**

This subchapter shall be known as the "Town of Medford Plan Commission Ordinance."
(Ord. 02-10-04, passed 2-10-04)

§ 31.11 PURPOSE.

The purpose of this subchapter is to establish a Town of Medford Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of 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.
(Ord. 02-10-04, passed 2-10-04)

§ 31.12 AUTHORITY; ESTABLISHMENT.

The Town Board of the Town of Medford has been authorized by the town meeting under Wis. Stat. § 60.11(2)(c), to exercise village powers and the town has a population of less than 2,500, according to the most recent regular or special federal census, Wis. Stat. § 990.01(29). The Town Board hereby exercises village powers under Wis. Stat. § 60.22(3), and establishes a five member Plan Commission under Wis. Stat. §§ 60.62(4), 61.35 and 62.23. The Plan Commission shall be considered the "Town Planning Agency" under Wis. Stat. §§ 236.02(13) and 236.45, which authorize, but do not require, town adoption of a subdivision or other land division ordinance.
(Ord. 02-10-04, passed 2-10-04)

§ 31.13 MEMBERSHIP.

The Plan Commission consists of one member of the Town Board, who may be the Town Board Chairperson, and four citizen members, who are not otherwise town officials, and who shall be persons of recognized experience and qualifications.
(Ord. 02-10-04, passed 2-10-04)

§ 31.14 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 Wis. Stat. §§ 19.01 and 60.31. (Ord. 02-10-04, passed 2-10-04)

§ 31.15 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, except:

(A) *Initial terms (5-member)*. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.

(B) *Town Board Member or Chairperson*. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two years, as allowed under Wis. Stat. § 66.0501(2), concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two years from the previous April 30. (Ord. 02-10-04, passed 2-10-04)

§ 31.16 VACANCIES.

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. (Ord. 02-10-04, passed 2-10-04)

§ 31.17 COMPENSATION; EXPENSES.

The Town Board of the Town of Medford hereby sets a per diem allowance of \$25 per meeting for citizen and Town Board members of the Plan Commission, as allowed under Wis. Stat. § 66.0501(2). In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under Wis. Stat. § 60.321. (Ord. 02-10-04, passed 2-10-04)

§ 31.18 EXPERTS AND STAFF.

The Plan Commission may, under Wis. Stat. § 62.23(1), 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.

(Ord. 02-10-04, passed 2-10-04)

§ 31.19 RULES; RECORDS.

The Plan Commission, under Wis. Stat. § 62.23(2), 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 Wis. Stat. §§ 19.21-19.39.

(Ord. 02-10-04, passed 2-10-04)

§ 31.20 CHAIRPERSON AND OFFICERS.

(A) *Chairperson.* The Plan Commission Chairperson shall be appointed and serve a term as provided in §§ 31.14 and 31.15 of this subchapter. 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 Wis. Stat. § 19.88(1), 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 Wis. Stat. § 19.88(1), 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.

(Ord. 02-10-04, passed 2-10-04)

§ 31.21 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, Wis. Stat. § 19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on Public Records, §§ 19.21-19.39; Code of Ethics for Local Government Officials, §§ 19.42, 19.58 and 19.59; Open Meetings, §§ 19.81-19.89; Misconduct in Office, § 946.12; and Private Interests in Public Contracts, § 946. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.
(Ord. 02-10-04, passed 2-10-04)

§ 31.22 GENERAL AND MISCELLANEOUS POWERS.

The Plan Commission, under Wis. Stat. § 62.23(4), 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 Wis. Stat. § 66.019, or other court-issued warrant.
(Ord. 02-10-04, passed 2-10-04)

§ 31.23 TOWN COMPREHENSIVE PLANNING; GENERAL AUTHORITY AND REQUIREMENTS.

(A) The Plan Commission shall make and adopt a comprehensive plan under Wis. Stat. §§ 62.23 and 66.1001, which contains the elements specified in Wis. Stat. § 66.1001(2), and follows the procedures in Wis. Stat. § 66.1001(4).

(B) The Plan Commission shall make and adopt the comprehensive plan 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 affecting land use must be consistent with the Town Comprehensive Plan under Wis. Stat. § 66.1001(3).

(C) 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.

