

## Chapter 2 ADMINISTRATION

### ARTICLE I. IN GENERAL

**Secs. 2-1—2-18. Reserved.**

### ARTICLE II. VILLAGE BOARD

#### Sec. 2-19. Meetings.

- (a) *Regular meetings.* Regular meetings of the village board shall be held on the first and third Mondays of each calendar month at 6:30 p.m. in the village hall. Any regular meeting falling on a legal holiday shall be held on a day designated by the village board and at the same hour and place. Due to public hearings or committee meetings scheduled just prior to a regular village board meeting which last longer than expected, the regular village board meeting may begin immediately after that meeting, but no earlier than the designated time.
- (b) *Special meetings.* Special meetings of the board may be called by the village president or two trustees by filing a written request with the clerk-treasurer at least 24 hours prior to the time specified for such meeting. The clerk-treasurer shall immediately post a notice of the meeting, together with the agenda, and timely notify each trustee of the time and purpose of such meeting.
- (c) *Emergency meetings.* Emergency meetings may be called upon no less than two hours' notice, pursuant to Wis. Stats. § 19.84(3).
- (d) *Meetings to be public; public notice.* Except as provided in Wis. Stats. § 19.85, all meetings of the village board, committees thereof, and village boards and commissions shall be open to the public and public notice given as required by Wis. Stats. § 19.84.
- (e) *Quorum.* Four village board members, including the village president, shall constitute a quorum, but a lesser number may adjourn from time to time or compel the attendance of absent members.

(Code 1994, § 2.01; Ord. No. 3-02, 5-6-2002; Ord. No. 1-05, § 1, 2-21-2005)

#### Sec. 2-20. Order of business.

The business coming before the board at village board meetings shall be conducted in the order determined by the village board from time to time.

#### Sec. 2-21. Presiding officer.

- (a) *Control of meeting.* The village president shall preserve order and conduct the proceedings of the meeting. A member may appeal from the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.
- (b) *Absence of village president.* If the village president is absent at any meeting, the clerk-treasurer shall call the meeting to order and preside until the board selects a trustee to preside for that meeting.

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(Code 1994, § 2.03)

### **Sec. 2-22. Committees.**

- (a) *Standing committees and appointments.* At the first regular board meeting of the newly seated board following the spring election, the village president shall, subject to confirmation by the village board, appoint three trustees to each of the standing committees. The village president shall designate committee chairmen. The standing committees are as follows:
- (1) Finance committee.
  - (2) Public works committee.
  - (3) Public Safety Committee.
  - (4) Lake, parks and recreation committee/Community Development
  - (5) Personnel/Administration Committee

(Ord. No. 2023-14, 11-06-2023)

- (b) *Special committees.* The village president shall appoint all special committees and designate the chairperson of each.
- (c) *Committee reports.* Each committee shall, at the next regular meeting, submit a written or oral report on all matters referred to it. Such report shall recommend a definite action on each item. Any committee may request any village officer or employee to confer with it and supply information in connection with any matter pending before it.

(Code 1994, § 2.04; Ord. No. 04-2019 , 4-15-2019)

### **Sec. 2-23. Ordinances and resolutions.**

Ordinances, resolutions, bylaws, communications and other matters submitted to the board shall be read by title and author. No ordinance or resolution shall be considered unless presented in writing by a trustee. Unless requested by a trustee before final vote is taken, no ordinance or resolution need be read in full.

(Code 1994, § 2.05)

### **Sec. 2-24. Parliamentary rules.**

- (a) *Speaking before the village board.* Every member, previous to his speaking, shall address the presiding officer and shall not be interrupted except by a call of order.
- (b) *Motions.* When a motion is made, it shall be stated by the chair or, if in writing, shall be read by the clerk-treasurer.
- (c) *Member called to order.* When a member is called to order by the presiding officer, he shall not proceed without leave of the village board.
- (d) *Robert's Rules.* Meetings of the village board shall be conducted according to Robert's Rules of Order, current edition except as otherwise provided herein.
- (e) *Voting.*

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(Supp. No. 5)

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- (1) *Voice vote.* The presiding officer may call for a voice vote on any matter not requiring a roll call vote by law. The presiding officer may direct, or any member may call for, a division.
  - (2) *Aye and no vote.* The ayes and noes may be required by any member and the clerk-treasurer shall call the roll. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating money, or creating any liability or charge against the village or any fund thereof and final action on all ordinances, the vote shall be by ayes and noes. All aye and no votes shall be recorded in the minutes.
  - (3) *Reconsideration.* 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 reconsider having been put and lost shall not be renewed.
  - (4) *Members required to vote.* Every member present when a question is put shall vote unless the village board shall, for special reasons, excuse him.

(Code 1994, § 2.06)

**Sec. 2-25. Suspension of rules.**

The foregoing rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

(Code 1994, § 2.07)

**Secs. 2-26—2-53. Reserved.**

**ARTICLE III. OFFICERS AND EMPLOYEES**

**Sec. 2-54. Elected officials.**

- (a) *Village president.* The village president shall be elected at the regular spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his election.
- (b) *Trustees.* There shall be six village trustees, three of whom shall be elected at the regular spring election in odd-numbered years and three in even-numbered years for two-year terms, commencing on the third Tuesday of April in the year of their election.

(Code 1994, § 1.01)

**Sec. 2-55. Appointed officials.**

The appointed officials of the village shall be as follows:

Official	Appointed By	Term
Clerk-treasurer	Village board	Indefinite
Assessor	Village board	Indefinite
Attorney	Village board	Indefinite

Fire chief	Village board, upon the recommendation of fire department members	Indefinite
Deputy treasurer, fire department	Village board, upon the recommendation of fire department members	Indefinite
Director of public works	Village board	Indefinite
Zoning administrator	Village board	Indefinite
Health officer	Village president	1 year
Weed commissioner	Village president	1 year
Emergency government director	Village president	1 year
Building inspector	Village board	Indefinite
Plumbing inspector	Village board	Indefinite
Electrical inspector	Village board	Indefinite

(Code 1994, § 1.02)

**Sec. 2-56. Village administration.**

- (a) *Administrative coordinator.* The village president shall be the administrative coordinator of village governmental services and shall be in charge of all day-to-day activities of the staff and employees appointed or employed by the village. Except for the purpose of inquiry, the village trustees shall deal with village employees and staff solely through the village president.
- (b) *Village consultant services.* The village president and the clerk-treasurer shall be the only village officials authorized to contact village consultants for services unless previous approval is granted by the village president.
- (c) *Appointed officials' quarterly report.* The clerk-treasurer, the fire chief and the director of public works shall submit a written quarterly activity report to the village president the last day of the months of March, June, September and January. This report will include, but will not be limited to, the following information with respect to each department's operation:
  - (1) Significant events that occurred regarding operations.
  - (2) Problems encountered and solutions that were made.
  - (3) Training attended and received.
  - (4) Department budget status.
  - (5) Equipment status and maintenance.
  - (6) Any other information regarding pertinent department operations.

(Code 1994, § 1.03)

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### **Sec. 2-57. Travel expenses.**

The village president, when required to leave the village on business of the village, and also other village officials and department heads given leave for such purpose by the village board or by the village president, shall be reimbursed for their actual expenses, e.g., travel, meals and hotel, upon the filing of a regular and itemized voucher with the finance committee.

(Code 1994, § 2.08)

### **Sec. 2-58. Elections.**

- (a) *Clerk-treasurer's election duties.* As provided in Wis. Stats. § 7.15, the clerk-treasurer shall have charge of and supervise all elections held in the village.
- (b) *Election officials.* Election officials shall be appointed pursuant to Wis. Stats. § 7.30. There shall be seven inspectors for each election, except that the clerk-treasurer may reduce the number of election inspectors for any given election to not less than three pursuant to Wis. Stats. § 7.32.
- (c) *Nomination of elected village officials.* All candidates for elective village office shall file nomination papers pursuant to Wis. Stats. § 8.05(4)(b) and shall be nominated as provided in Wis. Stats. § 8.05(4)(a).
- (d) *Polling hours and place.* The polls of the village shall open at 7:00 a.m. and close at 8:00 p.m. for all elections. The polling place for the village shall be the village hall.
- (e) *Wards.* Ward 1 is comprised of all that part of the village east of Butler Street. Ward 2 is comprised of all that part of the village west of Butler Street.

