

## Chapter 2

### ADMINISTRATION\*

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\* **Cross References:** Any ordinance promising or guaranteeing the payment of money for the village or authorizing the issuance of any bonds or notes of the village, any evidence of the village's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the village saved from repeal, § 1-10(2); any administrative ordinances of the village not in conflict or inconsistent with the provisions of this Code, including but not limited to letting contracts without bids and releasing persons from liability saved from repeal, § 1-10(3); administration of recycling, § 42-37; utilities, ch. 54.

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**ARTICLE I.**  
**IN GENERAL**

**Sec. 2-1. Election poll hours.**

The polls at any election in the village will open at 7:00 a.m. and close at 8:00 p.m.  
(Ord. No. 4-06, § 2, 5-11-2006)

**Sec. 2-2. Compensation for election officials.**

Every individual who is charged with any duties relating to the conduct of an election within the village and who is employed by the village for that purpose shall be paid at a rate of the federal minimum wage per hour actually worked.  
(Ord. of 5-14-1998)

**Sec. 2-3. Salaries and compensation.**

(a) *Purpose.* In order to protect the public trust and demonstrate good fiscal policy the village board has determined a need to regulate the distribution of the village board salaries to reflect meeting attendance and routine and customary village business for the elected officials pursuant to ss. 66.196 and 61.23, Wis. Stats.

(b) *Salaries.* The salaries of the village board shall be as established by the village board from time to time.

(c) *Salary distribution.* The yearly salary pay period for the village board shall extend from the third Tuesday of April of one calendar year to the third Monday of April of the subsequent year. The salaries of the village board shall be paid on the following basis as approved at the April business meeting of each calendar year.

(1) *Attendance of monthly meetings.*

- a. Five hundred dollars of the trustee's annual salary shall be earned on the basis of attendance at the monthly business meetings. A trustee shall attend a minimum of ten monthly business meetings each year. For each monthly business meeting not attended after two absences, \$50.00 per monthly business meeting missed shall be deducted from that trustee's salary.
- b. Seven hundred fifty dollars of the village president's annual salary shall be earned on the basis of attendance at the monthly business meetings. The village president shall attend a minimum of ten monthly business meetings each year. For each monthly business meeting not attended after two absences, \$75.00 per monthly business meeting missed shall be deducted from the village president's salary.

(2) *Customary business and duties.* One thousand dollars of the village trustee's annual salary and \$1,250.00 of the village president's annual salary shall be based upon routine and customary business and administrative services conducted by the village board members throughout the year and not covered during the monthly business meetings.

(d) *Special board meetings, budget workshops and board of review.* Compensation for attendance at

special meetings, budget workshops and board of review, other than the regularly scheduled monthly business meetings, shall be \$50.00 for each village trustee who is in attendance and \$75.00 for the village president. The compensation for each special meeting may be waived through a simple motion by the village board members present at the special meeting.

(Ord. No. 4-99, §§ 1--4, 6-10-1999)

#### **Sec. 2-4. Confidentiality of income and expense statement.**

Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to s. 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis, except, however, that such information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the assessor under s. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per s. 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under s. 19.35(1), Wis. Stats.

(Ord. No. 2-02, § 1, 5-9-2000)

#### **Secs. 2-5--2-30. Reserved.**

### **ARTICLE II.**

#### **OFFICERS AND EMPLOYEES\***

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\* **Cross References:** Any ordinance establishing positions, classifying positions, or setting salaries of village officers and employees, or any personnel regulations saved from repeal, § 1-10(14); fire inspector: duties, § 18-36; treasurer: duties, § 18-37; weed commissioner, appointment, § 58-34.

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#### **Secs. 2-31--2-60. Reserved.**

### **ARTICLE III.**

#### **ADMINISTRATIVE POWER**

#### **Sec. 2-61. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Municipal authority* means the village board, board, commission, committee, agency, officer, employee, or agent of the village making a determination under section 2-62, and every person, committee or agency of the village appointed to make an independent review under subsection 2-68(b).

