

CHAPTER 1

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GENERAL PROVISIONS

1.01 ELECTIONS AND ELECTED OFFICIALS. (1) ELECTIONS. The Town shall conduct its elections according to the primary system rather than the caucus system.

(2) ELECTED OFFICIAL. (a) Town Chairman. The Town Chairman, shall be elected for a 2 year term, in the odd-numbered years.

(b) Supervisors. The number of supervisors in the Town shall be 4. At the spring election for 1987 and each year thereafter 2 supervisors shall be elected for 2 year terms each.

(c) Terms of Office. The terms of elected town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended until the 3rd Tuesday of April in the same year in which the terms would otherwise have expired.

SECTION 2: The Town of Ottawa Municipal Code, Chapter 1 entitled "GENERAL PROVISIONS", Section 1.02 entitled "APPOINTED OFFICIALS" is hereby repealed and recreated as follows:

1.02 APPOINTED OFFICIALS. Appointed officials of the Town shall be the following, all of whom shall be appointed by the Town Chairman, subject to confirmation by the Town Board:

- (1) Attorney.
- (2) Building Inspector.
- (3) Fire District Representative.
- (4) Engineer.
- (5) Animal Control Officer.
- (6) Weed Commissioner.
- (7) Zoning Administrator.
- (8) Assessor.
- (9) Clerk/Treasurer.

1.03 OATHS AND BONDS. Except as provided in §60.31(3), Wis. Stats., elected and appointed officials shall take and file the official oath within 5 days after notice of their notice of their election or appointment as provided in §60.31, Wis. Stats., and shall execute and file the official bond as required by State Statutes and this General Code.

1.04 REMOVALS. (1) ELECTED OFFICIALS. Elected Officials may be removed by the judge of the Circuit Court for cause pursuant to §17.13(3), Wis. Stats.

(2) APPOINTED OFFICIALS. Appointed officials may be removed as provided in §§17.13(1) and (3), Wis. Stats.

1.05 VACANCIES. (1) HOW OCCURRING. Vacancies in elective and appointive positions are caused as provided in §17.03, Wis. Stats.

(2) HOW FILLED. Vacancies in elective and appointive offices shall be filled as provided in §17.25, Wis. Stats.

1.06 COMPENSATION. The compensation of all elected and appointed officials, including members of boards and commissions, shall be as determined by the annual Town meeting or the Town Board, where applicable when authorized under §60.10(2)(k), Wis. Stats., provided salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office. (See §60.32, Wis. Stats.)

1.07 RECEIPT OF GIFTS AND GRATUITIES. (1) RESTRICTED. No Town employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who:

(a) Has or is seeking to obtain contractual or other business or financial relationships with the Town or Town Board; or

(b) Conducts operations or activities which are regulated by the Town or Town Board; or

(c) Has interests which may be substantially affected by the Town or Town Board.

(2) PENALTY. The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the Town and is punishable as provided in §946.12, Wis. Stats. Such conduct shall also be punishable under §25.04 of this General Code.

1.08 DUTIES. The duties of all elected or appointed officials and employees of the Town shall be as prescribed by the applicable Wisconsin Statutes pertaining to Town officials and such additional duties and responsibilities as set from time to time by the Town Board.

## GENERAL GOVERNMENT 1.09

1.09 NONDISCRIMINATION. The Town and its representatives shall not discriminate against or interfere with any employee on account of membership or nonmembership in any labor organization. Nor shall the Town or its representatives discriminate with respect to any employee because of age, race, creed, color, handicap, marital status, national origin, sex, ancestry, sexual orientation, arrest or conviction records.

1.10 QUALIFICATIONS FOR ELECTED OFFICE. No person not an elector of the Town shall hold any elected Town office and no person shall hold the office of Treasurer and Assessor at the same time.

1.11 VILLAGE POWERS ADOPTED. At the annual Town meeting on April 3, 1951, a motion was adopted granting the Town Village Powers.

## OFFICIALS

1.12 TOWN CHAIRMAN AND SUPERVISORS. (1) ELECTION AND TERM. See §1.01.

(2) POWERS AND DUTIES. (a) Town Chairman. See §60.24, Wis. Stats.

(b) Town Board. The Town Board shall have all powers of the Town not specifically given to some other body or officer. Except as otherwise provided by law, the Town Board shall have the management and control of the Town property, finances, highways, streets, utilities and the public service, and may act for the government and good order of the Town, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The Town Board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the Town Board shall have the powers enumerated in §§60.22 and 60.23, Wis. Stats. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

1.13 ZONING ADMINISTRATOR. (1) DESIGNATION. The Town Planning Commission shall designate a member of its staff or the Town Building Inspector a Zoning Administrator for the administration and enforcement of the provisions of the Waukesha County Zoning Ordinance under its direction.