(Code 1994, § 1.06)

### **Secs. 2-59—2-89. Reserved.**

## **ARTICLE IV. BOARDS, COMMISSIONS AND SIMILAR BODIES**

### **Sec. 2-90. Boards and commissions.**

- (a) *Board of review.* The board of review shall consist of three members of the village board, or two members of the village board and one citizen appointed by the village president and confirmed by the village board. The village board members will consist of members of the village board that are in their second year of their two-year term as trustee. The clerk/treasurer shall serve as a voting member of the board of review as well as the clerk. The board of review shall have the powers and duties prescribed in Wis. Stats. § 70.47.
- (b) *Plan commission.* The plan commission shall consist of seven members. One member shall be the village president who shall be the chairperson. One member shall be the director of public works. Two members shall be trustees, appointed by the village president, subject to confirmation by the village board, for one-year terms. The other three members shall be residents of recognized experience and qualifications, appointed by the village president, subject to confirmation by the village board, for staggered three-year terms. The plan commission shall have the powers and duties prescribed in Wis. Stats. §§ 61.35 and 62.23 and such other powers and duties as shall be vested in the commission, from time to time, by the village board.

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- (c) *Board of zoning appeals.* The board of zoning appeals (BOZA) shall consist of five members appointed by the village president, subject to the confirmation by the village board, for staggered terms of three years. Two alternate members shall be appointed by the village president subject to confirmation by the village board, for a term of three-years and shall act only when a regular member is absent or refuses to vote because of interest. The village president shall designate the chairperson of the board. The clerk/treasurer shall serve as secretary to the BOZA. The BOZA shall have the power and duties prescribed in Wis. Stats. § 62.23(7)(e).
  - (d) *Sewer commission.* The village board shall constitute the village sewer commission.
  - (e) *Water commission.* The village board shall constitute the village water commission.
  - (f) *Board of health.* The board of health shall consist off the health committee and the health officer. The board of health shall have such powers and duties prescribed in Wis. Stats. § 251.04 and this Code.
  - (g) *Administrative appeals board.* This administrative appeals board shall consist of the village president and two resident members. The resident members shall be appointed by the village president, subject to confirmation by the village board, for three-year terms. The powers and duties of the board shall be as provided in article VII of this chapter.

(Code 1994, § 1.04; Ord. No. 9-98, § 1, 8-3-1998; Ord. No. 06-2019 , 8-5-2019; Ord. No. 2021-04 , § 1, 4-19-2021)

## **Sec. 2-91. Standing committees.**

- (a) *Committee appointments.* Standing committees of the village are appointed by the village president, subject to confirmation by the village board. The appointments to each committee shall be made at the annual organizational meeting of the village board. Standing committees shall review such matters as may be referred to them by the village board and shall submit recommendations for board action.
- (b) *Committees established.* The following committees are established, each consisting of three trustees:
  - (1) Finance.
  - (2) Personnel.
  - (3) Public works.
  - (4) Public safety.
  - (5) Lake, parks and recreation.
- (c) *President to designate chairperson, special or ad hoc committee.*
  - (1) The village president shall designate the chairperson of standing committees. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the board.
  - (2) All trustees shall serve on at least one standing committee. The village president shall be an ex officio member of each standing committee or may be appointed to serve as a member of a specific committee.
  - (3) The village president may, from time to time, appoint such special committee or committees as deemed advisable or as provided for by motion or resolution by the board stating the number of members and object thereof to perform such duties as may be assigned to them. All special committees shall cease to exist after the April board meeting unless reappointed by the village president or extended by the village board.

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(4) Duties of committees. All committees shall be required to act on all matters referred to them in a diligent manner and to carry out such specific duties assigned to them by the village board. In addition, the following committees shall have the duties indicated:

a. *Finance committee.*

1. Review all claims against the village prior to their presentation to the village board.
2. Consider and review all reports and resolutions involving the expenditure of village funds.
3. Review annual budget recommendations from other committees with clerk/treasurer and recommend to the village board a final version for adoption of the annual levy.

(Ord. No. 2023-07, 04-03-2023)

b. *Personnel.*

1. Advise the board on matters concerning personnel policies and administration of those policies.
2. Review the administrative staff needs of the village and make recommendations as appropriate.
3. Review staffing requests for creation, deletion or reclassification of village employee positions.
4. Develop, maintain and implement a process for the performance evaluation of village employees.
5. Meet regularly with department supervisors to review performance, provide feedback and review support provided by the board.
6. Mediate personnel issues which may arise between the board and village employees.
7. Evaluate and resolve complaints received by the village regarding village employees.
8. Periodically review village employee compensation plans and make recommendations as necessary.
9. Periodically review village employee insurance benefit programs including medical, dental, vision and life.
10. The committee shall include one ad hoc nonvoting member selected from the department heads by the department heads as an employee representative.

c. *Public works.*

1. Be responsible for the construction and maintenance of the streets and public ways and the property lighting thereof.
2. Have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flashing, infestation control and weed control.
3. Be responsible for the maintenance and repair of all village buildings, structures, machinery, equipment and property under village control.
4. Have general charge and supervision of all public work in the village.

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5. Required to work with public works director and clerk/treasurer on an annual budget detailing expenditures for the following budget year and make a recommendation to the finance committee for final review.
- d. *Public safety.*
1. Review all matters that concern public safety within the village.
  2. Consult with and advise the fire department.
  3. Review all matters of the fire department and make recommendations to the village board.
  4. Review contract for law enforcement and make recommendation to the village board.
  5. Be responsible for all law enforcement matters of the village and review same with the law enforcement official whenever necessary.
  6. Review and administer any building codes which the village board may adopt, confer with building inspector when necessary.
  7. Make recommendations concerning village safety ordinances.
  8. Required to work with clerk treasurer on an annual budget detailing expenditures for the following budget year and make a recommendation to the finance committee for final review.
- e. *Lake, parks and recreation.*
1. To review and make recommendations with regards to managing, improve, develop, maintain and operate all village parks or recreational lands, facilities, equipment and activities and to adopt necessary rules and regulations for such purposes.
  2. The committee shall be responsible for investigating all issues and concerns that rise regarding the village and make recommendations to the village board concerning solutions.
  3. The committee is also directed to review the village as a whole and make recommendations for betterment of the community.
  4. The committee is required to work with developers with regards to green spaces, ponds or parks within a residential development to adhere that village and state codes are maintained.
  5. Required to work with public works director and clerk/treasurer on an annual budget detailing expenditures for the following budget year and make a recommendation to the finance committee for final review.
- (d) *[Committees subordinate.]* All committees are subunits of the village board and perform no executive or administrative village function other than as specifically authorized by ordinance or policy adopted by the village board.
- (e) *Cooperation of village officers.* All village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any village department.
- (f) *Regular meetings.* Regular meetings of the committee shall be held on the second and fourth Mondays of each calendar month as needed in the village hall. Any regular meeting falling on a legal holiday shall be held on a day designated by the committee and at the same hour and place. Due to committee meetings scheduled just prior to a committee meeting which last longer than expected, the committee meeting may begin immediately after that meeting, but no earlier than the designated time.



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(Ord. No. 2023-14, 11-06-2023)

(Ord. No. 2021-04 , § 2, 4-19-2021)

**Secs. 2-92—2-108. Reserved.**

**ARTICLE V. PUBLIC RECORDS**

**Sec. 2-109. 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:

*Authority* means any village entity having custody of a village record including an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

*Custodian* means that officer, department head, division head or employee of the village designated under section 2-111 or otherwise responsible by law to keep and preserve any village records or file, deposit or keep such records in his 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.

*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. The term "record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. The term "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 office; 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.

(Code 1994, § 1.07(1))

**Sec. 2-110. Duty to maintain records.**

- (a) Except as provided under section 2-116, 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 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 may be lawfully entitled as such officer or employee.
- (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 successor all records then in his custody and the successor shall receipt therefor to the officer or employee, who shall file the 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.
- (c) Wisconsin Municipal Records Schedule.

