

GENERAL CODE OF ORDINANCES

FOR THE

VILLAGE OF BROWNSVILLE  
WISCONSIN

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## LEGAL STATUS AND ORGANIZATION

1.01 LEGAL STATUS. (Cr. during codification, 2001) The Village of Brownsville is a body corporate and politic, organized under §66.01, Wis. Stats., with those powers granted by law and shall be designated in all actions and proceedings by its name, "Village of Brownsville, Dodge County, Wisconsin".

1.02 DEFINITIONS. (Renum. and recr. fr. §1.04.010) The following words and phrases whenever used in the ordinances of the Village of Brownsville, Wisconsin, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(1) "Board" means the Village Board of the Village of Brownsville. "All its members" or "all Board members" means the total number of Board members holding office.

(2) "Clerk/Treasurer" or "treasurer" unless specifically spelled out to the contrary means the Village of Brownsville "Clerk/Treasurer." (Recr. fr. §1.04.010B.)

(3) "City" and "town" and "Village" each mean the Village of Brownsville, Wisconsin, or the area within the territorial limits of the Village of Brownsville, Wisconsin, and such territory outside of the Village over that the Village has jurisdiction or control by virtue of any constitutional or statutory provision.

(4) "County" means the county of Dodge, Wisconsin.

(5) "Law" denotes applicable federal law, the Constitution and statutes of the State of Wisconsin, the ordinances of the Village of Brownsville, and, when appropriate, any and all rules and regulations that may be promulgated thereunder.

(6) "May" is permissive.

(7) "Month" means a calendar month.

(8) "Must" and "shall" are each mandatory.

(9) "Oath" includes an affirmation or declaration in all cases in that, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(10) "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

(11) "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

(12) "Personal property" includes money, goods, chattels, things in action and evidences of debt.

(13) "Preceding" and "following" means next before and next after, respectively.

(14) "Property" includes real and personal property.

(15) "Real property" includes lands, tenements and hereditaments

(16) "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(17) "State" means the state of Wisconsin.

(18) "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this Village that have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(19) "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

(20) "Written" includes printed, typewritten, mimeographed, multi graphed, or otherwise reproduced in permanent visible form.

(20) "Year" means a calendar year.

1.03 ELECTED OFFICIALS. (Cr. during codification 2001) (1) ENUMERATED. Elected Officials of the Village shall be: (a) Trustees.

(b) Village Board President.

(2) OFFICES. The offices of all elected Village officials shall be in the Brownsville Municipal Building, 514 Railroad Street, Brownsville, Wisconsin 53006..

(3) TRUSTEES; NUMBER, TERMS. (a) The Village shall have 5 trustees, except as provided otherwise in sub. (b), whose term of office shall be 2 years.

(b) The Village may by ordinance change the number of trustees, but such change in the number of trustees shall not affect the term of office of trustees elected prior to the adoption of said ordinance authorizing such change.

(c) Except as otherwise provided by law, the term of office of all Village officers is 2 years. Persons serving in appointive offices shall serve until their respective successors are appointed and qualify. If any officer is absent or temporarily incapacitated for any cause, the Board may appoint some person to discharge the officer's duties until the officer returns or until such disability is removed.

(d) The regular term of office of Village President and Trustees shall commence on the 3rd Tuesday of April in the year of their election. The regular terms of other officers shall commence on May 1 succeeding their election unless otherwise provided by ordinance or statute.

(3) VILLAGE PRESIDENT. (a) A Trustee May Be Appointed President. A Village Trustee shall be eligible for appointment as the Village President to fill an unexpired term.

(b) President Is Trustee and Presiding Officer. The President shall be, by virtue of the office, a trustee and shall preside at all meetings of the Village Board and further shall have a vote as a Trustee.

(4) REMOVAL OF ELECTED OFFICIALS. Elected Officials may be removed as provided in § 17.13, Wis. Stats., or by the judge of the Circuit Court wherein the Village is situated, for cause pursuant to §§17.13 and 17.16, Wis. Stats.