(Ord. No. 197, § 1(24.04), 8-12-1976)

#### **Sec. 2-62. Review of administrative determinations.**

Any person aggrieved by an administrative determination of the village board, or a board, commission, committee, agency, officer or employee of the village or agent acting on its behalf, may have such

determination reviewed as provided in this article. The remedies under this article shall not be exclusive, but an election to proceed under this article shall be an election of remedies.

(Ord. No. 197, § 1(24.01), 8-12-1976)

**Sec. 2-63. Determinations reviewable.**

The following determinations are reviewable under this article:

- (1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- (2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege or authority, except as provided in subsection 2-64(4).
- (3) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (5) The suspension or removal of a village officer or employee except as provided in subsections 2-64(2) and (7).

(Ord. No. 197, § 1(24.02), 8-12-1976)

**Sec. 2-64. Determinations not subject to review.**

The following determinations are not reviewable under this article:

- (1) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the village board.
- (2) Any action subject to administrative or judicial review procedures under statute or other provisions of this Code.
- (3) The denial of a tort or contract claim for money required to be filed with the village under s. 62.25, Wis. Stats.
- (4) The grant, denial, suspension or revocation of a fermented malt beverage license or intoxicating liquor license under s. 125.12, Wis. Stats.
- (5) Judgments and orders of a court.
- (6) Determinations made during municipal labor negotiations.
- (7) Determinations subject to grievance, arbitration, or other procedures provided in collective bargaining agreements.

(Ord. No. 197, § 1(24.03), 8-12-1976)

### **Sec. 2-65. Persons aggrieved.**

A person aggrieved includes any individual, partnership, corporation, association, or public or private organization, or officer, department, board, commission or agency of the village whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the village who is aggrieved may initiate review under this article of a determination of any other department, board, commission, agency, officer or employee of the village, but may respond or intervene in a review proceeding under this article initiated by another.  
(Ord. No. 197, § 1(24.05), 8-12-1976)

### **Sec. 2-66. Reducing determination to writing.**

If a determination subject to this article is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of his right to have such determination reviewed, that such review may be obtained within 30 days, and the office or person to whom a request for review shall be addressed.  
(Ord. No. 197, § 1(24.06), 8-12-1976)

### **Sec. 2-67. Request for review of determination.**

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.  
(Ord. No. 197, § 1(24.07), 8-12-1976)

### **Sec. 2-68. Review of determination.**

(a) *Initial determination.* If a request for review is made under section 2-67, the determination to be reviewed shall be termed an initial determination.

(b) *Who shall make review.* A review under this article may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the village, appointed by the village president, without confirmation, shall be provided if practicable.

(c) *When to make review.* The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.

(d) *Right to present evidence and argument.* The person aggrieved may file with his request for review or within the time agreed with the municipal authority written evidence and argument in support of his position with respect to the initial determination.

(e) *Decision on review.* The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.  
(Ord. No. 197, § 1(24.08), 8-12-1976)

### **Sec. 2-69. Administrative appeal.**

(a) *From initial determination or decision on review.*

(1) If the person aggrieved had a hearing substantially in compliance with section 2-70 when the initial determination was made, he may elect to follow sections 2-66 through 2-68, but is not entitled to a further hearing under section 2-70 unless granted by the municipal authority. He may, however, seek judicial review under section 2-72.

(2) If the person aggrieved did not have a hearing substantially in compliance with section 2-70 when the initial determination was made, he shall follow sections 2-66 through 2-68 and may appeal under this section from the decision made under section 2-68.

(b) *Time within which appeal may be taken under this section.* Appeal from a decision on review under section 2-68 may be taken within 30 days of notice of such decision.

(c) *How appeal may be taken.* An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.  
(Ord. No. 197, § 1(24.09), 8-12-1976)

### **Sec. 2-70. Hearing on administrative appeal.**

(a) *Time of hearing.* The village shall provide the appellant a hearing on an appeal under section 2-69 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the village attorney, who shall forthwith advise the village president of such appeal.

