

Chapter 1: Administration

1-1 Code Interpretation.

- A. For purposes of this Code of Ordinances, the following words have the following meanings unless clearly indicated otherwise in the text:
1. “Town” or “Township” means the Town of Easton, Marathon County, Wisconsin.
 2. “Town Board” or “Board” means the Town’s Town Board.
 3. “Person” means a person, firm, partnership, corporation, or other legal entity of any kind.
- B. The titles or headings of chapters, ordinances, sections, subsections, or any other subparts are not themselves a part of the ordinances.
- C. The singular includes the plural, and the plural includes the singular.
- D. Words importing one gender extend and may be applied to any gender.
- E. The present tense of a verb includes the future when applicable. The future perfect tense includes past and future tenses.

1-2 Severability.

If any provision of these Ordinances is invalid or unconstitutional or if the application of these Ordinances to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of these Ordinances which can be given effect without the invalid or unconstitutional provisions or applications.

1-3 Fee schedule.

Fees for permits, licenses, and other Town services shall be as established from time to time as required by law of the Town Board and set forth in a fee schedule adopted and maintained by the Town. A copy of the fee schedule shall be available for inspection and copying in the office of the Town Clerk.

1-4 Ordinance enforcement; penalties.

- A. Penalty schedule. Penalties for violation of any provision of this Code that are not specifically addressed in the Code shall be subject to the general penalty schedule set forth in this Section; except that if a statute requires a penalty to conform to the statute, then such statutory penalty shall be used.
- B. General penalty. Unless otherwise specifically provided for in this Code, any person violating any of the provisions of this Code shall be subject to a penalty as follows:
1. First offense. For the first offense, forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not for a period exceeding 30 days.
 2. Second offense. For the second and all subsequent offenses of the same provision or ordinance within a period of one year, forfeiture of not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs of prosecution are paid, not to exceed 90 days and not to exceed the amount authorized by statute.
 - a. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from initiating and maintaining any other appropriate action to prevent or remove a violation of any provision of this Code.
 - b. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provision of this Code or ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

1-5 Citation authority.

The county sheriff's department and any other persons as may be designated by the Town Board to enforce Town ordinances may issue citations authorized in this Code. The Town hereby authorizes the Town Chairperson to issue citations.

1-6 Citation form.

- A. Except as provided in Subsection D, the Town prescribes that the form for citations to be issued for violations of Town ordinances shall be as provided in this subsection and shall include all of the following:
1. The name and address of the alleged violator.
 2. The factual allegations describing the alleged violation.
 3. The time and place of the offense.
 4. The section of the ordinance violated.
 5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
 6. The time at which the alleged violator may appear in court and a statement describing whether the appearance is mandatory.
 7. A statement which in essence informs the alleged violator:
 - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b. That if the alleged violator makes such a deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned.
 - c. That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Wis. Stat. ch. 814, not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d. That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under Wis. Stat. § 66.0113(3)(d), or the Town may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Wis. Stat. ch. 814.

- e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stat. § 800.093.
 - 8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under Subdivision 7. and shall send the signed statement with the cash deposit.
 - 9. Such other information as may be deemed necessary.
- B. The Town Board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits and/or bonds.

Clerk of Court
Marathon County Courthouse
500 Forest Street
Wausau, WI 54403

- C. The schedule of cash deposits that may be required for the various ordinance violations shall be in an amount not to exceed the maximum penalty for the particular violation, plus costs, fees, and surcharges imposed under Wis. Stat. ch. 814, for which a citation may be issued.
- D. The adoption and authorization for use of a citation under this Ordinance does not preclude the Town from adopting any other Ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Ordinance does not preclude proceeding under any other Ordinance or law relating to the same or any other matter. Proceeding under any other Ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this Ordinance.

1-7 State laws adopted.

- A. The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Stat. chs. 341 to 348 and 350, for which the penalty for

violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.

- B. The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Adm. Code Transportation chs. 110, 347 and 348, except rules pertaining to federal motor carrier safety standards, for which the penalty for a violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.
- C. The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Stat. § 947.01 entitled “Disorderly conduct” and as from time to time amended as if fully set forth herein.

1-8 Alternative Procedure for Bills and Vouchers.

- A. Payment of financial claims against the Town which are in the nature of bills and/or vouchers may be made from the Town treasury under Wis. Stat. § 66.0607 after the Town Clerk reviews and approves in writing each bill or voucher as a proper charge against the treasury, after having determined that:
 - 1. Funds are available under the Town budget to pay the bill or voucher.
 - 2. The item or service covered by the bill or voucher has been duly authorized by the Town Board.
 - 3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 - 4. The claim appears to be a valid claim against the Town.
- B. The Town Clerk may require submission of proof to determine compliance with the conditions under Section 1-8.A.1-4.
- C. The Town Clerk is required to file with the Town Board at least monthly a list of the claims approved under this Ordinance, showing the date paid, name of claimant, purpose, and amount.