1.04 APPOINTED VILLAGE OFFICIALS. (Cr. during codification 2001) The Village Board may from time to time create positions that may be designated as "Appointed Village Officials". Any such position along with the manner of selection or appointment, tenure, qualifications, authority, powers and duties as established by the Village Board shall be placed on file in the Office of Village Clerk/Treasurer with the same being adopted by reference as if fully set forth herein.

(1) VILLAGE CLERIC/TREASURER. (a) Exemption from State Statutes. The Village elects not to be governed by those portions of §61.19, Wis. Stats., relating to the separate offices of the Clerk/Treasurer and treasurer that conflict with the ordinance codified in this Chapter. Further, the Village elects to be governed by §61.195, Wis.

Stats., relating to the method of selection and tenure of Village officers. (Renum. fr. §2.08.010)

(b) Treasurers Office Combined With Village Clerk. The separate office of the Village Treasurer shall be dispensed with and the office shall be totally consolidated with the office of the Village Clerk/Treasurer. (Renum. fr. §2.08.020)

(c) Village Clerk To Assume Treasurer's Duties. The Village Clerk/Treasurer shall, in addition to the duties of that office (See §61.25, Wis. Scats.), assume also the duties and obligations formerly carried on by the Village Clerk/Treasurer (See §61.26, Wis. Stats.). (Renum. fr. §2.80.030)

(d) Appointment. Instead of being elected, the Clerk/Treasurer of the Village shall be appointed by a two-thirds (2/3) vote of the members-elect of the Village Board. (Renum. fr. §2.80.040)

(e) Term of Office. The Clerk/Treasurer of the Village shall hold office for an indefinite term, subject to removal as provided by law. (Renum. fr. §2.80.050)

(f) Clerk/Treasurer to Notify Officers-Elect; Oath of Office. Within 5 days after the election or appointment of any Village officer the Village Clerk/Treasurer shall notify the person so selected thereof, and every person elected or appointed to any office named in §61.19, Wis. Stats., shall within 5 days after notice of election or appointment take and file the official oath. (Cr. during codification 2001)

(2) **CHIEF OF POLICE.** (a) Pursuant to Wisconsin Statutes sections 61.195, 61.197 and 66.01, the Village of Brownsville elects not to be governed by those portions of sections 61.29 and 61.65 relating to the selection, tenure, and provision of constable and chief of police, and hereby abolishes the offices of constable and chief of police.

(b) **Position Created, Appointment.** There is hereby created the office of marshal, pursuant to Wisconsin Statutes section 61.28, who shall be appointed by a majority of the members-elect of the Village Board.

(c) Said marshal shall hold office for a definite term as provided by contract, giving the marshal no right to hold office beyond that term, and also subject to suspension or removal during such term as provided by law.

(d) Such marshal shall have the powers, privileges and duties as described in Wisconsin Statutes section 61.28, and shall have the powers of constables as stated in section 61.28 (marshal possesses powers of constable), and as described in section 61.29 (powers of constable) and shall perform such other duties as may be required from time to time by the Village Board.

(e) This ordinance shall not and does not in any way affect the right of any person whose term of office has begun by has not expired on the effective date of this ordinance to complete his or her term of office.

(f) This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition shall be filed as provided by Wisconsin Statutes section 66.0101, in which event this ordinance shall not take effect

(3) **VILLAGE ASSESSOR.** (a) Exemption from Designated State Statute. Pursuant to §§61.195, 61.197 and 66.01, Wis. Scats., the Village elects not to be governed by those portions of §§61.19 and 61.23 Wis. Stats., that relate to the selection and tenure of the Village Assessor and that are in conflict with this Chapter. (Renum. fr. §.2.24.010)

(b) Appointment. Following the effective date of this subsection, instead of being elected, the Village Assessor shall be appointed by a vote of two-thirds (2/3) of the members-elect of the Village Board. (Renum. and recr. fr. §.2.24.020)

(c) Term and Removal. The Assessor shall hold office for an indefinite term, subject to removal as provided by law. (Renum. and recr. fr. §.2.24.030)

(d) Qualifications, Duties and Responsibilities. (Cr. during codification 2001) 1. No person may assume the Office of Village Assessor unless certified by the Wisconsin Department of Revenue under §73.09, Wis. Scats., as qualified to perform the functions of the office of assessor. If a person who has not been so certified is elected to the office, the office shall be vacant and the appointing authority shall fill the vacancy from a list of persons so certified by the Department of Revenue.