(2) DUTIES. In the administration and enforcement of this chapter the Zoning Administrator shall perform the following duties:

(a) Accept and issue the necessary zoning and occupancy and use permits provided the provisions of the Waukesha County Zoning Ordinance and of any applicable building code have been complied with, and make or cause to be made the necessary inspections.

(b) Keep an accurate record of all zoning and occupancy and use permits issued.

(c) Keep accurate records and maps of the zoning ordinance and any amendments or changes thereto.

GENERAL GOVERNMENT 1.13(2)(d)

(d) Coordinate all duties and obligations imposed upon the Town by the Waukesha County Zoning Ordinance in the proper administration of such ordinance pursuant to §14.04 of this General Code.

BOARDS AND COMMISSIONS

1.15 PLANNING COMMISSION. (1) CREATION. A Town Plan Commission is hereby established to consist of the Town Chairman, who shall be its presiding officer, and six citizens of the Town. The six citizen members shall be appointed by the Town Chairman, subject to confirmation by the Town Board. Each citizen member shall serve for a term of three (3) years. The appointment of the citizen members shall be scheduled so that at least one (1) appointment is made each calendar year and the terms of the members shall not all terminate during any one calendar year. In addition, the Town Board Supervisor who is authorized to perform the duties of the Town Chairman at Town Board meetings pursuant to Section 2.04(2) of this Code shall be an alternate member of the Plan Commission to serve as a member of the Plan Commission in the absence of any Plan Commission member, and to serve as presiding officer of the Plan Commission in the absence of the Town Chairman.

- (2) RULES OF PROCEDURE. The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.
- (3) MISCELLANEOUS POWERS OF THE COMMISSION. The Commission may make reports and recommendations relating to the plan and development of the Town to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the Town Board programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission with a reasonable time such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.
- (4) MATTERS REFERRED TO TOWN PLANNING COMMISSION. (a) In addition to matters specifically required by ordinance to be referred to the Town Plan Commission, the Town Board shall refer to the Planning Commission for its consideration and report, before a final action is taken by it, the following matters:
1. The location and architectural design of any public building.
  2. The location of any statute or other memorial.

GENERAL GOVERNMENT 1.15(4)(a)3.

3. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land or lease of land for any street, alley or other public way, park, playground, area for parking vehicles or other memorial or public grounds.

4. The location, extension, abandonment or authorization for any public utility, whether publicly or privately owned.

5. All plats of land in the Town or within the territory over which the Town is given platting jurisdiction by Ch. 236.

6. The location, character and extent of acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children.



BOARDS AND COMMISSIONS

1.16 CEMETERY BOARD. (1) A Cemetery Board is hereby established to consist of three (3) citizens of the Town of Ottawa. The members shall be appointed by the Town Chairperson, subject to confirmation by the Town Board. Each member shall serve for a term of three (3) years. The appointment of the members shall be scheduled so one (1) appointment is made each calendar year.

(2) The Cemetery Board shall provide management, control, operation and care for the Ottawa Cemetery. The Cemetery Board shall elect a chairperson, and that chairperson, or his/her designee, shall be the person primarily in charge of the daily cemetery operation.

(3) The Town Board shall, by separate resolution, develop, approve and enforce written regulations for the operation and use of the Ottawa Cemetery. Copies of these regulations shall be kept by the Cemetery Board and shall be provided to any person purchasing a grave site in the Ottawa Cemetery.

(4) The Town Chairperson and the Town Clerk shall sign all conveyances for cemetery lots. The Cemetery Board Chairperson shall be responsible to maintain the cemetery books detailing the names of the grantee, the consideration and the residence of the grantee of any cemetery lot.

(5) Fifty percent (50%) of all money received from the sale of lots in the Ottawa Cemetery shall be placed in a separate, designated endowment fund. All interest from this fund may be used by the Town for the maintenance and operation of the cemetery. The principal of the endowment fund shall not be used by the Town for maintenance or operation expenses unless funds for this purpose are unavailable from other sources or such funds from other sources are insufficient for proper care and maintenance of the cemetery. The remaining fifty percent (50%) of all money received from the sale of lots in the Ottawa Cemetery shall be deposited in the Town's General Fund for unrestricted expenditures.

(6) Any person who violates any term of this Ordinance or any rule or regulation of the Ottawa Cemetery shall be subject to penalties as provided in Section 25.04 of the Town of Ottawa Code of Ordinances.