1-9 Precondition for Grant of Town License or Permit.

- A. Current accounts required. As a precondition of obtaining or renewing any Town license or permit, all Town taxes, special assessments, special charges, fees, forfeitures, and any other unpaid debt owed to the Town shall be paid in full on a current basis before the grant or renewal of any Town license or permit.

- B. New applicants. New applicants with outstanding debts to the Town as described in Subsection A above shall be denied the grant of any Town license or permit.
- C. Applicants with existing permissions. Applicants with an existing permission that is not otherwise expiring, but with outstanding debts to the Town as described in Subsection A above, may be denied the grant or renewal of any Town license or permit as follows:
1. If the application is for any type of license or permit that the applicant does not already possess, then such application shall be denied as provided in Subsection A above.
 2. If the application is for any type of license or permit that the applicant already possesses, then nonrenewal, suspension, or revocation of such license or permit may occur as follows:
 - a. If the respective license or permit has a required process for nonrenewal, suspension, or revocation pursuant to any statute or ordinance, then pursuant to such statute or ordinance.
 - b. If the respective license or permit does not have a required process for nonrenewal, suspension, or revocation pursuant to any statute or ordinance, then pursuant to the following:

If the Town determines to nonrenew, suspend, or revoke the license or permit, then the holder of the license or permit shall be given at least 10 days' written notice of a hearing, and is entitled to appear and be heard at the hearing as to why the license or permit should not be nonrenewed, suspended, or revoked. A holder of a license or permit that is nonrenewed, suspended, or revoked may within 20 days of the date of the nonrenewal, suspension, or revocation appeal the decision to the Marathon County Circuit Court for certiorari review by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of \$1,000 with 2 sureties or a bonding company approved by the Town Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license or permit holder.

1-10 Dog License Tax.

- A. Wis. Stat. § 174.05, and as from time to time it is amended, is hereby adopted and incorporated into this Code of Ordinances by reference as if fully set forth herein.
- B. The Town Board shall cause any enacted additional fee for dog licenses to be reflected in the Town's fee schedule.

1-11 Reimbursement of Expenses.

- A. The Town Board may provide for reimbursement of expenses necessarily incurred by any officer or employee of the Town in the performance of official Town duties. The Board may determine who is eligible for expense reimbursement, which expenses are reimbursable, and the amount of reimbursement. Expenses reimbursable under this Section include, but are not limited to:
 - 1. Traveling expenses, including mileage, lodging, and meal expenses.
 - 2. Costs associated with programs of instruction related to the officer's or employee's office or employment.
- B. The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

1-12 Legal Custodians of Public Records.

- A. The Town Clerk is hereby designated as the legal custodian of the Town and is vested with full legal power to render decisions and carry out the Town's public records responsibilities pursuant to Wis. Stat. Ch. 19, Subchapter II.
- B. Paragraph A above notwithstanding, an elective official is the legal custodian of his or her records and the records of his or her office. However, an elective official may designate an employee to act as the legal custodian.
- C. Paragraph A above notwithstanding, the chairperson of a committee of elective officials, or the chairperson's designee, is the legal custodian of the records of the committee. Similarly, the co-chairpersons of a joint committee of elective officials, or their designees, are the legal custodians of the records of the committee.

1-13 Public Access to Records.

- A. The public may obtain information and access to records in the custody of the Clerk or other appropriate legal custodian, make requests for records, or obtain

copies of records, and learn the costs of obtaining copies of records from the Clerk or other appropriate legal custodian upon at least 48 hours' written or oral notice of intent to inspect or copy a record.

- B. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- C. The Town is not required to create a new record by extracting information from existing records and compiling the information in a new format, except that: any requester has a right to receive a copy of a record which is in the form of a comprehensible audio recording substantially as audible as the original or the Town may instead provide a transcript of the recording to the requester if he or she requests; any requester has a right to receive a copy of information contained in the record assembled and reduced to written form on paper if it is not in a readily comprehensible form; and if a record contains information that is subject to disclosure under Wis. Stat. § 19.35(1)(a) or (am) and information that is not subject to such disclosure, the Town shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.
- D. The Town shall provide a requestor with facilities comparable to those used by its employees to inspect, copy, and abstract the record during established office hours. However, the Town is not required to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying, or abstracting of records.
- E. The Town will impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law. Actual, necessary and direct fees for public records requests shall be charged to requestors as follows:
 - 1. The costs of photocopying shall be \$0.15 per page.
 - 2. Other methods of reproduction, including but not limited to photographic or transcriptions, shall be at cost.
 - 3. Computer programming expenses required to respond to a request shall be at cost.
 - 4. Mailing or shipping expenses required to respond to a request shall be at cost.