2. The Assessor shall return the assessment roll to the Village Clerk/Treasurer at the same time and in the same manner in that town assessors are required to do.

3. The Assessor's compensation shall be as is fixed by the Village Board.

4. The Assessor shall take and file the official oath and shall begin under §70.10, Wis. Stats., to make an assessment of all of the property in the Village liable to taxation, as prescribed by law.

(e) Application of Provisions. This subsection shall not in any way affect the right of any person whose term of office has begun but that has not expired on the effective date of the ordinance codified in this subsection to complete his/her term of office. (Renum. fr. §2.24.040)

(4) **VILLAGE FORESTER/OFFICE OF PUBLIC WORKS.** In accordance with §66.97, Wis. Stats., the Village Forester shall be appointed by the Village President, subject to confirmation of the Village Board, and shall receive such salary as may be authorized by the Village Board. The power and duties of the Village Forester as set forth in §8.01 of this Code are combined with those of the office of Public Works. (Recr. and Renum. fr. § 8.04.100).

(5) **BUILDING INSPECTOR.** See §15.08(6), this Code.

(6) **UTILITY SUPERINTENDENT.** See §13.04(2), this Code.

(7) **UTILITY CLERK/TREASURER.** See §13.04(4), this Code.

**1.05 REMOVAL OF APPOINTED OFFICIALS.** (Cr. during codification 2001) Appointed Officials may be removed as provided in §17.13(1), Wis. Stats., and for cause as provided in § 17.16(3), Wis. Stats.

**1.06 VACANCIES.** (Cr. during codification 2001) (1) **OCCURRING.** Vacancies in elective and appointive offices are caused as provided by §§17.03,17.03(5) and §§17.17(3) and (5), Wis. Stats.

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

**1.07 SALARIES.** The salaries of all Village elected officials shall be established in accordance with §61.32 Wis. Stats., except the salaries for said elected officials shall not be changed during their terms of office. The salaries for appointive Village officials and employees shall be as is established from time to time by the Village Board. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected by said officer for the performance of the duties of such officer in the absence of a specific law or ordinance to that effect. (Cr. during codification 2001)

**1.08 RECEIPT OF GIFTS AND GRATUITIES.** (Cr. during codification 2001) (1) **RESTRICTED.** No Village employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value that 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 Village or the Board; or

(b) Conducts operations or activities that are regulated by the Village or the Board;  
or

(c) Has interest that may be substantially affected by the Village or the Board.

(2) **SOLICITATION PROHIBITED.** No Village employee or official shall solicit or in any way encourage gifts, donations or other things of value for any department or program unless the same shall have been approved of by the Village Board in advance.

(3) **PUBLIC POLICY.** The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the public policy of the Village of Brownsville.

(4) **PENALTY.** The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the Village and is punishable as provided under §946.12, Wis. Scats., and under §25.04 of this Code.

#### VILLAGE BOARD; MEETINGS, POWERS AND RESPONSIBILITIES

1.09 **VILLAGE BOARD.** (1) **COMPOSITION.** (Cr. during codification 2001) The Trustees of the Village shall constitute the Village Board that shall be designated as the "Village Board of Brownsville".

(2) **ELECTION.** See §1.03, this Code.

(3) **QUORUM.** A majority of the Village Board members-elect shall constitute a quorum, but a less number may adjourn from time to time. The Village President shall preside at all meetings when present.