BOARDS AND COMMISSIONS

1.17 THE JOINT BOARD OF FIRE COMMISSIONERS. (1) JOINT BOARD OF FIRE COMMISSIONERS CREATED. There is hereby created a joint board of fire commissioners for the Dousman Fire District pursuant to Section III herein.

(2) MEMBERSHIP AND TERMS. The joint board of fire commissioners shall consist of six (6) members, two (2) of whom shall be appointed from the Town of Ottawa, two (2) from the Town of Summit and two (2) from the Village of Dousman, a quorum of which shall be four (4) members. The term of office of said commissioners shall be five (5) years with the provision, however, that the Town of Summit shall appoint the first two (2) commissioners for a one-year and a five-year term, respectively; the Town of Ottawa shall appoint a commissioner for a two-year term and another commissioner for a three-year term, and the Village of Dousman shall appoint a commissioner for a one-year term and another for a four-year term. Thereafter, each position shall be appointed for full five-year terms at the expiration of these original terms. All commissioners appointed shall be citizens of the municipality from which they are appointed, and shall not be members of the respective governing bodies, the Fire District or the Department.

(3) AUTHORITY OF THE JOINT BOARD. The joint board of fire commissioners created herein shall be governed by the procedures outlined in Section 62.13, Wisconsin Statutes, and the joint board shall, at its first meeting, elect from its membership a chairperson and a secretary. The joint board of fire commissioners may utilize the services of the Deputy Secretary of the Fire District as its Recording Secretary. The chairperson and secretary shall be re-elected every year in the month of July. The joint board shall not be granted the optional powers contained in Section 62.13(6), Wis. Stats.

(4) MEETINGS. The joint board of fire commissioners shall meet only on call of the chairperson. However, the chairperson may schedule more frequent meetings if it's deemed necessary at any time.

## BOARD OF REVIEW

1.18 BOARD OF REVIEW. A. MEMBERSHIP. The membership of the Board of Review shall be as described in §70.46(1), Wis. Stats.

B. ALTERNATE MEMBERS. Pursuant to §§ 70.47(6m)(c) and 70.46(1), Wis. Stats., the Town Board allows for appointments of alternates to serve on the Board of Review in the event a Board member is removed or unable to serve for any reason. The Town Chairperson shall appoint, subject to confirmation of the Town Board, one alternate member for a term of five years. The Town Chairperson may appoint, subject to confirmation of the Town Board, additional alternate members, in addition to the one required alternate member. If more than one alternate member is appointed, the Town Chairperson, subject to confirmation of the Town Board, shall designate one of the existing or newly appointed members as first alternate, one as second alternate, and so forth to establish the priority of all alternate members. The terms of any additional alternate members shall be for five years, unless that term must be reduced by one or more years at the time of appointment to ensure that no two alternate members' terms end in the same year. The first alternate member shall act with full power when three members are absent, refuse, or are otherwise unavailable to hear an objection. The second alternate member (if any) shall act with full power when four members (or three members and the first alternate member) are absent, refuse or are otherwise unavailable to hear an objection. Additional alternate members (if any) shall act, in order of their priority, when necessary to provide three members/alternate members to hear any objection.

C. CONFIDENTIALITY OF INCOME AND EXPENSE INFORMATION PROVIDED TO ASSESSOR. Pursuant to § 70.47(7)(af), Wis. Stats., income and expense information provided by a property owner to an Assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under § 19.35(1), Wis. Stats. Notwithstanding the foregoing, 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 of 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 § 74.37, Wis. Stats., in which case the records are open and public.

D. FILING AND ELECTRONIC TRANSMISSION. Filing documents with the Clerk of the Board of Review may be accomplished in-person, by mail, by facsimile transmission or by e-mail transmission. In each case the document is not deemed to be filed until, and it is only deemed to be filed if, it is complete and (i) it is actually received by the Clerk in-hand, in the case of in-person delivery, mail or facsimile; or (ii) it is opened by the Clerk, in the case of email. No document transmitted by facsimile transmission or by email transmission while the Board of Review is in session shall be deemed filed with the Clerk during the session. Any message left orally by telephone voice recording or other electronic means, similarly, is not deemed to be received until such message is actually heard by the Clerk. The party transmitting the document or message is solely responsible for ensuring its timely and complete receipt and filing.

ELECTIONS

1.20 REGISTRATION OF VOTERS REQUIRED. (1) The Town shall require registration of voters pursuant to §6.27, Wis. Stats.

(2) The Town Clerk shall have control of elector registration within the Township and shall prepare, continue and revise the registry, and is required to proceed with the registration of voters, all in the manner provided by law.

(3) No elector in the Town shall be permitted to vote unless registered in the manner provided by law, unless exempt from such requirement.