(b) *Conduct of hearing.* At the hearing, the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The village president shall appoint, without confirmation, an impartial decision maker, who may be an officer, committee, board or commission of the village, or the village board, who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the village president to conduct the hearing and report to the decision maker.

(c) *Record of hearing.* The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the village.

(d) *Hearing on initial determination.* Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person

directly affected an opportunity to be heard in accordance with this section before making such determination. (Ord. No. 197, § 1(24.10), 8-12-1976)

**Sec. 2-71. Final determination.**

(a) Within 20 days of completion of the hearing conducted under section 2-70 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.

(b) A determination following a hearing substantially meeting the requirements of section 2-70 or a decision on review under section 2-68 following such hearing shall be a final determination, judicial review of which may be obtained under section 2-72. (Ord. No. 197, § 1(24.11), 8-12-1976)

**Sec. 2-72. Judicial review.**

(a) Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.

(b) The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the transcript at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the village and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript. (Ord. No. 197, § 1(24.12), 8-12-1976)

**Sec. 2-73. Legislative review.**

(a) Seeking review pursuant to this article does not preclude a person aggrieved from seeking relief from the village board or any of its boards, commissions, committees or agencies which may have jurisdiction.

(b) If, in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the village board, board, commission, committee or agency shall be made part of the record on review under section 2-72.

(c) The village board, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under section 2-70. (Ord. No. 197, § 1(24.13), 8-12-1976)

**Sec. 2-74. Power to authorize public works projects; investigations.**

The village board shall have the sole and exclusive power to determine whether to authorize expenditures on behalf of the Village of North Prairie pertaining to public works, specifically including the sole and exclusive power to determine whether to approve public works projects, and to borrow funds and enter contracts for public works projects, and no referendum is required except as may be required by state statute, or as described in section 2-75. Prior to exercising this authority, the village board shall ensure that it is well informed and fully advised in order to best serve the government and good order of the village, for the village's commercial benefit, and for the health, safety, and welfare of the public. To ensure that the village board is well-informed and fully advised, the village board shall conduct all investigations as may be necessary, which

may include:

- (1) Authorizing the preparation of studies related to planning, engineering, architectural rendering and feasibility;
- (2) Referring the matter to village staff for report and recommendation;
- (3) Submitting the matter to review by village committees and commissions;
- (4) Investigating financing, such as possible bonding and/or grants and/or cost sharing with other municipal entities;
- (5) Submitting the matter for review by other governmental entities having jurisdiction; and
- (6) Seeking such additional information and advice as the village board deems to be necessary and appropriate.

(Ord. No. 2-04, § 1, 1-8-2004)

### **Sec. 2-75. Limit on construction costs of public works projects.**

Prior to entering any contract for the construction of any public works project which has an estimated cost that exceeds \$2,000,000.00, except in the case of an emergency as determined by the village board, the village board shall submit to the electorate a referendum for approval of the public works project. The wording of any referendum shall provide the specific purpose, location, and estimated cost of the public works project. Nothing in this section shall be construed to preclude the village from exercising its role in the planning or design of any such public works project.

(Ord. No. 2-04, § 2, 1-8-2004)

### **Sec. 2-76. Fees of Village Professionals Charged Back.**

Whenever either the Village Board, Village Clerk or other Village Official has authorized a property owner in the Village of North Prairie to contact the Village Attorney, Engineer or any other of the Village's professional staff or the Village Board, Village Clerk or other Village Official contacts said Village Attorney, Engineer or any of the Village's professional staff or a property owner contacts the Village Attorney, Engineer, or any other of the Village's professional staff, if said contact results in a charge to the Village of North Prairie for that professional's time and services and said service is not a service supplied to the Village of North Prairie as a whole, then and in that event the Villager Clerk shall, pursuant to the provisions of Section 66.60(16), Wis. Stats., charge that service to said property owner for the fees incurred by the Village.