(4) **MEETINGS: TIME, PLACE AND CONDITIONS.** Regular meetings of the Village Board shall be held on the second Wednesday of each month at six p.m. at the municipal building, except when the day so designated shall fall on a legal holiday, in which event such meeting shall be held on the first regular day preceding such legal holiday. (Rec. fr. §2.04.010)

(a) **Special Meetings.** (Recr. fr. §2.04.020) All special meetings of the Village Board of Brownsville shall be held at the place where regular meetings of the Board are held. Special meetings may be called by any two trustees or the president alone, in writing, filed with the Clerk/Treasurer who shall thereupon reasonably notify all

of the trustees, including the president by causing written notice of such meeting to be delivered to each member of the Board personally if he can be found, and if he cannot be found by leaving a copy of such notice at the usual place of abode of such member in the presence of a member of the family of such member of suitable age and discretion or if no such member or members of his family can be found, then by mailing such notice to such member by register mail. The Clerk/Treasurer is hereby required to cause an affidavit showing the service of such notice as above provided for, to be filed in his office prior to the time fixed for such special meeting. The Clerk/Treasurer shall give notice immediately upon the call for such meeting being filed with him.

(b) Waiver Of Notice Of Special Meetings. (Recr. fr. §2.04.030; Am by LGRS 2001) Special meetings may be held without separate notice provided to the Village Board members when all members of the Board are present in person and consent in writing to the holding of said meeting, such written consent to be filed with the Clerk/Treasurer prior to the calling of said meeting. **Revisor's Note. Section 2.04.030 originally referenced notice requirements "...specified in Section 1.02 of this Code." However, the code provisions as supplied did not contain Section 1.02. That reference is corrected here..**

(c) Order of Business. (Recr. fr. §2.04.040) The business of the Village Board of Brownsville shall be conducted in the following order:

1. Roll call.
2. Reading of minutes of the previous meeting and approval of same.
3. Presentation of accounts and allowance or disallowance of same.
4. Presentation of petitions and communications.
5. Reports of standing committees.
6. Reports of special or select committees.
7. Reports of Village officers.
8. New business.
9. Unfinished and miscellaneous business.

(5) CALLING OF ADJOURNED MEETINGS AND APPOINTMENT OF COMMITTEES. (Recr. fr. §2.04.050) The president shall call the Board to order at the hour to which the Board stands adjourned. He shall, unless otherwise ordered by the Board, appoint all committees.

(6) EVERY MEMBER TO VOTE UNLESS EXCUSED. (Recr. fr. §2.04.060) Every member shall vote when a question is put, unless the Board shall excuse him, the president, however, shall not be required to vote unless there is a tie vote. At Village meetings the Village Clerk/Treasurer of Brownsville is directed and required, upon roll calls, to call the names of the members of the Board of Trustees in alphabetical order.

(7) MEMBERS TO SPEAK NOT MORE THAN TWICE. (Recr. fr. §2.04.070) No members shall speak more than twice on the same question except by leave of the Board.

(8) PAPER OR WRITING REFERRED TO COMMITTEE OR OFFICER. (Recr. fr. §2.04.080) Every paper, writing, and every manner of proceedings that shall come before the Board for action may be referred by the president, without motion, to the appropriate committee or officer.

(9) PRECEDENCE OF MOTIONS. (Recr. fr. §2.04.090) When a question is in debate, no action shall be in order except:

- (a) To adjourn.
- (b) To lay on the table.
- (c) The previous question.
- (d) To postpone to a certain date.
- (e) To refer to a standing, select or special committee.
- (f) To amend.
- (g) To postpone indefinitely; and, these motions shall have precedence in the order in which they stand.

(10) RECONSIDERATION OF VOTES. (Recr. fr. §2.04.100) It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular or adjourned meeting. A motion to consider being put and lost shall not be renewed.

(11) CALL FOR THE PREVIOUS QUESTION. (Recr. fr. §2.04.110) Any member desirous of terminating the debate may call the previous question when the question announced by the president shall be "Shall the main question be put?" If a majority of the members present vote in the affirmative the main question shall be put without further debate, and its effect shall be to put an end to all debate and bring the Board to a direct vote, first upon the pending amendment, and then upon the main question.