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- (1) *Purpose.* The purpose of this subsection is to demonstrate the legal authority of the custodians of public records in possession of the village to retain and destroy these records.
  - (2) *Authority.* The village has the authority to adopt this subsection (c) under Wis. Stats. § 19.21 to address the management and destruction of public records.
  - (3) *Adoption.* The Wisconsin Municipal Records Schedule, in its entirety, has been approved by the village board and is hereby adopted by the village board and incorporated into this Code as the official records schedule of the village.
  - (4) *Notification to the Wisconsin State Historical Society.* The legal custodian of a public record must comply with the notification requirement to the Wisconsin State Historical Society set forth in Wis. Stats. § 19.21. Provided the legal custodian has complied with this requirement and the Wisconsin State Historical Society has deemed the public record has no historical value, the custodian may destroy the record.
  - (5) *Conflict.* In the event of any conflict between the terms of this subsection (c) and any applicable state statute, the applicable state statute shall control.
  - (6) *Preceding Code.* This subsection (c) shall be incorporated into this Code. No part of this Code relating to public records shall be reversed or otherwise modified.

(Code 1994, § 1.07(2); Ord. No. 03-2019 , 4-15-2019)

### **Sec. 2-111. Legal custodians.**

- (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 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. This shall not include the fire department whose custodian shall be the fire chief.
- (c) For every authority not specified in subsection (a) or (b) of this section, 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. This subsection shall not apply to the village board.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wisconsin Statutes, chapter 19, subchapter II (Wis. Stats. §§ 19.21 to 19.39) and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(Code 1994, § 1.07(3))

### **Sec. 2-112. Procedural information.**

Pursuant to Wis. Stats. § 19.34, 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 this section. This subsection does not apply to members of the village board.

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(Code 1994, § 1.07(4))

**Sec. 2-113. Public access to records; fees.**

- (a) Except as provided in subsection (f)(7) of this section, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. § 19.35(1).
- (b) Records shall 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 shall 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. This subsection does not authorize or require the purchase or lease of equipment nor does it require the provision of a separate room for inspection, copying or abstracting of records.
- (e) The authority 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) A cost per page of photocopying, as determined by the clerk-treasurer, shall be charged. Said cost shall not exceed the actual, necessary and direct costs to the authority of reproduction, and such charges shall be prominently displayed and made available for inspection by the authority at his office.
  - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - (3) 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.
  - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - (5) 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 authority and billed to the requester.
  - (6) The authority 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) The authority may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
  - (8) 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.

(Code 1994, § 1.07(5))

**Sec. 2-114. Access procedures.**

- (a) A request to inspect or copy a record shall be made to the authority. 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 Wis. Stats. § 19.37. 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

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fee is required under section 2-113(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. When the legal custodian has doubts as to whether the requested records are exempt from disclosure, in whole or in part, he shall have three working days to confer with the village attorney prior to making a determination. 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 2-115. 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 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 Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.

(Code 1994, § 1.07(6))

### **Sec. 2-115. Limitations on right to access.**

- (a) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this section:
  - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
  - (2) 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.
  - (3) 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.
  - (4) A record or any portion of a record containing information qualifying as a common-law trade secret.
- (b) As provided by Wis. Stats. § 43.30, 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 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:
  - (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  - (2) Records of current deliberations after a quasi-judicial hearing.
  - (3) 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.

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- (4) Records concerning current strategy for crime detection or prevention.
  - (5) 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.
  - (6) 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.
  - (7) 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 Wis. Stats. § 905.03.
- (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.

(Code 1994, § 1.07(7))

## **Sec. 2-116. Destruction of public records.**

- (a) *Financial records.* Village officers may destroy the following nonutility records of which they are the legal custodian and which are considered obsolete after completion of an audit by state auditors or an auditor licensed under Wis. Stats. ch. 442, 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 or will, in the future, be fixed by the committee on public records, pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period:
- (1) Bank statements, deposit books, slips and stubs.
  - (2) Bonds and coupons after maturity.
  - (3) Cancelled checks, duplicates and check stubs.
  - (4) License and permit applications, stubs and duplicates.
  - (5) Payrolls and other time and employment records of personnel included under the state retirement fund.
  - (6) Receipt forms.
  - (7) Special assessment records.
  - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) *Utility records.* 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 Wis. Stats. ch. 442, 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 Wis. Stats. § 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:
- (1) Water and sewer stubs and receipts of current billings.

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- (2) Customers' ledgers.
  - (3) Vouchers and supporting documents pertaining to charges not included in plant accounts.
  - (4) Other utility records after seven years with the written approval of the state public service commission.
- (c) *Other records.* Any village officer may destroy the following records of which he is 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, or by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period:
- (1) Assessment rolls and related records, including board of review minutes.
  - (2) Contracts and papers relating thereto.
  - (3) Correspondence and communications.
  - (4) Financial reports other than annual financial reports.
  - (5) Insurance policies.
  - (6) Oaths of office.
  - (7) Reports of boards, commissions, committees and officials duplicated in the village board minutes.
  - (8) Resolutions and petitions.
  - (9) Voter record cards.
- (d) *Notice required.* 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 in Wis. Stats. § 19.21(4)(a).
- (e) *Tape recordings.* Any tape recording 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.
- (f) *Limitation.* This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulations.
- (g) *Preservation through microfilm.* Any village officer or the head of any department or division of village government may 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 Wis. Stats. § 16.61(7)(a) and (b), 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 this Code.

(Code 1994, § 1.07(8))

**Secs. 2-117—2-145. Reserved.**

## **ARTICLE VI. FINANCE AND TAXATION**

### **DIVISION 1. GENERALLY**

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**Sec. 2-146. Fiscal year.**

The calendar year shall be the fiscal year.

(Code 1994, § 3.03)

**Sec. 2-147. Duplicate treasurer's bond eliminated.**

The village elects not to give the bond on the clerk-treasurer, provided for by Wis. Stats. § 70.67(1). Pursuant to Wis. Stats. § 70.67(2), the village shall pay, if the clerk-treasurer fails to do so, all state and county taxes required by law to be paid by such clerk-treasurer to the county treasurer.

(Code 1994, § 3.02)

**Sec. 2-148. Confidentiality of income and expense information.**

- (a) If the assessor, in the performance of his duties, requests and obtains income and expense information pursuant to Wis. Stats. § 70.47(7)(af), such income and expense information shall be held by the assessor on a confidential basis, except that it may be revealed to and used by persons in the discharge of duties imposed by law, in the discharge of duties imposed by the 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.
- (b) Income and expense information provided to the assessor under Wis. Stats. § 70.47(7)(af), unless a court determines that it is inaccurate, is pursuant to Wis. Stats. § 70.47(7)(af), not subject to the right of inspection and copying under Wis. Stats. § 19.35(1).

(Ord. No. 02-2016, 3-7-2016)

**Secs. 2-149—2-179. Reserved.**

***DIVISION 2. TAX ROLL, BILLS AND PAYMENTS***

**Sec. 2-180. Preparation of tax roll and tax bills.**

- (a) *Tax roll.* The clerk-treasurer shall prepare the tax roll which shall contain the information required under Wis. Stats. § 70.65(2), and the format of the tax roll shall conform to the form prescribed by the state department of revenue under Wis. Stats. § 70.09(3).
- (b) *Property tax bills.* The clerk-treasurer shall prepare the real and personal property tax bills prescribed by the state department of revenue. The tax bills shall contain the information required under Wis. Stats. § 74.09(3) and (4), and shall be mailed to each property taxpayer or the taxpayer's designee as prescribed in Wis. Stats. § 74.09(5).

(Code 1994, § 3.01)

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### **Sec. 2-181. Delivery of tax roll.**

- (a) Except as provided in subsection (b) of this section, the tax roll shall be delivered to the village clerk-treasurer on or before December 8 of each year.
- (b) In the event the tax roll is not delivered on or before December 8, taxpayers paying escrow property taxes in excess of the amount owed on or before December 31 shall be reimbursed the excess amount within 15 business days of the date paid.