(Ord. 02-10-04, passed 2-10-04)

§ 31.24 PROCEDURES FOR PLAN COMMISSION ADOPTION AND RECOMMENDATION OF A TOWN COMPREHENSIVE PLAN OR AMENDMENT.

The Plan Commission, in order to ensure that the requirements of Wis. Stat. § 66.1001(4) 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 Wis. Stat. § 66.100 (4)(b), 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 Wis. Stat. § 66.1001, namely that:

(1) The Town Board adopted written (1) 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 Wis. Stat. § 66.1001(4), and division (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) After September 1, 2003, 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.
(Ord. 02-10-04, passed 2-10-04)

§ 31.25 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, Wis. Stat. §§ 60.22(3), 61.35 and 62.23(7), a town construction site erosion control and stormwater management zoning ordinance under Wis. Stat. § 60.627(6), a town exclusive agricultural zoning ordinance under Wis. Stat. subchapter V of Chapter 91, and any other zoning ordinance within the town's authority.

(2) *Official map.* A proposed official map ordinance under Wis. Stat. § 62.23(6).

(3) *Subdivisions.* A proposed town subdivision or other land division ordinance under Wis. Stat. § 236.45.

(4) *Other*. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).

(2) *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.

(3) *Non-regulatory programs*. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory 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.

(4) *Program administration*. The Plan Commission shall, pursuant to town ordinances, have the following powers.

(a) Zoning conditional use permits. The zoning administrator shall refer applications for conditional use, special exception permits under town zoning to the Plan Commission for review and recommendation to the Town Board as provided in the town zoning ordinances.

(b) Subdivision review. Proposed plats under Wis. Stat. Chapter 236 and proposed subdivisions or other land divisions under the town subdivision ordinance under Wis. Stat. § 236.45 shall be referred to the Plan Commission for review and recommendation to the Town Board.

(5) *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 Wis. Stat. §§ 62.23 and 66.1001, 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.

(Ord. 02-10-04, passed 2-10-04)

§ 31.26 REFERRALS TO THE PLAN COMMISSION.

(A) Required referrals under Wis. Stat. § 62.23(5). 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 Wis. Stat. Chapter 236, divisions under a town subdivision or other land division ordinance adopted under Wis. Stat. § 236.45.

(6) The location, character and extent or acquisition, leasing or sale of lands for:

- a. Public or semi-public housing;
- b. Slum clearance;
- c. Relief of congestion; or
- d. Vacation camps for children.

(7) The amendment or repeal of any ordinance adopted under Wis. Stat. § 62.23, including ordinances relating to the Town Plan Commission; the Town Master Plan or the Town Comprehensive Plan under Wis. Stat. § 66.1001; a town official map; and town zoning under village powers.

(B) *Required referrals under sections of the Wisconsin Statutes other than Wis. Stat. § 62.23(5).* 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 Wis. Stat. 48.68(3).

(2) An application for initial licensure of a community-based residential facility under Wis. Stat. § 50.03(4).

(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 Wis. Stat. § 66.0905.

(4) Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stat. § 66.1007.

(5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stat. § 66.1107.

(6) Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stat. § 66.1109.

(7) A proposed housing project under Wis. Stat. § 66.1211(3).

(8) Matters relating to urban redevelopment and renewal in the town required to be referred under Wis. Stat. subchapter XIII of Chapter 66.

(9) The adoption or amendment of a town subdivision or other land division ordinance under Wis. Stat. § 236.45(4).

(10) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(C) *Required referrals under this subchapter.* In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

(1) Any proposal, under Wis. Stat. § 59.69, for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.

(2) Proposed regulations or amendments relating to historic preservation under Wis. Stat. § 60.64.

(3) A proposed driveway access ordinance or amendment.

(4) A proposed town official map ordinance under Wis. Stat. § 62.23(6), or any other proposed town ordinance under Wis. Stat. § 62.23, 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 Wis. Stat. § 62.23, including a town construction site erosion control and stormwater management zoning ordinance under Wis. Stat. § 60.627(6), and a town exclusive agricultural zoning ordinance under Wis. Stat. subchapter V of Chapter 91.

(6) An application for a conditional use, special exception permit under the town zoning ordinance. (Note: Assuming that the Town Board, rather than the Plan Commission, grants these permits under Wis. Stat. § 62.23(7)(e) 1, and the town's ordinances.)