(12) STANDING COMMITTEES. (Recr. fr. §2.04.120) The standing committees of the Board shall consist of three members each, and unless otherwise designated by the president shall be appointed by him, as follows:

- (a) Finance (b) Fire (c) Health (d) Law Enforcement and Public Property

- (e) Lights and Water
- (f) Ordinances
- (g) Public Relations and Community Development
- (h) Relief
- (i) Streets, Walks and Parks

(13) GENERAL RULES OF ORDER (Recr. fr. §2.04.130) The deliberations of this Board while in session shall be governed by the manual of parliamentary practice commonly known as "Robert's Rules of Order," except when otherwise limited or modified by this code.

(14) MEMBERS TO PRESENT ALL BUSINESS. (Recr. fr. §2.04.140) No business shall be considered by the Board unless presented by a member of the Board.

(15) SUSPENSION OF RULES. (Recr. fr. §2.04.150) Any of the provisions, however, may be suspended temporarily by a majority of the members present at any meeting, not contrary to law.

(16) STATUTORY COMPLIANCE. (Cr. during codification 2001) Meetings of the Village Board may be held as provided in §61.32, Wis. Stats., subject to Subch. V of Ch. 19, Wis. Stats. The Village President shall preside at all meetings when present. In the absence of the president the Board may select another trustee to preside.

(a) Meetings of the Village Board shall be open to the public and the Board shall keep a record of all its proceedings.

(b) The Board has power to preserve order at its meetings, compel attendance of trustees and punish nonattendance and it shall be judge of the election and qualification of its members.

(c) The President and Board of Trustees of the Village, whether operating under general or special law, may by a three-fourths vote of all the members of the Village Board determine that an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased during their terms of office.

1.10 POWERS AND DUTIES ENUMERATED. (Cr. during codification 2001) (1) VILLAGE BOARD. The Village Board may exercise the powers provided in §66.23, Wis Stats. and, shall have and exercise those general powers and duties, as may be required, and as are provided in §61.34, Wis. Stats.

(a) Except as otherwise provided by law, the Village Board shall have the control and management of the Village property, finances, highways, streets, navigable waters, and the public service.

(b) The Village Board shall have power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment, and other necessary or convenient means.

(c) The Village Board may join with other Villages or cities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

(d) The Village Board may acquire property, real or personal, within or outside the Village, for parks, libraries, recreation, beautification, streets, water systems, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose.

(e) The Village Board may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and, may sell and convey such property. Condemnation shall be as provided by Ch. 32, Wis. Stats.

(f) The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(2) VILLAGE PRESIDENT. (Cr. during codification 2001) (a) The Village President shall sign all ordinances, rules, bylaws, regulations, commissions, licenses and permits adopted or authorized by the Village Board and all orders drawn on the treasury except as provided by §66.042, Wis. Stats..

(b) The President shall maintain peace and good order, see that Village ordinances are faithfully obeyed.

(c) The Village Board President shall also have and exercise those other powers and duties as are specifically provided for and enumerated under Wisconsin Statutes.

**BOARDS, COMMITTEES, AND COMMISSIONS**

**1.11 BOARD OF REVIEW. (1) MEMBERSHIP.** The Board of Review of the Village shall be composed of the Village President and the Trustees serving on the Village Board. (Renum. fr. §2.12.010)

(2) **MEETING ATTENDANCE BY CLERK/TREASURER AND ASSESSOR REQUIRED.** The Village Clerk/Treasurer and the Village Assessor shall attend all Board of Review sessions, but shall not have any voting powers. (Retitled and Renum. fr. §2.12.020)

**1.16 VILLAGE PLAN COMMISSION.** See Ch. 18 this code.

**1.17 BOARD OF ZONING APPEALS.** See § 18.18 this code.

**VILLAGE RECORDS AND ADMINISTRATIVE REVIEW (Cr.  
during codification 2001-LGRS)**

**1.18 Sex Offender Residence Board.**

**1.20.010 Penalty Provisions (1996-03)**

**1.24 ACCESS TO VILLAGE RECORDS. (1) PURPOSE.** In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of the Village that all persons are entitled to the greatest possible information regarding the governmental affairs of the Village and the official acts of the Village's officers and employees. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, and in accordance with §§19.21 to 19.39, Wis. Stats., this section shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business.