(Ord. No. 15-98, § 1, 11-2-1998)

### **Sec. 2-182. Tax payments.**

- (a) *To whom payments made.*
  - (1) Payments made on or before January 31 shall be made to the clerk-treasurer.
  - (2) All other payments shall be made to the county treasurer.
- (b) *Delinquent first installment.* If the first installment of taxes on real property is not paid on or before January 31, the entire amount of the taxes remaining unpaid is delinquent as of February 1.
- (c) *Delinquent second installment.* If the second installment of taxes on real property is not paid on or before July 31, the entire amount of the taxes remaining unpaid is delinquent as of August 1.
- (d) *Delinquent annual payment.*
  - (1) If all special assessments, special charges, special taxes and personal property taxes due under subsection (b) of this section are not paid in full on or before January 31, the amounts unpaid are delinquent as of February 1.
  - (2) If any special assessments, special charges and special taxes are entered in the tax roll as charges against a parcel of real property and are delinquent under subsection (d)(1) of this section, the entire annual amount of real property taxes on that parcel which is unpaid is delinquent as of February 1.
- (e) *Payment of delinquent payments, interest and penalty.*
  - (1) All real property taxes, special assessments, special charges and special taxes that become delinquent shall be paid, together with interest and penalties charged from the preceding February 1, to the county treasurer.
  - (2) All personal property taxes that become delinquent shall be paid, together with interest and penalties charged from the preceding February 1, to the clerk-treasurer.

(Code 1994, § 3.09)

### **Sec. 2-183. Payment priority.**

- (a) If the clerk-treasurer or county treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special charges, special assessments and special taxes due, the clerk-treasurer or county treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order:
  - (1) Special charges.
  - (2) Special assessments.



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(3) Special taxes.

(4) General property taxes.

(b) The allocation under subsection (a) of this section is conclusive for purposes of settlement under Wis. Stats. §§ 74.23 to 74.29, and for determining delinquencies under this section.

(Code 1994, § 3.10)

**Secs. 2-184—2-204. Reserved.**

### ***DIVISION 3. BUDGET***

#### **Sec. 2-205. Preparation and adoption of annual budget.**

(a) *Departmental estimates.* When requested by the finance committee, each year each officer, department and committee shall file with the clerk-treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the clerk-treasurer and shall be designated as "departmental estimates" and shall be as nearly uniform as possible for the main division of all departments.

(b) *Finance committee to prepare; information included.* Each year the finance committee of the village board, with the assistance of the clerk-treasurer, shall prepare and submit to the board a proposed budget presenting a financial plan for conducting the affairs of the village for the ensuing calendar year. The budget shall include the following information:

(1) The expense of conducting each department and activity of the village for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase or decrease recommended as compared with appropriations for the current fiscal year.

(2) An itemization of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

(3) Such other information as may be required by the village board and state law. The board shall publish a summary of the budget as required by law and provide a reasonable number of copies of the detailed budget thus prepared for distribution to citizens.

(c) *Resolution, hearing.* The finance committee shall submit to the village board, at the time the annual budget is submitted, the draft of an appropriation resolution providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed resolution to the board, it shall be deemed to have been regularly introduced therein. The board shall hold a public hearing on the budget and the proposed appropriation resolution, as required by law. Following the public hearing, the proposed appropriation resolution may be changed or amended and shall take the same course as other ordinances.

(d) *Changes in budget.* The village board may, pursuant to Wis. Stats. § 65.90(5), at any time by a two-thirds vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within ten days thereafter in the official village newspaper.

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(e) *Budget summary.* The clerk-treasurer shall prepare a summary of the budget and shall publish the notice required under Wis. Stats. § 65.90(3)(a). Pursuant to Wis. Stats. § 65.90(3)(b), the budget summary shall include the following:

- (1) All expenditures, by major expenditure category.
- (2) All revenues, by major revenue sources.
- (3) Any financing source and use not included under subsection (e)(1) and (2) of this section.
- (4) All beginning and year-end fund balances.

(Code 1994, § 3.04)

**Secs. 2-206—2-233. Reserved.**

***DIVISION 4. EXPENDITURES, PURCHASES AND CLAIMS***

**Sec. 2-234. Village funds to be expended in accordance with appropriation.**

No money shall be drawn from the treasury of the village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual resolution, or of such resolution when changed as authorized by division 3 of this article. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the village board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(Code 1994, § 3.05)

**Sec. 2-235. Claims.**

All claims shall be reviewed by the clerk-treasurer and approved by the village board before payment, except that the clerk-treasurer may make such immediate payments as may be necessary for weekly or semi-monthly payrolls, social security and health and life insurance premiums, contracted services and utility bills.

(Code 1994, § 3.06)

**Sec. 2-236. Purchases.**

No equipment or supplies shall be purchased by any person unless previously budgeted and approved by the village board. However, emergency purchases not to exceed \$10,000.00 may be approved by the village president. In excess of \$10,000 an emergency meeting will be called pursuant to Wis. Stats. 19.85(3).

(Code 1994, § 3.07; Ord No. 2023-06, 04-03-2023)

**Sec. 2-237. Order checks, execution of.**

All disbursements of the village shall be by order check which shall not be valid unless signed by the village president and the clerk-treasurer.

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(Code 1994, § 3.08)

**Secs. 2-238—2-249. Reserved.**

***DIVISION 5. WORTHLESS PAYMENTS, OVERPAYMENTS, AND UNDERPAYMENTS***

**Sec. 2-250. Payments.**

- (a) Pursuant to the authority of Wis. Stats. §§ 20.905 and 59.24 all village departments, may impose and collect the sum recorded on the village fee schedule from any person who issues a worthless payment to the village.
- (b) If any license has been granted based on the issuance of such worthless payment, the license shall be subject to cancellation until payment is made in full together with the sum required in subsection (a) above.
- (c) Any village department that receives overpayment of fees, licenses, or other charges may retain the overpayment when the overpayment is \$2.00 or less, unless the overpayment is specifically requested in writing.
- (d) Any village department may waive an underpayment of \$2.00 or less for a fee, license, or other charge upon a determination that the administration cost for collection would exceed the amount of underpayment.

(Ord. No. 2022-06 , § 1, 11-21-2022)

**Secs. 2-251—2-267. Reserved.**

***ARTICLE VII. ADMINISTRATIVE REVIEW PROCEDURE***

**Sec. 2-268. Purpose.**

The purpose of this article is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by all village officers, employees, agents, agencies, committees, boards and commissions which may involve constitutionally protected rights of specific persons which are entitled to due process protection under state and federal law relating to municipal administrative review procedure, shall be in full force and effect in the village, except as to those provisions otherwise provided in this article.

(Code 1994, § 6.01)

**Sec. 2-269. Review of initial determination.**

Upon the filing of a written request by any person aggrieved to review an initial determination filed pursuant to the provisions of Wis. Stats. § 68.08, all village officers, employees, agents, agencies, committees, boards and commissions receiving such a request shall conduct administrative reviews of their own determinations in accordance with Wis. Stats. § 68.09. In addition, all such written requests shall be immediately referred to the village attorney.

(Code 1994, § 6.02)

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(Supp. No. 5)

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**Sec. 2-270. Determinations subject to review.**

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 section 2-271.
- (3) 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.
- (4) The imposition of a penalty or sanction upon any person except a village employee or officer, other than a court.

(Code 1994, § 6.03)

**Sec. 2-271. Determinations not subject to review.**

Except as provided in section 2-270, the following determinations are not reviewable under this article:

- (1) A legislative enactment, which is an ordinance, resolution or adopted motion of the village board.
- (2) Any action subject to administrative or judicial review procedures under statutes other than Wis. Stats. ch. 68.
- (3) The denial of a tort or contract claim for money, required to be filed with the village pursuant to statutory procedures for the filing of such claims.
- (4) The suspension, removal or disciplining or nonrenewal of a contract of a village employee or officer.
- (5) The grant, denial, suspension or revocation of a fermented malt beverage license or intoxicating liquor license under Wis. Stats. § 125.12(1), (2) and (3).
- (6) Judgments and orders of a court.
- (7) Determinations made during village labor negotiations.
- (8) Any action which is subject to administrative review procedures as otherwise provided in this Code.
- (9) Notwithstanding any other provision of this article, any action or determination of a village authority which does not involve the constitutionally protected right of a specific person to due process in connection with the action or determination.

(Code 1994, § 6.04)



## Chapter 30 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

### ARTICLE I. IN GENERAL

#### Sec. 30-1. Official map.

Pursuant to Wis. Stats. § 62.23(6), the village board adopt the official map of the village on January 7, 1991. The map and amendments thereto shall be kept in the office of the village clerk-treasurer and recorded as required by law.