- (a) *Property Owner Allowed Time to Pay.* The Village Clerk shall give each property owner billed for current services as provided for herein a period of time not to exceed thirty (30) days to pay and thereafter if that charge remains unpaid, the Village Clerk shall automatically charge that delinquent bill against the current or next tax roll as a delinquent tax against the property as provided by law. In the event the statement rendered to the property owners or the time given for the property owner to pay is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

(Ord. No. 7-96, 7-11-1996)

### **Secs. 2-77--2-100. Reserved.**

## ARTICLE IV.

### COMMUNITY DEVELOPMENT\*

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\* **Cross References:** Buildings and building regulations, ch. 14; streets, sidewalks and other public places, ch. 46; utilities, ch. 54; vegetation, ch. 58.

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#### **Sec. 2-101. Commission created.**

Pursuant to the authority granted in s. 66.339, Wis. Stats., and s. 66.1325, Wis. Stats., there is hereby created a community development authority in the village to be governed by the "Village of North Prairie Community Development Authority Commission" which will be referred to in this article as the "authority commission."

(Ord. of 4-13-1989, § 1)

#### **Sec. 2-102. Authority; membership; terms of office.**

(a) *Membership.* The authority commission shall consist of seven members, who shall all be residents of the village. Two of the commissioners shall be a member of the village board. All powers of the North Prairie Community Development Authority are vested in the commission.

(b) *Qualifications of commissioners.* In making appointments to the commission, the village board shall give consideration to the general interest of the appointee in redevelopment, slum clearance and urban renewal programs. The village board shall, whenever possible, select representatives from the general public, labor, industry, finance, business group and civic organizations. Appointees shall have sufficient ability and experience in related fields, especially finance and management, to maintain efficiency in the redevelopment program and its planning and direction.

(c) *Appointments, terms and pay of commissioners.*

(1) *Vote required.* The appointment of all commissioners shall be by appointment of the village president and confirmation of the village board as provided for all other village official appointments.

(2) *Terms of office.* The term of office for commissioners shall be four years with the exception that trustee appointees shall serve a term concurrent with the term of the village office. The nonvillage trustee commissioners' initial terms shall be staggered and designated by their appointment with two appointments for one year, one for two years, one for three years, one for four years. Each commissioner shall hold his office until a successor has been appointed and qualified. Vacancies and new appointments shall be filled in the same manner as provided in subsection (c)(1) of this section. Removal of commissioners shall be governed by s. 66.1201, Wis. Stats.

(3) *Pay.* The village board may from time to time establish compensation for commissioners.

(d) *Executive director.* The executive director of the authority commission shall be a person who shall serve the commission as its secretary and advisor and shall perform all duties requested by the commission. The assistant director, to act in the absence of the executive director, shall be appointed by the executive director subject to majority confirmation of the commission.

(Ord. of 4-13-1989, § 2)

### **Sec. 2-103. Jurisdiction, power and duties.**

(a) *Jurisdiction.* Upon the effective date of the ordinance from which this article is derived, except as provided in subsection (b) of this section, the village shall thereafter be precluded from exercising the powers provided in s. 66.1331(4), Wis. Stats., and the authority commission shall have exclusive power to proceed to carry on the blight elimination, slum clearance and urban renewal projects in the village.

(b) *Reservation of rights.* The village shall not be precluded from applying for, accepting and contracting for federal grants, advances or loans where the conditions of such grants, advances or loans require the participation of the village.

(c) *Legal status of the authority commission.* Upon the effective date of this article, the village community development authority is deemed an independent, separate and distinct public body and a body corporate and politic and shall have its own seal.

(d) *Powers and duties.* The authority commission is hereby empowered with all of the powers and duties granted to it by statute, code, ordinance, rule or regulation applicable to enable it to carry out its powers and duties under ch. 66, Wis. Stats. The commission, in addition to all its powers granted in this article, shall have specific authority to take title to real and personal property in its own name, including the right of eminent domain under ch. 32, Wis. Stats., or any other law relating to eminent domain for redevelopment authority. The chair, or the assistant chair in the absence of the chair, and the executive director, or the assistant director in the absence of the executive director, shall have the authority to execute all documents on behalf of the authority commission.