(2) **AUTHORITIES DESIGNATED.** Chapter 19, Wis. Stats., requires Wisconsin governments to follow certain procedures as to open records and naming certain authorities and custodians. Under authority of § 19.33, Wis. Stats., the following authorities are named:

(a) The Clerk/Treasurer shall be the authority and custodian of the following: Investment records; Tax collection records; Village receipts; Village canceled checks; Bank statements and bank reconciliation's; Bank deposit receipts; Any other records designated by law to be in the care of the Village Clerk/Treasurer.

**(b) The Assessor shall be the authority and custodian for all assessment records of the Village of Brownsville.**

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(c) The Department of Public Works shall be the authority and the Director of Public Works shall be the custodian for all records of the Department of Public Works, the Grantsman, and the Plan Commission of the Village of Brownsville.

(d) The Police Chief shall be the authority and custodian for all records of the Police Department of the Village of Brownsville.

(e) The Building & Plumbing Inspector shall be the authority and the custodian for all the records under his jurisdiction of the Village of Brownsville.

(f) The Water Utilities Superintendent shall be the authority and custodian of all records of the Water Utilities for the Village of Brownsville

(3) **SUPERVISION OF PUBLIC RECORDS.** Legal custody may require supervision during an inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. In accordance with §19.35(3)(a), Wis. Stats., the requester shall be charged a copying fee to defray the cost of copying records. Said fee including labor expenses that are actually, necessarily and directly incurred in connection with reproduction of the Village record may be incorporated in the copying or reproduction charge.

(a) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

(b) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.

(c) If mailing or shipping is necessary, the actual cost thereof shall also be charged.

(d) There shall be no charge for locating a record unless the actual cost thereof exceeds \$50.00, in that case the actual cost shall be determined by the legal custodian and billed to the requester.

(e) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.

(f) Elected and appointed officials of the Village of Brownsville shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(4) **PUBLIC NOTICE.** Pursuant to §19.34 Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at his offices for the guidance of the public, a notice containing a description of its organization and the established times and places in that the legal custodian from whom and the methods whereby the public may obtain information and access to records in its custody, make request for records, or obtain copies for records, and the cost thereof. This subsection does not apply to members of the Village Board (See §19.34(1), Wis. Stats)

(5) **FISHING EXPEDITIONS LIMITED.** (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it is reasonable, describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is given. A requester 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 such record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. This section recognizes 4 possible bases for denying access to public records of the Village:

1. Express statutory exemptions;
2. Exemptions under the open meetings law if the requisite demonstration that there is a need to deny or restrict access at the time the request to inspect or copy a record is made; and,
3. Common law principles (The common law principle on public records is the "balancing test" that provides that the custodian "must balance the harm to the public interest from public examination of the records).
4. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner that would permit reasonable compliance. (See: State ex rel. Bilder v. Delavan p., 112 Wis. 2d 539, 553, 334 N.W.2d 252, 1983, and 73 Op. Atry Gen. 20, 20-21,1984).

(c) A request for a record may be denied as provided in par. (b) above. 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 requester within 5 business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester 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 §19.37, Wis. Stats., or upon application to the State's Attorney General or a district attorney.

NOTE: The fee for copying public records may include a component for labor expenses actually, necessarily and directly incurred in connection with reproduction of public records; search fees cannot be charged as reproduction fees; local units of government cannot by ordinance establish public record copy fees that deviate from actual, necessary and direct costs of reproduction; and the municipal law provision authorizing the same fee for the same service has little if any practical impact vis-a-vis the requirement that fees for public records be limited to actual, necessary and direct costs. 72 AG 150

**1.25 ADMINISTRATIVE REVIEW PROCEDURE. (1) PURPOSE.**

The purpose of this section is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations made by Village authorities that involve constitutionally protected rights of specific persons that are entitled to due process protection under the 14th Amendment to the U.S. constitution.

