

## CHAPTER 1

### GENERAL GOVERNMENT

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**1.01 FORM OF GOVERNMENT.** The Town of Ashippun, Dodge County, Wisconsin, operates under the town system of government under Ch. 60, Wis. Stats.

- (1) VILLAGE POWERS ADOPTED. See §60.10, Wis. Stats.
- (2) POWERS OF ANNUAL MEETING. See §60.12, Wis. Stats.

**1.02 ELECTED OFFICIALS.** The elected officials of the Town shall consist of the following:

- (1) TOWN BOARD MEMBERS. The Town Board shall consist of 3 Supervisors who shall be elected in odd-numbered years for 2 year terms; one shall be designated on the election ballot as Town Chairperson.

**1.03 APPOINTED OFFICIALS.** The appointed officials of the Town shall consist of the following. Those appointed for one year shall be appointed in April of each year and those appointed for 2 years shall be appointed in April of odd-numbered years.

OFFICIALS	HOW APPOINTED	TERM
(1) Assessor	Town Chairperson, subject to confirmation by Town Board.	Indefinite
(2) Building Inspector	Town Chairperson, subject to confirmation by Town Board.	Indefinite
(3) Police Chief	The Neosho/Rubicon/Ashippun Police Chief shall Be appointed by agreement between the Neosho Village President, the Rubicon Town Chairperson and the Ashippun Town Chairperson and confirmed by the respective Village and Town Boards.	Indefinite
(4) Weed Commissioner	Town Chairperson, subject to confirmation by Town Board.	1 year
(5) Hwy Superintendent	Town Chairperson, subject to confirmation by Town Board.	Indefinite
(6) Clerk-Treasurer	Town Chairperson, subject to confirmation by Town Board.	3 years

**1.04 BOARDS AND COMMISSIONS.** (1) PLAN COMMISSION. (a) *Membership.* The Plan Commission shall consist of 7 citizens of recognized experience and qualifications who shall be appointed in April by the Town Chairperson, subject to confirmation by the Town Board, for staggered 3-year terms.

(b) *Officers.* The Plan Commission shall hold an annual organizational meeting in May at which time it shall elect from among its members a Chairperson and a Vice Chairperson.

(c) *Meetings and proceedings.* The Plan Commission shall meet monthly or at the call of the Chairperson.

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1. Quorum. A majority of the members of the Plan Commission shall constitute a quorum.

2. Records. The Secretary shall keep a written record of the proceedings of the Commission and the original thereof shall be filed with the Clerk-Treasurer.

3. Compensation. The Town Board shall, from time to time, fix the compensation of the Commission members.

(d) *Powers and Duties.* The Plan Commission shall be responsible for developing plans and making recommendations to the Town Board relating to the development of a Town land use plan; land use classifications and standards; and other matters relating to the proper use and development of lands within the Town. In addition, the Commission shall have the powers and duties granted by §62.23, Wis. Stats., and such other powers and duties as shall be vested in it from time to time by the Town Board, the Town Land Division Code and other applicable laws.

(2) BOARD OF REVIEW. (a) *Membership.* The Board of Review shall consist of the Town Board and the Clerk-Treasurer.

(b) *Powers and Duties.* The Board shall have the powers and duties as prescribed in §70.47, Wis. Stats.

(3) JOINT POLICE COMMITTEE. (a) *Membership.* The Joint Police Committee shall consist of 3 members, none of whom shall be officers or employes of the Village of Neosho or the Towns of Rubicon or Ashippun. One member shall be appointed by the Neosho Village President and confirmed by the Village Board, one member shall be appointed by the Rubicon Town Chairperson and confirmed by the Town Board, and one member shall be appointed by the Ashippun Town Chairperson and confirmed by the Town Board all for 3 year terms.

(b) *Powers and Duties.* The Joint Police Committee shall have the power and duty to discipline the Police Chief and Department police officers who are not probationary in accordance with §62.13(5), Wis. Stats.

(4) ADMINISTRATIVE REVIEW APPEALS BOARD. (a) *Membership.* The Administrative Review Appeals Board shall consist of the Town Chairperson who shall be its presiding officer and 2 citizen members. The citizen members shall be appointed by the Town Chairperson, subject to confirmation by the Town Board, for staggered 2 year terms.