(Ord. of 4-13-1989, § 3)

### **Sec. 2-104. Governmental procedures and operation.**

(a) *Operational meeting.* The authority commission shall, immediately after its membership has been appointed, hold an organizational meeting and perform the following duties:

- (1) Elect a chair, vice chair and treasurer.
- (2) Commence preparation for the adoption of a set of bylaws which shall, after approval of the village board, be adopted and thereafter shall govern the procedure and organization of the authority commission.
- (3) Contractually retain the services of the village engineer, or his designate, village attorney, or his designate, and village financial consultant, or his designate, to represent, assist and advise the authority commission.

(b) *Comprehensive plan of redevelopment.* Except for such redevelopment projects as may be given to the authority commission by the village board, the authority commission shall not commence or undertake any redevelopment projects until it has created an acceptable comprehensive plan of redevelopment as provided in s. 66.1333, Wis. Stats.

(c) *Personnel.* The authority commission may employ such personnel as is required to carry on its duties and responsibilities subject only to budget constraints in section 2-105.

(Ord. of 4-13-1989, § 4)

**Sec. 2-105. Budget.**

On or before September 1 of each year, the authority commission shall prepare and submit to the village board for approval a budget prepared in conformity with s. 65.90, Wis. Stats. The village board shall have the power to alter or modify such budget relating to salaries, office operations or facilities. The village board may levy such taxes and assessments as may be necessary to provide funds for the budget.

(Ord. of 4-13-1989, § 5)

**Sec. 2-106. Limitation of powers.**

Except as expressly reserved or defined in this article, the authority commission is granted all other powers permitted by law.

(Ord. of 4-13-1989, § 6)

**Secs. 2-107--2-130. Reserved.**

**ARTICLE V.**

**PUBLIC RECORDS**

**Sec. 2-131. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Custodian* means that officer, department head, division head, committee chair or employee of the village designated in this article 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 article to respond to requests for access to such records or files.

(b) The applicable definitions in s. 19.32, Wis. Stats., are adopted by reference in this section as if fully set forth and shall apply in this article.

(Ord. No. 262, § 1, 12-9-1982)

**Sec. 2-132. Duty to maintain records.**

(a) Except as provided under section 2-137, each officer and employee of the village shall safely keep and preserve all records received from his 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 deputies, or to the possession or control of which he 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 custody and the successor shall receipt therefor to the officer or employee, who shall file such receipt with the clerk-treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk-treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(Ord. No. 262, § 2, 12-9-1982)

**Sec. 2-133. Legal custodian of records.**

- (a) Each elected official is the legal custodian of his records and the records of his office, but the official may designate an employee of his staff to act as the legal custodian.
- (b) Unless otherwise prohibited by law, the clerk-treasurer or the clerk-treasurer's designee shall act as legal custodian for the village board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the village board.
- (c) For every authority not specified above, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee. In the alternative, the clerk-treasurer or, in his absence or disability or in case of vacancy, the deputy clerk-treasurer is hereby designated the legal custodian of all village records.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under s. 19.21 et seq., Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this article.
- (f) The following public officials are deemed to be the official custodian of their records. This is in addition to the provisions of subsections (a) through (e) of this section and is not intended to be inclusive of all village records.
- (1) *Clerk-treasurer.* The clerk-treasurer shall be custodian of all records of the village and all records required by the clerk-treasurer to be kept. (See subsection (b) of this section.)
  - (2) *Building inspector.* All records of the building inspector shall be kept by the clerk-treasurer.
  - (3) *Assessor.* All records of the assessor shall be kept by the village assessor.
  - (4) *Plan commission.* All records of the plan commission shall be kept by the clerk-treasurer.
  - (5) *Board of appeals.* All records of the board of appeals shall be kept by the clerk-treasurer.
  - (6) *Police department.* All records of the police department shall be kept by the police chief.
  - (7) *Fire department.* All records of the fire department shall be kept by the fire chief.
  - (8) *Weed commissioner.* All records of the weed commissioner shall be kept by the clerk-treasurer.
  - (9) *Municipal court.* All records of the municipal court shall be kept by the court recorder.
  - (10) *Appointed committees and commissions.* Appointed committees and commissions shall keep minutes of their meetings and give to the clerk-treasurer for safekeeping.

