

## CHAPTER 1

### GENERAL GOVERNMENT

#### 1.01 PUBLIC OFFICES

The Board of Trustees of the Village of Stockbridge has been operating under a code of ordinances that is codified herein. In recognition of the method of government, all established pursuant to Section 61, Wisconsin Statutes, the Board of Trustees does continue the following established elected offices:

President - elected pursuant to Sec. 61.24, Stats.

Trustees - six in number and shall be elected pursuant to Sec. 61.20, Stats.

The Village has proceeded pursuant to Sec. 61.195, Stats., and Sec. 66.0101, Stats., to provide that the office of clerk/treasurer and the office of assessor shall be appointed by the Village President subject to the approval of the Village Board. The clerk and the assessor shall be appointed at the organizational meeting for the Village annually subject to the approval of the Village Board.

#### 1.02 PUBLIC RECORDS

##### 1. DEFINITIONS.

- a. "Authority" means any of the following village entities having custody of a village record: an office, elected official, agency, board, commission, committee, council, department, non-profit corporation or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.
- b. "Custodian" means that officer, department head, division head, or employee of the village designated under sub. (3) 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 section to respond to requests for access to such records.
- c. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, hand-written, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes) and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely

the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

## 2. DUTY TO MAINTAIN RECORDS.

- a. Except as provided under sub. (7), each officer and employee of the village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- b. Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Village Clerk or Village President. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

## 3. LEGAL CUSTODIAN.

- a. The Village Clerk is hereby designated the legal custodian of all village records.
- b. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subch. 11 of ch. 19, Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

## 4. PUBLIC ACCESS TO RECORDS.

- a. Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in sec. 19.35(1), 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 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.
- 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:
  - i. The cost of photocopying shall be twenty cents per page. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
  - ii. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - iii. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio-tapes or video-tapes, shall be charged.
  - iv. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - v. There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
  - vi. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
  - vii. Elected and appointed officials of the Village of Stockbridge shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - viii. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- g. Pursuant to Sec. 19.34, Stats., and the guidelines listed therein, 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 subs. (4) through (6) of this ordinance. This subsection does not apply to members of the village board.

## 5. ACCESS PROCEDURES.

- a. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under sec. 19.37, 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 required under sub. (4)(f)6. 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 any 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 therefor. If the legal custodian, after conferring with the village attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- c. A request for a record may be denied as provided in sub. (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five 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 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 sec. 19.37(1), Stats., or upon application to the attorney general or a district attorney.

## 6. LIMITATIONS ON RIGHT TO ACCESS.

- a. As provided by Sec. 19.36, Stats., the following records are exempt from inspection under this section:
  - i. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

- ii. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
  - iii. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
  - iv. A record or any portion of a record containing information qualifying as a common law trade secret.
- b. As provided by Sec. 43.30, Stats., public library circulation records are exempt from inspection under this section.
- c. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the village attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
- i. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  - ii. Records of current deliberations after a quasi-judicial hearing.
  - iii. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any village officer or employee, or the investigation of charges against a village officer or employee, unless such officer or employee consents to such disclosure.
  - iv. Records concerning current strategy for crime detection or prevention.
  - v. Records of current deliberations or negotiations on the purchase of village property, investing of village funds, or other village business whenever competitive or bargaining reasons require nondisclosure.
  - vi. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
  - vii. Communications between legal counsel for the village and any officer, agent or employee of the village, when advice is being rendered concerning strategy

with respect to current litigation in which the village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Stats.

- d. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the village attorney prior to releasing any such record and shall follow the guidance of the village attorney when separating out the exempt material. If in the judgment of the custodian and the village attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

## 7. DESTRUCTION OF RECORDS.

- a. Village officers may destroy the following 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 chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Sec. 16.61(3)(e), and then after such shorter period:
  - i. Bank statements;
  - ii. Cancelled checks;
  - iii. Receipt forms;
  - iv. Vouchers, etc.
- b. Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under chapter 442 of the Wisconsin Statutes, subject to state public service commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state public records board pursuant to sec. 16.61(3)(e), and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.
  - i. Contracts;
  - ii. Excavation permits;
  - iii. Inspection records.
- c. Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such

a period, or unless a shorter period has been fixed by the state public records board pursuant to Sec. 16.61(3)(e), Stats., and then after such a shorter period.

- i. Old insurance policies;
    - ii. Election notices;
    - iii. Cancelled registration cards.
  - d. Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record as provided by Sec. 19.21(4)(a), 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.
8. **PRESERVATION THROUGH MICROFILM.** Any village officer, or the director of any department or division of village government may keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in sec. 16.61(7)(a) and (b), Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department and division and shall be open to public inspection and copying according to the provisions of state law and of subs. (4) through (6) of this ordinance.
9. **SEVERABILITY.** The provisions of this ordinance are severable. If a section, subsection, paragraph, sentence, clause or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance.

### **1.03 VILLAGE PLAN COMMISSION**

1. A Village Plan Commission for the Village of Stockbridge, Calumet County, Wisconsin, is hereby created.
2. The Village plan commission shall consist of the following:
  - a. President, who shall be its presiding officer, the Director of Public Works, the Village Engineer, a trustee, and three citizens. In case the Village has no Director of Public Works or Village Engineer, additional citizen members shall be appointed so that the commission has at all times seven members. Citizen members shall be persons of recognized experience and qualifications.
  - b. The 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.