(b) *Powers and Duties.* The Board shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of Town officers, employes, agents, agencies, committees, boards and commissions filed in accordance with §68.10, Wis. Stats. In conducting administrative review hearings and making final decisions, the Board shall be governed by §§68.11 and 68.12, Wis. Stats. (See ch. 6. of this Code)

(5) ASHIPGUN SANITARY DISTRICT COMMISSION. The Commission shall consist of 3 members who shall be elected by the residents of the Ashippun Sanitary District, pursuant to §60.74(4), Wis. Stats.

**1.05 HIRING OF PERSONNEL.** (1) Employes of the Town shall be hired by the Town Board.

(2) The compensation, terms and conditions of employment of Town employes shall be established from time to time by the Town Board and are set forth in the Town Personnel Manual on file in the office of the Clerk-Treasurer.

**1.06 PURCHASING PROCEDURES.** (1) The purchase of materials and supplies, which are budgeted and the anticipated cost of which is under \$500, may be made by the Clerk-Treasurer and the Town Patrol person without the approval of the Town Chairperson or any other Town Board members. "Materials and supplies" include paper, stationary, postage, office supplies, cleaning materials and supplies, maintenance materials, equipment repairs and other like and similar items. Such purchases shall be approved by the Clerk-Treasurer for fund/budget availability prior to the purchase.

(2) The purchase of materials and supplies, permanent personal property and services, which are budgeted and the anticipated cost of which is between \$500 and \$2,500, shall be authorized by the Chairperson and purchases over \$2,500 shall be approved by the Town Board.

(a) "Permanent personal property" includes furniture furnishings, typewriters, calculating equipment, small machines, parts, tools and equipment or any other property which customarily has a use life of more than one year.

(b) Purchases under this subsection may be made on the open market and directly from a dealer or supplier without obtaining sealed quotations, but such purchases shall be made, when possible, after multiple quotations or proposals have been obtained.

(3) The purchase of materials and supplies or permanent personal property, the anticipated cost of which is between \$2,500 and \$5,000, shall be made by the Town Board after obtaining, whenever possible, at least 3 quotations.

(4) Public contracts, the estimated cost or amount of which will exceed \$15,000, shall, as required by §60.47, Wis. Stats., be let, pursuant to §66.0901, Wis. Stats. Public contracts with an estimated cost of more than \$5,000, but not more than \$15,000, shall be let only if a Class I notice is given pursuant to Ch. 985, Wis. Stats.

(5) The procedures set forth in this section may be waived when there is an immediate need for services, parts, materials, supplies or property in case of emergency, as authorized by §60.47(5), Wis. Stats.

(6) The attendance of Town officers and employes at seminars and conventions shall be subject to the approval of the Town Chairperson.

**1.07 ELECTIONS.** (1) **NOMINATION PAPERS.** All candidates for elective Town office shall file nomination papers pursuant to §8.05(4)(b), Wis. Stats., and shall be nominated as provided in §8.05(4)(a), Wis. Stats.

(2) **WARD BOUNDARIES ESTABLISHED.** As provided in §5.15, Wis. Stats., the Town shall be divided into wards, the boundaries of which are described and shown on the Town Ward Map on file in the office of the Clerk-Treasurer.

(3) **REGISTRATION REQUIRED.** Pursuant to Sub. II of Ch. 6, Wis. Stats., the registration of qualified electors is required and shall be administered by the Clerk-Treasurer.

(4) POLLING PLACES. All primary, general, special and other elections in and for each of the wards of the Town shall be held in the Town Hall.

(5) POLLING HOURS. The polls for all elections in the Town, unless otherwise provided by law, shall be opened at 7:00 a.m. and closed at 8:00 p.m. each election day.

(6) REDUCTION OF NUMBER OF ELECTION OFFICIALS. Pursuant to §7.32, Wis. Stats., the Clerk-Treasurer is hereby authorized to reduce the number of election officials for any given election to not less than 3 and redistribute the duties of such remaining election officials.

**1.08 EMERGENCY MANAGEMENT.** (1) DEFINITION. "Emergency Management" shall mean the preparation for and the carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.

(2) EMERGENCY MANAGEMENT DIRECTOR. The Town Chairperson shall be the Town Emergency Management Director.