(Code 1994, § 8.01)

#### Sec. 30-2. Street grades.

- (a) *Establishment.* The grade of all streets and alleys shall be established or reviewed by the village engineer, reviewed by the director of public works and approved by the village board. No street or alley shall be worked or sidewalk constructed until the grade thereof is established.
- (b) *Alteration of grade prohibited.* No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, in the village unless authorized or instructed to do so by the village board or the public works director. All such alterations of grade shall be recorded in the office of the clerk-treasurer.

(Code 1994, § 8.02)

#### Sec. 30-3. Street and sidewalk excavations and openings.

- (a) *Permit required.* No person shall, without first obtaining a permit from the director of public works, make any opening in any street, alley, or sidewalk within the village. No permit shall be granted when the ground is frozen unless the director determines such opening is necessary.
- (b) *Application.* Application for a permit shall be made on a form supplied by the director of public works. the application shall be accompanied by a signed agreement to hold the village harmless from any liability arising from the work or activity covered by the permit, the fee provided in the village fee schedule and a written description of the work, including a sketch designating the trench location.
- (c) *Insurance.* A certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000.00 for any one person, \$1,000,000.00 for any one accident and \$50,000.00 for property damage.
- (d) *Requirements for the protection of the public.* Every permittee shall enclose each opening which he may make in the streets or public ways of the village with sufficient barricades and barricade lights in order to warn the traveling public.
- (e) *Excavation, refilling and repaving requirements.* The permittee shall comply with all village board rules and regulations governing excavation, refilling and repaving and shall be responsible for any costs incurred by the village. The permittee shall make a determination whether or not sheathing and bracing shall be required. The permittee shall notify the director of public works when repaving has been completed. In the event

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settling occurs within one year of the completion of the project, the permittee shall be responsible for restoring the street.

- (f) *Emergency excavations authorized.* In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person shall immediately notify the director of public works and shall apply for an excavation permit not later than the end of the next succeeding business day.
- (g) *Village work excluded.* The provisions of this section shall not apply to excavation work done by village employees or contractors performing work under contract with the village necessitating excavation in village streets.

(Code 1994, § 8.03; Ord. No. 03-2016, 4-18-2016)

### **Sec. 30-4. Obstructions and encroachments.**

- (a) No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in this section. The prohibition of this section shall not apply to the following:
  - (1) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the sidewalk, street and alley.
  - (2) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
  - (3) Public utility encroachments authorized by the village.
  - (4) Goods, wares and merchandise which do not extend more than three feet on a sidewalk.
  - (5) Excavations and openings permitted under section 30-3.
- (b) No landscaping or building material may be stored on any village street or sidewalk without a permit issued by the public works department. The fee for such permit shall be as provided in the village fee schedule. Permits shall be issued to an applicant not more than three times per calendar year. Permits issued under this subsection expire on the 15th day after issuance and may not be renewed. Permits under this subsection shall be displayed at the site of the encroachment, which encroachment must be marked with reflective tape or barricades or warning lights on all sides of the material.

(Code 1994, § 8.04; Ord. No. 03-2016, 4-18-2016)

### **Sec. 30-5. Snow and ice removal.**

- (a) *Sidewalk, crosswalk and handicap accessibility ramps to be kept clear.* The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk, shall keep said sidewalk clear of all snow and ice. In the event of snow accumulation on said sidewalk due to natural means and/or by any other means, said sidewalks shall be cleared of all accumulated snow and/or ice within 24 hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice for the width of the sidewalk. In the event that ice has formed on any sidewalk in such manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with material to accelerate melting or prevent slipping.
- (b) *Deposit in or across any street prohibited.* No person shall deposit, or cause to be deposited, any snow or ice taken and removed from his/her premises or elsewhere upon any sidewalk, alley, parkway, public place or

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street in the village. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.

- (c) *Removal by village.* The deposit of any snow or ice upon any sidewalk, alley or street of the village contrary to the provisions of this section shall be and is declared to be a nuisance and, in addition to the penalty provided for violation of this section, the village may summarily remove any snow so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice has been removed. If not paid within 30 days, such charge shall be extended upon the current or next tax roll as a charge for current services, as provided in Wis. Stats. §§ 66.0703.

(Code 1994, § 8.05; Ord. No. 2019-7 , 11-18-2019)

### **Sec. 30-6. Utility extensions required before street surfacing.**

All utilities and sewer and water mains and service laterals to the abutting property shall be installed before any street is permanently surfaced or resurfaced.

(Code 1994, § 8.06)

### **Sec. 30-7. Driveways.**

- (a) *Permit required.* No person shall construct any new driveway across any sidewalk or curbing without first obtaining a driveway permit from the director of public works. The applicant for a driveway permit shall file the application with the director and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 150 feet of the proposed driveway.
- (b) *Specifications for driveway construction.*
- (1) *Width.* No driveway shall exceed 24 feet at the road right-of-way and 30 feet at the curb unless approved by the village board.
  - (2) *Interference with intersections prohibited.* At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the village board for effective traffic control or for highway signs or signals. All applications providing for location of a driveway within 50 feet of an intersection in residential districts and 150 feet in commercial and industrial districts shall be submitted to the village board. The board shall approve or disapprove the granting of the permit upon determining whether or not such driveway would be detrimental to traffic control and safety.
  - (3) *Interference with street prohibited.* No driveway apron shall extend out into the street farther than the face of the curb or roadway surface.
  - (4) *Number of driveways limited.* No more than one driveway shall be constructed for any residential lot or premises without the approval of the village board.
  - (5) *Workmanship and materials.* All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in section 30-175(e). When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat workmanlike manner.



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- (c) *Culverts required.* The maintenance personnel or the public works director shall determine if a culvert shall be required in conjunction with any driveway construction. The property owner shall be responsible for the cost of the culvert and installation.

(Code 1994, § 8.09; Ord. No. 2-01, § 1, 7-16-2001)

### **Sec. 30-8. Planting and care of trees.**

- (a) *Duties of director of public works.* The director of public works shall plant, trim, spray, preserve and remove trees, plants and shrubs located along the streets and boulevards and other public places of the village to ensure the safety and preserve the symmetry and beauty of such public places. The director of public works is hereby given all the rights, powers and duties as set forth in Wis. Stats. § 27.09.
- (b) *Order to preserve or remove trees on private property.* The director of public works shall order the trimming, preservation or removal of trees, plants and shrubs located on private property when he shall determine such action is necessary for public safety or to prevent the spread of disease or insects.
- (c) *Planting and care by private persons.* No person shall trim, spray, preserve, remove or plant any trees, plants or shrubs on any public street or in any public place without securing permission from the director of public works.
- (d) *Duties of private owners.* It shall be the duty of any person growing a tree, plant or shrub on any private property abutting on public streets or public places:
- (1) To trim them so as not to be a hazard to persons using the streets or to interfere with the proper lighting of the streets.
  - (2) To treat or remove any tree, plant or shrub which the director of public works shall determine is diseased or insect-ridden or a hazard to trees or persons using the streets.
  - (3) To remove and refrain from planting any tree, plant or shrub designated by the state department of agriculture and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest.
- (e) *Failure to comply.* When a person to whom an order is directed shall fail to comply within the specified time, the director of public works shall remedy the condition or contract with others for such purpose and shall charge the cost thereof to the owner of the property to whom the order is directed. The person remedying a condition under a contract made hereunder shall have authority to enter upon the premises for that purpose.
- (f) *Maintenance of nuisances.* In addition to other remedies provided for herein, any diseased, dangerous or insect-ridden tree, plant or shrub is hereby declared a public nuisance and may be removed as such.
- (g) *Special assessment.* The director of public works shall notify the property owner of the cost of remedying any condition hereunder and if the same is not paid within 30 days thereafter, it shall be a lien upon such property and collected as a special assessment.