(2) **STATE STATUTES ADOPTED.** In order to ensure fair play and due process in the administration of the affairs, by-laws, resolutions, and ordinances of the Village, the Village Board declares that the provisions of Ch. 68, Wis. Stats., relating to municipal administrative review procedures shall be in full force and effect in the Village except as provided in subs.(4).

(3) **REVIEW OF ADMINISTRATIVE DETERMINATIONS.** Any person having a substantial interest that is adversely affected by an administrative determination of the Village Board or body, Board, commission, committee, agency, officer or employee of the Village or agent acting on behalf of the Village as set forth in §68.02, Wis. Stats., may have such determination reviewed as provided herein. The remedies under this section shall not be exclusive. No department, Board, commission, agency, officer or employee of the Village who is aggrieved may initiate review under this section 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 section that is initiated by another.

(4) **DETERMINATIONS REVIEWABLE.** The following determinations are reviewable under this section:

- (a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority, except an alcohol beverage license.
- (b) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority, except as provided in §68.03 (5), Wis. Stats.
- (c) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (5) **DETERMINATIONS NOT SUBJECT TO REVIEW.** Except as provided in §68.02, Wis. Stats., the following determinations are not reviewable under this section:
  - (a) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Village Board.
  - (b) Any action subject to administrative or judicial review procedures under other statutes.
  - (c) The denial of a tort or contract claim for money, required to be filed with the municipality pursuant to statutory procedures for the filing of such claims.
  - (d) The suspension, removal or disciplining or nonrenewal of a contract of a municipal employee or officer.
  - (e) The grant, denial, suspension or revocation of an alcohol beverage license under §125.12 (1), Wis. Stats.
  - (f) Judgments and orders of a court.
  - (g) Determinations made during municipal labor negotiations.
  - (h) Any action that is subject to administrative review procedures under an ordinance providing such procedures as defined in §68.16, Wis. Stats.
  - (i) Notwithstanding any other provision of this chapter, any action or determination of a municipal authority that does not involve the constitutionally protected right of a specific person or persons to due process in connection with the action or determination.

(6) **REQUIRED.** All officers, employees, agencies, committees, Boards, commissions and agents of the Village shall comply with the requirements of this section and Ch. 68, Wis. Stats., and shall conduct initial administrative reviews of their own determinations in accordance with §68.09, Wis. Stats., and this section.

(7) **ADMINISTRATIVE APPEAL PROCEDURES.** Initial determinations or decisions on review and hearings on administrative review shall be conducted in accordance with the provisions of §§68.10, 68.11 and 68.12, Wis. Stats.

(8) **CONDUCT OF HEARING.** At the hearing, the appellant and the municipal authority may be represented by an attorney 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 Board, unless it or any of its members are a party to or have an interest in the subject matter of an appeal, shall serve as the impartial appeals Board under this section. In the event the Board or any of its members are a party to or have an interest in an appeal made hereunder, the Village Chairperson shall appoint an impartial decision maker, who may be an officer, committee, Board, or commission of the Village who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal.

(9) **EFFECT.** The provisions of this section shall not be deemed to repeal or supersede specific procedures for review of administrative determinations under any other section of this Code.

#### **OFFICIAL MAP OF THE VILLAGE**

1.26 **OFFICIAL MAP OF VILLAGE.** (Recr. fr. Ch. 1.08) (1)

**PURPOSE.** In order to conserve and promote the public health, safety, convenience and general welfare, there is adopted and established the official map of the village. It is the purpose of the official map to show the width and location of the streets, highways, and parkways in order to promote the efficient and economical development of the village. (Renum. fr. §1.08.010)

(2) **FILING OF CERTIFICATE.** Immediately upon adoption of the ordinance codified in this chapter, the village clerk/treasurer shall file with the register of deeds of Dodge County a certificate showing that the village has established the official map as described in Section 1.08.010 and the village clerk shall do likewise as to any changes or additions. . (Renum. fr. §1.08.020)