(Ord. No. 262, § 3, 12-9-1982)

## **Sec. 2-134. Public access records.**

- (a) Except as provided in section 2-136, any person has a right to inspect a record and to make or receive a copy of any record as provided in s. 19.35(1), Wis. Stats.
- (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 48 hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to village employees to inspect, copy or abstract a record. All copies requested shall be provided by the clerk-treasurer.
- (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 requester shall be charged a fee to defray the cost of locating and copying records as follows:
  - (1) The cost of photocopying shall be \$1.00 per page. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
  - (2) If the form of a written record does not permit copying, the actual and necessary costs of photographing and photographic processing shall be charged.
  - (3) The actual full costs of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
  - (4) If mailing or shipping is necessary, the actual costs thereof shall also be charged.
  - (5) There shall be no charge for locating a record unless the actual costs therefor exceeds \$50.00, in which case the actual costs shall be determined by the legal custodian and billed to the requester.
  - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to ensure payment, if such estimate exceeds \$5.00.
  - (7) Elected and appointed officials of the village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - (8) 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.
- (g) Pursuant to s. 19.34, Wis. Stats., 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 also prominently display at its offices, for the guidance of the public, a copy of ss. 19.31--19.39, Wis. Stats., and sections 2-134 through 2-136. This subsection does not apply to members of the village board.  
(Ord. No. 262, § 4, 12-9-1982)

## **Sec. 2-135. 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 the 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 s. 19.37, Wis. Stats. Except as provided in this section, no request may be refused because the person making the request is unwilling to be identified or to the 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 subsection 2-134(f)(6). 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 request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in section 2-136. 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 s. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.  
(Ord. No. 262, § 5, 12-9-1982)

## **Sec. 2-136. Limitations upon access and withholding.**

(a) *Application of other laws.* Any record which is specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law is exempt from disclosure except that any portion of that record which contains public information is open to public inspection as provided in subsection (f) of this section.

(b) *Law enforcement records.* Except as otherwise provided by law, whenever federal law or regulations require or as a condition to receipt of aids require that any record relating to investigative information obtained for law enforcement purposes be withheld from public access, then that information is exempt from disclosure.

(c) *Contractors' records.* Each authority shall make available for inspection and copying any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority. This subsection does not apply to the inspection or copying of a record under s. 19.35(1)(am), Wis. Stats.

(d) *Computer programs and data.* A computer program, as defined in s. 22.03(4)(c), Wis. Stats., is not subject to examination or copying, but the material used as input for a computer program or the material produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in s. 19.35, Wis. Stats., or this section.

(e) *Trade secrets.* An authority may withhold access to any record or portion of a record containing information qualifying as a trade secret as defined in s. 134.90(1)(c), Wis. Stats.

(f) *Separation of information.* If a record contains information that is subject to disclosure and information that is not subject to such disclosure, the authority having custody of the record shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.

(g) *Identities of law enforcement informants.*

(1) In this subsection:

- a. The term "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 circumstances in which a promise of confidentiality would reasonably be implied, provides information to a law enforcement agency, or is working with a law enforcement agency to obtain information, related in any case to any of the following:
  1. Another person who the individual or the law enforcement agency suspects has violated, is violating or will violate a federal law, a law of any state or an ordinance.
  2. 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.
- b. The term "law enforcement agency" has the meaning given in s. 165.83(1)(b), Wis. Stats., and includes the department of corrections.

(2) If an authority that is a law enforcement agency receives a request to inspect or copy a record or portion of a record 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 makes a determination, 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.

(Ord. No. 262, § 6, 12-9-1982)

### **Sec. 2-137. Destruction of records.**

(a) Village officers may destroy the following nonutility 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 ch. 442, Wis. Stats., 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 s. 16.61(3)(e), Wis. Stats., and then after such shorter period:

(1) Bank statements;

- (2) Canceled checks;
- (3) Receipt forms;
- (4) Vouchers.