(Code 1994, § 8.12)

### **Secs. 30-9—30-34. Reserved.**

## **ARTICLE II. RIGHT-OF-WAY MANAGEMENT**

## *DIVISION 1. GENERALLY*

### **Sec. 30-35. Purpose and findings.**

- (a) In the exercise of governmental functions, the village has priority over all other uses of the public rights-of-way. The village desires to anticipate and minimize the number of obstructions and excavations taking place therein and to regulate the placement of facilities in the rights-of-way to ensure that the rights-of-way remain available for public services and safe for public use.
- (b) The taxpayers of the village bear the financial burden for the upkeep of the rights-of-way and a primary cause for the early and excessive deterioration of its rights-of-way is the frequent excavation by persons who locate facilities therein.
- (c) The village finds increased use of the public rights-of-way and increased costs to the taxpayers of the village and that these costs are likely to continue into the foreseeable future.
- (d) The village finds that occupancy and excavation of its rights-of-way causes costs to be borne by the village and its taxpayers, including, but not limited to:
  - (1) Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.
  - (2) Management costs associated with ongoing management activities necessitated by public right-of-way users.
  - (3) Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way.
  - (4) Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.
- (e) In response to the foregoing facts, the village has adopted this article relating to administration of and permits to excavate, obstruct or occupy the public rights-of-way which imposes reasonable regulations on the placement and maintenance of equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.
- (f) The purpose of this article is to provide the village a legal framework within which to regulate and manage the public rights-of-way, and to provide for recovery of the costs incurred in doing so, and to foster the health, safety and welfare of the residents of the village as they use the right-of-way of the village, as well as to ensuring the structural integrity of the public rights-of-way.

(Ord. No. 03-2016, § 8.16(1)(a), 4-18-2016)

### **Sec. 30-36. 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:

*Applicant* means any person requesting permission to excavate, obstruct or occupy a right-of-way.

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*Degradation* means the decrease in the useful life of the paved portion of the right-of-way, excluding the sidewalk right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

*Department* means the village public works department.

*Emergency* means a condition that poses a clear and immediate danger to life or health, or of a significant loss of property, or that requires immediate repair or replacement in order to restore service to a customer.

*Excavate* means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

*Facilities* means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include, but is not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

*In*, when used in conjunction with "right-of-way," means over, above, within, on or under a right-of-way.

*Local representative* means a local person, or designee of such person, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this article.

*Obstruct* means to place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

*Permittee* means any person to whom a permit to occupy, excavate or obstruct a right-of-way has been granted by the village.

*Public utility* has the meaning provided in Wis. Stats. § 196.01(5).

*Registrant* means any person who has registered with the village to have its facilities located in any right-of-way.

*Repair* means to perform construction work necessary to make the right-of-way useable for travel according to department specifications, or to restore equipment to an operable condition.

*Restore or restoration* means the process by which an excavated right-of-way and surrounding area, including pavement and foundation is reconstructed, per department specifications.

*Right-of-way* means the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane and public sidewalk in which the village has an interest, including other dedicated rights-of-way for travel purposes.

(Ord. No. 03-2016, § 8.16(1)(b), 4-18-2016)

### **Sec. 30-37. Administration by director of public works.**

The director of public works or his designee is responsible for the administration of the rights-of-way, and the permits and ordinances related thereto.

(Ord. No. 03-2016, § 8.16(1)(c), 4-18-2016)

### **Sec. 30-38. Compliance with other laws.**

Obtaining a permit to excavate or a registration to occupy the right-of-way under this article does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other village, county, state, or federal rules, laws or regulations. A permittee shall comply with all requirements of local, state and federal laws. A permittee shall perform all work in conformance with all applicable

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codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

(Ord. No. 03-2016, § 8.16(11), 4-18-2016)

### **Sec. 30-39. Reservation of regulatory and police powers.**

The village, by the granting of a permit to excavate, obstruct or occupy the right-of-way, or by registering a person under this article does not surrender or in any extent lose, waive, impair, or lessen the lawful powers and rights, which it has now or may be hereafter granted to the village under state law to regulate the use of the right-of-way by the permittee; and the permittee by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way or of registration under this article agrees that all lawful powers and rights, regulatory powers, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the village, shall be in full force and effect and subject to the regulatory and police powers of the village to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the village pursuant to such powers.

(Ord. No. 03-2016, § 8.16(18), 4-18-2016)

### **Secs. 30-40—30-66. Reserved.**

## *DIVISION 2. REGISTRATION FOR RIGHT-OF-WAY OCCUPANCY*

### **Sec. 30-67. When required.**

- (a) Each person who has, or seeks to have, facilities located in any right-of-way shall register with the village clerk and pay the fee set forth in section 30-69. Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons who have facilities in the right-of-way pursuant to a franchise or other agreement.
- (b) No person may construct, install, maintain, repair, remove, relocate or perform any other work on, or use any equipment or any part thereof in any right-of-way unless that person is registered with the department.
- (c) Nothing in this article shall be construed to repeal or amend the provisions of a village ordinance regulating constructing sidewalks or driveways or other similar activities. Persons performing such activities shall not be required to obtain any permits under this division.

(Ord. No. 03-2016, § 8.16(2), 4-18-2016)

### **Sec. 30-68. Registration information; keeping information current.**

- (a) The information provided to the department at the time of application shall include, but not be limited to:
  - (1) Each registrant's name, digger hotline registration certificate number, address and email address, if applicable, and telephone and facsimile numbers;
  - (2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative;
  - (3) Reason for and a clear description of the proposed work, use, structure, or obstruction, and the exact location of said work, use, structure or obstruction;

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- (4) The requested dates and hours of work or placement of obstruction;
  - (5) Other local, state or federal approvals, if necessary;
  - (6) A certificate of insurance;
  - (7) If the registrant is a corporation, LLC or LLP, a copy of any certificate required to be filed under state law as recorded and certified by the secretary of state;
  - (8) A copy of the registrant's certificate of authority from the state public service commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency;
  - (9) Sufficient evidence of the following health, welfare, and safety concerns:
    - a. Village infrastructure shall remain fully operational and it shall not be disturbed or altered unless permitted by the village;
    - b. Drainage shall not be affected in the location; and
    - c. The placement of any structure or obstruction shall not present a safety concern, with the construction site being sufficiently lit, if applicable, or fenced and guarded, if applicable;
  - (10) An executed indemnification agreement in a form prescribed by the department.
- (b) The registrant shall keep all of the information listed above current at all times by providing to the department information as to changes within 15 working days following the date on which the registrant has knowledge of any change.

(Ord. No. 03-2016, § 8.16(3), 4-18-2016)

### **Sec. 30-69. Annual registration fee.**

The village shall charge an annual registration fee as provided in the village fee schedule to recover the costs incurred by the village for processing and updating registration information.

(Ord. No. 03-2016, § 8.16(4), 4-18-2016)

### **Sec. 30-70. Minimum standards for issuance.**

An application for registration shall be granted only if it is shown that the applicant has non-exclusive use of the premises, granting the request shall not contribute to public expense, and the applicant's use of the premises is and will continue to be in compliance with all applicable local, state, and federal laws.

(Ord. No. 03-2016, § 8.16(5)(a)—(c), 4-18-2016)

### **Sec. 30-71. Conditions of registration.**

Registrations issued under this article are subject at all times to compliance with the following conditions:

- (1) The applicant shall obtain all permits required by local, state, or federal authorities required for the use of the premises.
- (2) The applicant shall not install any utility lines, equipment and/or facilities on private property without written consent of the owner, and shall verify parcel boundaries.

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- (3) Easement and access agreements shall be obtained for any village parcels not part of public rights-of-way.
  - (4) A right-of-way user registration shall not be construed as a waiver of the applicant's obligation to comply with other or more restrictive village ordinances.
  - (5) The village infrastructure shall not be disturbed or altered by the registrant or his agents unless otherwise permitted by the village board and shall remain visible, accessible and operational. Any village infrastructure damaged shall be immediately reported to the department of public works, be repaired to village standards, and inspected and approved by the public works department at the expense of the registration holder.
  - (6) Any construction, reconstruction, improvements or restoration of the public right-of-way after disturbance shall be consistent with village standards and all public rights-of-way shall be restored to their original condition upon completion of the work, activities, or installation, unless otherwise permitted by the village board.
  - (7) Drainage shall not be adversely affected due to the installation of any utility lines, structures, equipment or facilities. Placement of obstructions during installation and all work and activities shall not present a public safety concern, be sufficiently lit at night (if required by permit) so as to be in full view of the public from all directions, be fenced or guarded (if required by permit) in a manner which ensure s public safety, and be consistent with any limitations and conditions set forth in the approval.
  - (8) The registration holder shall indemnify and hold the village harmless for any loss, liability, claims, or damage to any person or property arising from applicant's installation, maintenance or operation under the approved registration, vandalism, interruption in any service from any cause, and fire, water, rain, snow, steam, sewerage, gas or odors from any source.