- c. The citizen members shall be appointed by the President upon 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.
- d. Vacancies other than ex-officio shall be filled by appointment for the residue of the unexpired term in the same manner as appointment for the full term.
- e. Compensation shall be paid as directed by the Village Board. Citizen members shall take the official oath required by Section 19.01 of the statutes, which shall be filed with the Village Clerk.
- f. The plan commission shall have the powers and duties prescribed in Sec. 62.23, Stats., and all legislative enactments, amendatory thereof or supplementary there-to, and such other powers and duties as shall be vested in them from time to time by law or the Village Board.
- g. As soon as all members of the first commission shall have been appointed, the Village Clerk shall give each member a written notice of the appointment and thereon shall fix the time and place of the first meeting which shall be not less than five nor more than ten days thereafter. Said commission shall be presided over by the Village President. In the Village President's absence, the Village Board will designate a trustee to fill in the absence of the Village President and/or plan commission chairman. As to the position of secretary of the plan commission, this shall be automatically filled by the Village Clerk for the Village of Stockbridge. A written record of all commission proceedings, including all actions taken, shall be maintained by the Clerk as part of Village records. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of the members.
- h. The plan commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and proper, within the limits of the budget established by the Village Board or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board. As far as possible the commission shall utilize the services of existing Village officials and employees.
- i. The plan commission shall follow the necessary rules regarding the Wisconsin open meeting law and proper notices for plan commission meetings.

#### **1.04 ELECTION BOARD**

Beginning with the Spring Election of 1958 there will be five members on the election board. They will fulfill the duties of an Election Board under Wisconsin Law.

## **1.05 CLERK-TREASURER**

1. The Village of Stockbridge hereby elects that all provisions of Sec. 62.09(3)(b) and (c), Stats., relating to the offices of clerk and treasurer and the method of selection and tenure thereof in conflict with this ordinance shall be inapplicable to the Village of Stockbridge.
2. The offices of clerk and treasurer are herewith combined. The Clerk-Treasurer shall be appointed by two-thirds vote of all members of the Village Board and shall hold office for a two year term, subject to Sec. 17.12(1)(c), Stats. After completion of the first term of office, the re-appointment of the existing Clerk-Treasurer for a continued term or terms of office must also be affirmed by a two-thirds vote of all members of the Village Board.
3. In the event of the resignation or non-confirmation of appointment of the existing Clerk-Treasurer, and prior to any appointment of a new Clerk-Treasurer, all candidates for that office shall be examined by a committee of three persons designated by the Village Board. Each candidate shall file an application stating in detail their education, experience and other qualifications. The committee shall provide for additional tests to ascertain the fitness of each candidate. The Committee shall submit to the Village Board a written report of the qualifications of each candidate, indicating their numerical rating based on the application and tests which shall be filed in the office of the clerk and open for examination but not transcribing. The appointment by the Board shall be from the three persons ranking highest on such reports.
4. The term of the Clerk-Treasurer's office shall begin July 1 and shall be a two year term.
5. This is a Charter Ordinance and shall take effect sixty days after its passage and publication, unless within such sixty days a referendum petition as provided by Sec. 66.01, Stats., shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon.

## **1.06 VILLAGE ASSESSOR**

1. The Village of Stockbridge hereby elects to change the method of election of the Village Assessor under the provisions of Sec. 61.195, Stats., and make such office of Village Assessor to be appointed by the Village Board.
2. Prior to any appointment of the Assessor, all candidates for that office shall be examined by the Village Board.
3. This is a Charter Ordinance and shall take effect sixty days after its passage and publication, unless within such sixty days a referendum petition as provided by Sec. 66.01, Stats., shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon.

## **1.07 SALARIES**

Compensation for the Village President, Trustees and Commission Members will be established annually by the personnel committee and approved by the Village Board. It is intended that the compensation shall be a per diem paid for each meeting required of such officials. The compensation paid to the Clerk-Treasurer shall be established by the personnel committee annually and shall be subject to the majority vote of the Village Board.

## **1.08 CODIFICATION AND EFFECTIVE DATE**

1. The code of ordinances in book form entitled, "VILLAGE OF STOCKBRIDGE LOCAL ORDINANCES", having been placed on file and open to public inspection in the office of the Village Clerk for a period of two weeks, from October 13, 2011 to the date of passage, November 7, 2011, in accordance with the procedure provided under Sec. 66.0103, Stats., is hereby adopted as the general code of ordinances in and for the Village of Stockbridge, Calumet County, Wisconsin, and all previously adopted general ordinances of the Village of Stockbridge are hereby repealed, except as provided in (2) of this ordinance.
2. The code of general ordinances hereby adopted shall not be deemed to repeal any charter ordinances of the Village of Stockbridge.

## **1.09 BID LAW**

1. Pursuant to Sec. 61.56, Stats., the Village Board of the Village of Stockbridge hereby adopts Sec. 62.15, Stats., the Village Bid Law.
2. The Village Board may, by a vote of three-fourths of all the members-elect, provide by ordinance that any class of public construction or any part thereof may be done directly by the Village without submitting the same for bids.

## **1.10 CONFIDENTIALITY OF INCOME AND EXPENSES PROVIDED TO ASSESSOR**

1. Adoption. This ordinance adopts by reference Wis. Statutes Sec. 70.47(7)(af). 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 Sec. 19.35(1) of Wis. Statutes.
2. Exceptions. An officer may make disclosure of such information under the following circumstances:
  - a. The assessor has access to such information in the performance of his/her duties.

- b. The board of review may review such information when needed, in its opinion, to decide upon a contested assessment.
  - c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law.
  - d. The officer is complying with a court order.
  - e. 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 Sec. 74.37, in which case the base records are open and public.
3. Severability. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

### **1.11 RETURNED CHECKS**

Taxes, special assessments, license fees, or any other obligation payable to the Village of Stockbridge may be paid by personal check. However, if a check is returned from the bank because of insufficient funds, a penalty shall be imposed upon the remitter. Any person convicted of violating any provision of this Ordinance shall pay a maximum penalty of \$25.00 per day plus costs of prosecution. Each violation shall constitute a separate offense.