(b) Village officers may destroy the following utility records of which they are legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under ch. 442, Wis. Stats., 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 s. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.

- (1) Contracts;
- (2) Excavation permits;
- (3) Inspection records.

(c) Village officers may destroy the following records of which they are 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 s. 16.61(3)(e), Wis. Stats., and then after such a shorter period.

- (1) Old insurance policies;
- (2) Election notices;
- (3) Cancelled registration cards.

(d) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record as provided by s. 19.21(4)(a), Wis. Stats.

(e) Any tape recordings of a governmental meeting of the village may be destroyed, erased or reused no sooner than 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.  
(Ord. No. 262, § 7, 12-9-1982)

#### **Sec. 2-138. 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 possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in s. 16.61(7)(a) and (b), Wis. Stats., 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 2-134 through 2-136.  
(Ord. No. 262, § 8, 12-9-1982)

#### **Secs. 2-139--2-149. Reserved.**

## ARTICLE VI.

### BOARD OF REVIEW

#### Sec. 2-150. Created.

A board of review in and for the Village of North Prairie is hereby created pursuant to s. 70.46, Wis. Stats.  
(Ord. No. 4-04, § 1, 5-13-2004)

#### Sec. 2-151. Membership.

(a) The board of review shall consist of the village president, village clerk, and three citizen members appointed by the village president subject to the confirmation of the village board. The citizen members shall be residents of the village, and may be, but are not required to be, trustees or officers of the village.

(b) The citizen members of the board of review shall serve for a term of three years. The term of office shall begin upon appointment, confirmation and qualification, and shall continue until the qualification of a successor. Initial appointments shall be for terms of one, two and three years respectively to stagger the succeeding three-year terms of office.

(c) Alternate members of the board of review may be appointed by the village president subject to the confirmation of the village board. If more than one alternate is appointed, each alternate position shall be designated by number. Alternate number one shall serve as a member of the board of review in the event a board of review member is absent, refuses to serve, is removed or is unable to serve for any reason. Alternate number two shall serve if two members, or one member and alternate number one, are absent, refuse to serve, are removed or are unable to serve for any reason, and so forth with succeeding appointed alternates. The appointment of alternates, if any, shall be made in May of each year or thereafter as necessary, for a term of one year, and continuing until the qualification of a successor.  
(Ord. No. 4-04, § 1, 5-13-2004)

#### Sec. 2-152. Officers.

Each year, members of the board of review shall organize as follows. The village president or village president's designee shall chair the board of review. The board of review, by a majority vote, shall appoint such other officers as they deem necessary.  
(Ord. No. 4-04, § 1, 5-13-2004)

## ARTICLE VII.

### PLANNING COMMISSION

#### Sec. 2-153. Created.

A Village Plan Commission is hereby created consisting of the Village President, who shall be its presiding officer, a Village Trustee or Board Member, and five citizens so that the Board has at all times seven members. Citizen members shall be persons of recognized experience and qualifications.

### **Sec. 2-154. Membership.**

- (a) The Village Trustee member of the commission shall be elected by a two-thirds vote of the Village Board, upon the creation of the commission, and during each April thereafter.
- (b) The five citizen members shall be appointed by the Village President, upon the creation of the commission, to hold office for a period ending one, two and three years, respectively, from the succeeding first day of May, and thereafter annually during April one such member shall be appointed for a term of three years.
- (c) The Village plan commission shall have the power and authority 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, the appropriation that may be made for such commission by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.

### **Sec. 2-155. Duty and Function.**

It shall be the duty and function of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment bear relation to the development of the municipality provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a municipality may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads, street railways and busses, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the fore-going public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, the general character, extent and layout of the replanning of blighted districts and slum areas, and a comprehensive zoning plan. The commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

### **Section.2-156. Master Plan.**

The master plan shall be made with the general purpose of guiding and accomplishing a co-ordinated adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

(Ord. No. 96, 10-10-1957)