(Ord. No. 03-2016, § 8.16(5)(c)—(j), 4-18-2016)

**Sec. 30-72. Representative to be available at all times.**

The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(Ord. No. 03-2016, § 8.16(3)(b), 4-18-2016)

**Secs. 30-73—30-102. Reserved.**

*DIVISION 3. RIGHT-OF-WAY EXCAVATION PERMIT*

**Sec. 30-103. Required.**

Except as otherwise provided in this division or other village ordinances, no person shall excavate any right-of-way without first having obtained an excavation permit from the department.

(Ord. No. 03-2016, § 8.16(6)(a), 4-18-2016)

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### **Sec. 30-104. Application.**

Application for a right-of-way excavation permit shall be made to the village clerk-treasurer. Permit applications shall be submitted with all required attachments and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities that are part of the applicant's proposed project.

(Ord. No. 03-2016, § 8.16(6)(b)(1), (2), 4-18-2016)

### **Sec. 30-105. Payment of current and past fees and other charges required.**

The application shall be accompanied by payment for all money due to the village for applicable permit fees and costs as provided in this division, any unpaid fees or costs due for prior excavations, and any loss, damage, or expense suffered by the village because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the village in connection therewith.

(Ord. No. 03-2016, § 8.16(6)(b)(3), 4-18-2016)

### **Sec. 30-106. Permit fee; other costs and charges.**

- (a) *Fee established by department.* An excavation permit fee shall be established in the village fee schedule in an amount sufficient to recover the costs incurred by the village. The fee shall recover administrative and inspection costs, as well as degradation costs should the permittee choose to repair rather than restore the right-of-way.
- (b) *Degradation fee formula.* The general formula for computing the degradation fee shall be the cost per square yard for street overlay and seal coat multiplied by the appropriate depreciation rate for that street multiplied by the area of the patch. The area or the patch shall be calculated by adding one foot to each side of the actual street cut. Degradation fee schedule is available upon request from the director of public works.
- (c) *Payment due prior to issuance of permit; exception.* The permit fee must be paid prior to issuance of the permit; provided, however, that the director of public works may, with the advice and consent of the village board, establish a fee collection process from governmental agencies and private utilities in order to expedite the permitting system and recognize that certain excavations are deemed emergencies. Permit fees under this section are in addition to any forfeiture provided elsewhere in this division.
- (d) *No waiver of fees; exception.* Fees shall not be waived unless the work involved is a direct result of the demand of the director of public work that a structure owned by a utility be removed or relocated or unless waived by the village board on appeal.
- (e) *Certain utility work in new subdivisions qualifies for minimum fees.* Excavation permits for utility work in new subdivisions and within the limits of public works projects, where the work is undertaken prior to the installation of pavement, shall only be charged the minimum fee.
- (f) *Additional cost for projects disrupting general public and traffic.* For those permit applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the director of public works is authorized to assess the actual cost of the village employee's time engaged in the review and inspection of the anticipated work multiplied by a factor determined by the respective department to represent the village's cost for statutory expense, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.0, plus the cost of mileage reimbursed to village employees which is attributed to the work, plus all consultant fees associated with the work at the invoiced amount plus ten percent for administration.

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- (g) *Village and village contractors exempt from fee requirements.* The village and its contractors shall not pay degradation fees for excavations due to general government functions.
  - (h) *Fees not refundable upon revocation.* Permit fees paid for a permit that the department has revoked are not refundable.
- (Ord. No. 03-2016, § 8.16(7), (8)(d), 4-18-2016)

**Sec. 30-107. Cost of tree trimming around right-of-way facilities.**

The cost of trimming trees around facilities is an ongoing cost to the village. The specific cost will be determined and a fee to offset those costs may be assessed in the future.

(Ord. No. 03-2016, § 8.16(10), 4-18-2016)

**Sec. 30-108. Discretionary issuance.**

The department may issue a permit where issuance is necessary to prevent substantial economic hardship to a customer of the permittee or applicant, or to allow such customer to materially improve its utility service, or to allow the permittee or applicant to comply with state or federal law or village ordinance or an order of a court or administrative agency.

(Ord. No. 03-2016, § 8.16(12)(b), 4-18-2016)

**Sec. 30-109. Display of permit upon request.**

A copy of any permit issued under this division shall be made available at all times by the permittee at the indicated work site and shall be available for inspection by the department upon request.

(Ord. No. 03-2016, § 8.16(6)(a), 4-18-2016)

**Sec. 30-110. Work done without a permit.**

Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently obtain a permit, and shall in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this division or other chapters of the general ordinances of the village, deposit with the department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this division.

(Ord. No. 03-2016, § 8.16(13), 4-18-2016)

**Sec. 30-111. Grounds for revocations, suspensions, refusals to issue or extend permits.**

- (a) The department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:
  - (1) The applicant or permittee is required to be registered and has not done so;
  - (2) Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival or other event;
  - (3) Misrepresentation of any fact by the applicant or permittee;



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- (4) Failure of the applicant or permittee to maintain required bonds or insurance;
  - (5) Failure of the applicant or permittee to complete work in a timely manner;
  - (6) The proposed activity is contrary to the public health, safety or welfare;
  - (7) The extent to which right-of-way space is available;
  - (8) The competing demands for the particular space in the right-of-way;
  - (9) The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the permittee or applicant;
  - (10) The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way.
- (b) Any person aggrieved by a decision of the department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the village board. A request for review shall be filed within ten days of the decision being appealed. Following a hearing, the village board may affirm, reverse or modify the decision of the department.
- (Ord. No. 03-2016, § 8.16(12), 4-18-2016)

**Secs. 30-112—30-135. Reserved.**

*DIVISION 4. STANDARDS AND SPECIFICATIONS*

**Sec. 30-136. Right-of-way repair and restoration.**

- (a) *Required.* The permittee shall be required to repair the public right-of-way to department specifications, subject to inspection and acceptance by the department, and to pay a degradation fee as provided in this division unless the permittee elects to restore the right-of-way pursuant to this division. In addition to repairing its own work, the permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the department. The department shall inspect the area of the work and accept the work when it determines that proper repair has been made, per specifications of the department.
- (b) *Guarantee of work; correction of defects.* The permittee must guarantee its work and shall maintain it for 36 months following its completion. During this period, it shall, upon notification from the department, correct all work to the extent necessary, using the method required by the department. The work shall be completed within ten calendar days of the receipt of the notice from the department, not including days during which work cannot be done because of circumstances constituting force majeure.
- (c) *Failure to repair or restore.* If the permittee fails to repair or restore the right-of-way in the manner and to the condition required by the department, or fails to satisfactorily and timely complete all work required by the department, the department at its option may do such work. In that event, the permittee shall pay to the village, within 30 days of billing, the cost of repairing or restoring the right-of-way.
- (d) *Restoration in lieu of repair and degradation fee.* The permittee may elect to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. The restoration shall be in accordance with the standard specifications for public works construction and the plans and specifications of the department. The permittee shall then also comply with the restoration standards of this section.

(Ord. No. 03-2016, § 8.16(8)(a)—(c), (e), 4-18-2016)

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### **Sec. 30-137. Notice of work completion.**

When the work under any permit hereunder is begun and completed, the permittee shall notify the department.

(Ord. No. 03-2016, § 8.16(9)(a), 4-18-2016)

### **Sec. 30-138. Site to be available for inspection.**

The permittee shall make the work site available to the department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(Ord. No. 03-2016, § 8.16(9)(b), 4-18-2016)

### **Sec. 30-139. Stop work order; correction of defective work.**

At the time of inspection, the village may order the immediate cessation of any work which poses a threat to the life, health, safety or well-being of the public. The village may issue an order to the registrant or permittee for any work that does not conform to the applicable village standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the registrant or permittee shall present proof to the department that the violation has been corrected. If such proof has not been presented within the required time, the department may revoke the permit.