(7) A proposed site plan. (Note: Assuming that the Town Board has final authority, and that such review is not already covered by town zoning or subdivision ordinances.)

(8) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stat. § 62.23(7a).

(9) A proposed boundary change pursuant to an approved cooperative plan agreement under Wis. Stat. § 66.0307, or a proposed boundary agreement under Wis. Stat. § 66.0225, or other authority.

(10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stat. § 66.0307(7m).

(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 implementation measure, between the town and the regional planning commission, under Wis. Stat. § 66.0309, 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 Wis. Stat. § 66.0435.

(14) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Wis. Stat. § 66.1009.

(15) A proposed town airport zoning ordinance under Wis. Stat. § 114.136(2).

(16) A proposal to create environmental remediation tax incremental financing in the town under Wis. Stat. § 66.1106.

(17) A proposed county agricultural preservation plan or amendment, under Wis. Stat. subchapter IV of Chapter 91, referred by the county to the town, or proposed town agricultural preservation plan or amendment.

(18) Other (specify).

(19) 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 Wis. Stat. § 236.45, 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 Wis. Stat. § 66.0301, or other statute, affecting land use, or a municipal revenue sharing agreement under Wis. Stat. § 66.0305.
- (6) A proposed plat or other land division under the county subdivision or other land division ordinance under Wis. Stat. § 236.45.
- (7) A proposed county plan, under Wis. Stat. 236.46, 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 30 day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The 30 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 30 day referral period if deemed advisable.

(Ord. 02-10-04, passed 2-10-04)

CHAPTER 32: EMERGENCY MANAGEMENT

Section

32.01 Joint action emergency government plan of organization adopted

§ 32.01 JOINT ACTION EMERGENCY GOVERNMENT PLAN OF ORGANIZATION ADOPTED.

(A) A joint action ordinance of the Board of Supervisors of Taylor County providing for a county-municipal joint action emergency government plan of organization was adopted by the County Board on July 18, 1972. The county ordinance is made a part hereof by reference and is accepted by the Town of Medford. The action ordinance shall constitute a mutual agreement between the Town of Medford and the County of Taylor as provided by Section 7 of the joint action ordinance.

(B) The County-Municipal Emergency Government Coordinator, appointed and employed by the Taylor County Board as provided in the referenced ordinance, is designated and appointed Emergency Government Coordinator for the town subject to the conditions and provisions as set forth in the Wisconsin Statutes and the county joint action ordinance.

(Ord. 6-72, passed 8-8-72)

CHAPTER 33: TAXATION AND FINANCE

Section

Refunds of Tax Payments in Excess of Tax Bill Amounts

- 33.01 Purpose and intent
- 33.02 Authority
- 33.03 Required procedures of Treasurer upon payment of excess amount over tax bill amount
- 33.04 Required procedures of Clerk upon notification from Treasurer of excess payment of tax bill amount
- 33.05 Issuance of disbursement from local treasury
- 33.06 Mailing or delivery of refund check to taxpayer/claimant

Assessments

- 33.15 Confidentiality of income and expenses provided for assessment purposes

REFUNDS OF TAX PAYMENTS IN EXCESS OF TAX BILL AMOUNTS

§ 33.01 PURPOSE AND INTENT.

It is the declared intent of this subchapter that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this subchapter within 15 business days of the payment. Further, it is the declared intent that this policy shall be in full force and effect upon adoption by the Town Board with the purpose of complying with Wis. Stat. § 74.03 (2) (as adopted by 1997 Wis. Act 315).

(Ord. 11-2-98, passed 11-9-98)

§ 33.02 AUTHORITY.

This subchapter is adopted pursuant to the authority granted to Town Boards under Wis. Stat. § 60.44(2) to adopt an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.

(Ord. 11-2-98, passed 11-9-98)

§ 33.03 REQUIRED PROCEDURES OF TREASURER UPON PAYMENT OF EXCESS AMOUNT OVER TAX BILL AMOUNT.