5. Staff time calculated on the pay rate of the lowest paid employee capable of performing the task, e.g., \$25/hour.
6. Locating a record if the actual cost therefor exceeds \$50.00.
7. The legal custodian shall estimate the cost of all applicable fees and require a prepayment if such estimate exceeds \$5.00.
8. The Town may provide copies of a record without charge or at a reduced charge where the legal custodian determines that waiver or reduction of the fee is in the public interest.
9. Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
10. Continuing or ongoing requests are not possible. Requests can only be made and fulfilled for records that exist at the time the request is made.

1-14 Public Records Access Procedures.

- A. A request to inspect or copy a record shall be made to the legal custodian.
- B. A request is deemed sufficient if it reasonably describes the requested record or the information requested. 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 and may be denied for those reasons. However, nothing herein this Code shall prevent the legal custodian from contacting the record requestor in an attempt to better identify what the person is seeking.
- C. Upon request for any record a legal custodian shall as soon as practicable and without unnecessary delay either fulfill the request or notify the requester of the Town's determination to deny the request in whole or in part and the reasons therefor.
- D. A requester may be required to show acceptable identification only when the requested record is being kept at a private residence or whenever security reasons or federal law or regulations require it. Otherwise, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
- E. A request may be made orally or in writing and need not be made in person. If a request is made orally, the Town may deny the request orally unless a

demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If the Town denies a written request in whole or in part, the requester shall receive from the Town a written statement of the reasons for denying the written request. Every written denial of a request by the Town shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the attorney general or a district attorney.

- F. No record may be destroyed after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied. Upon written notice that an action relating to a record has been commenced under Wis. Stat. § 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.
- G. In limited circumstances a request can experience minor delay in order to properly notify a record subject pursuant to Wis. Stat. § 19.356.

1-15 Limitations on right of access.

- A. Although there is a presumption of access to a record, the legal custodian must also consider whether there are any explicit rights or prohibitions to access in statute or case law, and finally by a balancing test weighing possible harm against benefit to the public.
- B. If a record contains both information that may be made public and information that may not be made public, the custodian shall provide the information that may be made public and redact the information that may not be made public from the record before release. The custodian shall confer with the Town Attorney, if any, prior to releasing any such record and shall follow the guidance of the Town Attorney when separating out the exempt material. If in the judgment of the custodian and the Town 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.
- C. A requester has a greater right of access than the general public to any personally identifiable information pertaining to the individual in a record

containing personally identifiable information that is maintained by the Town.

1-16 Retention of records.

The Town shall keep the following records for at least the quantified time periods set herein below and by statute unless the state Public Records Board has adopted a shorter period pursuant to Wis. Stat. § 16.61(3)(e), then it shall apply instead upon the Public Records Board's approval of the Town's use of the General Records Schedule:

- A. Do not destroy; retain for an indefinite period: minutes of meetings; original copies of ordinances and ordinance amendments; original copies of resolutions; deeds and other property records; information about plats, certified survey maps, public streets and highways; legal opinions received from the Town Attorney; information on the Village's "Class B" liquor license quota; and insurance policies.
- B. Unless otherwise enumerated in statute or herein below, a record shall be kept at least seven (7) years pursuant to Wis. Stat. § 19.21(4)(b).
- C. Pursuant to Wis. Stat. § 19.21(7), a tape recording of a meeting for the sole purpose of making the minutes can be destroyed no sooner than ninety (90) days after the minutes are approved.
- D. Pursuant to Wis. Stat. § 125.04(3)(i)3, liquor license applications shall be retained for at least four (4) years.
- E. All materials and supplies associated with an election pursuant to Wis. Stat. § 7.23.
- F. Pursuant to Wis. Stat. § 19.21(4)(a), no assessment roll containing land enrolled in the Forest Crop program can be destroyed without prior approval of the Wisconsin Secretary of Revenue.
- G. The Retention of public records until their respective schedules of destruction, as set forth in the "General Records Schedule, Wisconsin Municipal and Related Records" approved by the Wisconsin Public Records Board, and as from time to time it is amended, is hereby adopted and incorporated into this Code of Ordinances by reference as if fully set forth herein.
 - 1. For any record kept or created that is not applicable to or covered by the General Records Schedule, prior to destruction at least sixty (60) days' notice in writing shall first be given to the State Historical Society of Wisconsin.