(Ord. No. 03-2016, § 8.16(9)(c), 4-18-2016)

### **Sec. 30-140. Emergency situations.**

- (a) Each registrant shall immediately notify the village by verbal notice on an emergency phone number provided by the village of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant shall apply for the necessary permits, pay the fees associated therewith and otherwise fully comply with the requirements of this division.
- (b) If the village becomes aware of any emergency regarding a registrant's facilities, the department may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The village may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

(Ord. No. 03-2016, § 8.16(13)(a), 4-18-2016)

### **Sec. 30-141. Location of facilities.**

- (a) *Underground.* Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.
- (b) *Limitation of space.* The department may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the department shall strive to the extent possible to

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accommodate all existing and potential users of the right-of-way, but may prohibit or limit the placement of new or additional facilities when required to protect the public, health, safety or welfare.

(Ord. No. 03-2016, § 8.16(14), 4-18-2016)

### **Sec. 30-142. Relocation of facilities.**

A registrant must, promptly and at its own expense, permanently remove and relocate its facilities in the right-of-way whenever the village, acting in its governmental capacity, requests such removal and relocation. If requested, the registrant shall restore the right-of-way; provided, however, that a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

(Ord. No. 03-2016, § 8.16(15), 4-18-2016)

### **Sec. 30-143. Interference with other facilities during municipal construction.**

When the village performs work in the right-of-way and finds it necessary to maintain, support, shore, or move a registrant's facilities, the village shall notify the local representative. The registrant shall meet with the village's representative within 24 hours and coordinate the protection, maintenance, supporting or shoring of the registrant's facilities. The registrant shall accomplish the needed work within 72 hours, unless the village agrees to a longer period. If the registrant does not proceed to maintain, support, shore or move its facilities, the village may arrange to do the work and bill the registrant, said bill to be paid within 30 days.

(Ord. No. 03-2016, § 8.16(16), 4-18-2016)

### **Sec. 30-144. Discontinued operations; dedication of facilities to the village.**

A registrant who has determined to discontinue its operations in the village must either provide information satisfactory to the department that the registrant's obligations for its facilities under this division have been lawfully assumed by another registrant or submit to the department a proposal and instruments for dedication of its facilities to the village. If the registrant proposes to dedicate its facilities to the village, the village may, at its option:

- (1) Accept the dedication for all or a portion of the facilities;
- (2) Require the registrant, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or
- (3) Require the registrant to post a bond or provide payment sufficient to reimburse the village for reasonably anticipated costs to be incurred in removing the facilities.

(Ord. No. 03-2016, § 8.16(17)(a)(1), (2)(A)—(C), 4-18-2016)

### **Sec. 30-145. Abandoned and unusable facilities.**

Any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from that right-of-way within two years, unless the department waives this requirement. Facilities unused for two years shall be deemed abandoned and a nuisance. In addition to any remedies or rights it has at law or in equity the village may, at its option abate the nuisance, take possession of the facilities, or require removal of the facilities by the registrant, or the registrant's successor in interest. This section shall not apply to a public utility, as defined by Wis. Stats. § 196.01(5), that is required to follow the provisions of Wis. Stats. § 196.81.

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**Secs. 30-146—30-173. Reserved.**

### **ARTICLE III. PUBLIC WORKS CONTRACTS AND FINANCING**

#### **Sec. 30-174. Public construction bidding.**

All village public construction contracts shall be let in accordance with Wis. Stats. § 62.15, except that village street construction shall be done directly by the village by contracting for such construction with the county without submitting the same for bids.

(Code 1994, § 8.10; Ord. No. 3-95, § 1, 3-6-1995)

#### **Sec. 30-175. Allocation and assessment of costs.**

(a) *Generally.*

(1) The installation of any public improvement shall be an exercise of the police power of the village, as may from time to time be determined by the village board, and the property served shall be assessed pursuant to the provisions of Wis. Stats. §§ 66.0703 and 66.0701.

(2) The total cost of any public improvement to be paid in whole or in part by special assessment shall include the direct and indirect costs reasonably attributable thereto including, but not limited to, materials, supplies, labor, equipment, site preparation and restoration, damages occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.

(3) The total assessment for any public improvement shall be based upon the total cost and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a linear frontage basis unless the village board otherwise determines that extenuating circumstances require a different method of apportionment.

(b) *Sewer and water mains.* Except as provided in division 1, article IV of chapter 32, all sewer and water main extensions shall be constructed by the village in accordance with specifications established by the village board. Special assessments for all sewer and water main extensions shall be levied at 100 percent of the total cost of construction.

(c) *Streets.* Streets shall be constructed by the village in accordance with specifications established by the village board. Street widths shall be in accordance with the width indicated on the official map. Except as provided in chapter 32, the cost of all streets shall be borne by the village.

(d) *Curb and gutter.* Curbs and gutters shall be constructed by the village in accordance with specifications established by the village board. Special assessments for all new curbs and gutters shall be levied at 100 percent of the total cost and replacement curbs and gutters shall be borne by the village.

(e) *Sidewalks.*

(1) *Construction standards.* All new sidewalks shall be of four-inch-thick standard cement constructed on a three-inch aggregate base except at driveways, sidewalks shall be six inches of concrete on six inches of aggregate base. Sidewalks shall be installed with one-quarter-inch per foot pitch. In the event where new or existing sidewalks are of a different width, pitch or location, the public works committee shall

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authorize changes to the above requirements as the circumstances may indicate. If the owner of the adjoining property disagrees with the determination of the public works committee as to sidewalk location, the owner may appeal to the committee of the village assigned to street responsibility public works committee. The decision of the committee shall be binding and not subject to further appeal.

- (2) *Repair or replacement of existing sidewalk, corner block, curb, and gutter.* In the event the village determines that sidewalk, corner block, curb, or gutter is broken, heaved, cracked, disintegrated, or otherwise damaged or that the condition of said sidewalk, curb, and/or gutter represents a safety hazard, the village shall notify the owner, in writing, of said condition, the amount of sidewalk to be replaced, the reason the replacement is required, options for replacement and a deadline for completing the work. Replacement options include: allow the owner to remove and replace to village standards as provided in this section and require the owner to obtain a permit for the work from the village; allow the property owner to hire a private contractor to remove and replace to village standards as provided in this section and require the owner to obtain a permit for the work from the village or allow the property owner to have the sidewalks repaired through a village contract.

(Code 1994, § 8.07; Ord. No. 4-98, § 1, 4-6-1998; Ord. No. 8-98, § 1, 8-3-1998; Ord. No. 01-2016, 1-4-2016)

### **Sec. 30-176. Special assessment procedure.**

- (a) *Alternate method selected.* As provided in Wis. Stats. § 66.0701, in addition to other methods provided by law, special assessments for any public work or improvement may be levied by alternate methods. The village board hereby elects to levy such special assessments as provided in this section.
- (b) *Preliminary resolution.* Whenever the village board shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:
- (1) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.
  - (2) The limits of the proposed assessment district.
  - (3) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.
  - (4) The number of installments in which the special assessments may be paid, or that the number of installments shall be determined after the public hearing required by this section, and shall be included in the final resolution.
  - (5) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by this section, and shall be included in the final resolution.
  - (6) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property, or that such terms will be determined after the public hearing required by this section and will be included in the final resolution.
  - (7) The village engineer shall prepare a report as required by this section.
- (c) *Report of village engineer/director of public works.* Whenever the village board, by preliminary resolution, directs the village engineer or the director of public works to prepare a report, the village engineer or the director shall prepare a report consisting of the following:
- (1) Preliminary or final plans and specifications for the public work.

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- (2) An estimate of the entire cost of the proposed work or improvement, except that when the village board determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvement, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.
  - (3) A schedule of the proposed assessments.
  - (4) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis for such benefit.
  - (5) Upon completion of the report, the village engineer shall file a copy of the report with the clerk-treasurer.
- (d) *Incorporation of statutory provisions.* The provisions of Wis. Stats. §§ 66.0703 including those related to notice, hearing and the adoption of a final resolution shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.
- (e) *Lien.* Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the village board determining the amount of such levy.
- (Code 1994, § 8.08)