Pursuant to Wis. Stat. § 60.34, upon receipt of tax payments in excess of the tax bill, the Town Treasurer shall deposit as soon as practicable all payments in the name of the town in public depositories designated by the Town Board. Upon verification by the Town Treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but not later than seven days after depositing, the Treasurer shall notify the Town Clerk in writing of the following: the name and mailing address of the taxpayer for whom a refund in excess of the tax bill amount is due, the amount of the refund in excess of the tax bill, the date payment was received and a statement that the payment as made has cleared and not been returned as insufficient funds.

(Ord. 11-2-98, passed 11-9-98)

§ 33.04 REQUIRED PROCEDURES OF CLERK UPON NOTIFICATION FROM TREASURER OF EXCESS PAYMENT OF TAX BILL AMOUNT.

(A) Upon written notification from the Town Treasurer that a taxpayer has made a tax payment in excess of the tax bill amount, the Town Clerk shall issue the normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount upon finding the following:

(1) Funds are available to pay the bill, assuming the tax payment has cleared and not been returned as is evidenced by the Treasurer's notice.

(2) The Town Board has authorized the refund of excess tax payments as established by the adoption of this subchapter.

(3) The refund is due in the amount noticed by the Town Treasurer as a tax payment in excess of the amount of the tax bill.

(4) The refund is a valid claim against the town, being a payment in excess of the tax bill amount.

(B) Further, the Town Clerk shall prepare monthly, to be submitted to the Town Board at each monthly Board meeting, claims paid under this procedure listing the amount of the claim, the date paid, the name of the taxpayer/claimant and that the payment was a refund for excess tax payment.

(Ord. 11-2-98, passed 11-9-98)

§ 33.05 ISSUANCE OF DISBURSEMENT FROM LOCAL TREASURY.

Upon approval of a voucher (or proper authorization) by the Town Clerk under the procedures listed in § 33.04, a refund check payable to the taxpayer/claimant named in the voucher or authorization and

in the amount approved shall be written by the Town Clerk and countersigned by the Town Treasurer and the Town Chairperson, pursuant to Wis. Stat. § 66.042, and shall be issued not more than 15 business days from the date the tax payment was received by the Town Treasurer as noticed by the Town Treasurer in § 33.03.

(Ord. 11-2-98, passed 11-9-98)

§ 33.06 MAILING OR DELIVERY OF REFUND CHECK TO TAXPAYER/CLAIMANT.

Upon issuance of the proper countersigned refund check, pursuant to the procedures in this subchapter, the refund check shall be mailed to the last known mailing address of the taxpayer/claimant by the Town Clerk.

(Ord. 11-2-98, passed 11-9-98)

ASSESSMENTS

§ 33.15 CONFIDENTIALITY OF INCOME AND EXPENSES PROVIDED FOR ASSESSMENT PURPOSES.

(A) This section adopts by reference Wis. Stat. § 70.47(7)(af). Income and expense information provided by 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 Wis. Stat. § 19.35(1).

(B) An officer may make disclosure of such information under the following circumstances:

(1) The assessor has access to such information in the performance of his/her duties.

(2) The Board of Review 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 of Review or by filing a claim for excessive assessment under Wis. Stat. § 74.37, in which case the base records are open and public.

(Ord. 4-13-2000-1, passed 4-13-01)

CHAPTER 34: ELECTIONS

Section

- 34.01 Poll hours
- 34.02 Elections inspector hours

§ 34.01 POLL HOURS.

(A) *Purpose and intent.* It is the declared intent of this section that the town change its polling hours from 9:00 a.m. through 8:00 p.m. to 8:00 a.m. through 8:00 p.m. for the purpose of better convenience for the public per Wis. Stat. § 6.78(2).

(B) *Authority.* This section is adopted pursuant to the authority granted to town boards under Wis. Stat. § 6.78(2) to adopt the election polling hours of 8:00 a.m. through 8:00 p.m.

(C) *Notice.* Notice of the change of hours shall be given by publication in the *Star News* newspaper under Wis. Stat. Chapter 985, once each week for two successive weeks, with the first insertion not less than eight days before the election. The new hours shall take effect only after the notice provisions have been complied with. This section applies to all future election; notice need be given only for the first election affected by the change.

(Ord. 1, passed 1-9-01)

§ 34.02 ELECTIONS INSPECTOR HOURS.

Appointment of alternative election officials. The Town Clerk shall have the discretion to hire election officials to work less than a full day on the day of the election.

(Ord. 11-10-15, passed 11-10-15)