(3) AGENT OF TOWN. The Dodge County Director of Emergency Management, upon request by the Town Chairperson during a declared emergency or under emergency conditions, is hereby designated, as agent to the Town, to act for and in behalf of the Town in all matters directly related to, or pertaining to, such emergency situation for purposes of obtaining any and all available assistance from County, State or Federal sources.

(4) PENALTIES. Any person who intentionally fails to comply with the directives of emergency management authorities promulgated under this section during a state of emergency or during any training program or exercise may be subject to a forfeiture of not more than \$200 and, in default of payment of such forfeiture, may be imprisoned in the County jail, but not more than 90 days.

**1.09 POSTING AND PUBLICATION.** (1) Posting. The Clerk-Treasurer shall, pursuant to §60.80 and Ch. 985, Wis. Stats., post ordinances, resolutions and notices which are not legally required to be published in the following places:

- (a) Town Hall.
- (b) Town Recycling Center.
- (c) Ashippun Post Office.

(2) PUBLICATION. Ordinances and notices required by law to be published and such other notices as the Town Board or the Plan Commission may direct to be published shall be published in the Watertown Daily Times.

**1.10 PUBLIC RECORDS.** (1) DESIGNATION OF LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN. The Town Board hereby designates the Clerk-Treasurer as the official legal custodian of the public records of the Town. It shall be the responsibility of the Clerk-Treasurer to carry out all duties and responsibilities imposed upon the Town and the legal

custodian by the Wisconsin Public Records and Property Law, as set forth in §§19.31 to 19.39, Wis. Stats. The Clerk-Treasurer shall be responsible for the timely response to any request for access to the public records, the release of the public records of the Town, the conditions under which records may be inspected and the collection of costs for the location and reproduction of such records.

(2) DESIGNATION OF DEPUTY LEGAL CUSTODIAN. The Town Chairperson is hereby designated as deputy legal custodian to act as legal custodian in the absence of the Clerk-Treasurer.

(3) NOTICE TO ALL EMPLOYEES. It is directed that all employees of the Town be informed, in writing, of the designation of the legal custodian and the deputy legal custodian of the public records of the Town. Employees shall be further informed of the duties of the official legal custodian and shall also be made aware of the other requirements and provisions of this section.

(4) POWERS AND DUTIES OF THE OFFICIAL LEGAL CUSTODIAN. All requests for the release, inspection and/or reproduction of public records of the Town shall be directed or referred to the Clerk-Treasurer who is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this section. The Clerk-Treasurer shall establish hours when persons shall have access to records maintained in the Town Hall. The Clerk-Treasurer shall prepare and post a notice to the public regarding access to public records, pursuant to §19.34, Wis. Stats.

(5) FEE SCHEDULE REGARDING THE COSTS OF LOCATING AND/OR REPRODUCING RECORDS AND PROPERTY OF THE TOWN. The cost of photocopying shall be \$.25 per page. It is intended that this fee schedule shall cover the payment of the actual, necessary and direct costs incurred in locating a document or in providing any person with a reproduction of any of the records of the Town.

(6) PRESERVATION OF RECORDS. The records of the Town shall be retained and preserved by the legal custodian, as required by all applicable laws, and no records shall be destroyed without the prior written approval of the legal custodian. Further, no record of the Town shall be destroyed after the receipt of a request for such record until after the request is granted or until any dispute concerning the request has been completely and finally resolved.

(7) DESTRUCTION OF OBSOLETE PUBLIC RECORDS. (a) *Financial Records.* The Clerk-Treasurer may destroy the following nonutility records of which he is the legal custodian and which are considered obsolete after completion of an audit by State auditors or an auditor licensed under Ch. 442, Wis. Stats., but not less than 7 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 §16.61(3)(e), Wis. Stats., 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. Official bonds

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6. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund
7. Receipt forms
8. Special assessment records
9. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto

(b) *Other Records.* The Clerk-Treasurer may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than 7 years after the record was effective.

1. Contracts and papers relating thereto
2. Correspondence and communications
3. Financial reports other than annual financial reports
4. Insurance policies
5. Oaths of office
6. Reports of boards, commissions, committees and officials duplicated in the Town Board minutes
7. Petitions

(c) *Alternative Periods.* The Town Board may direct the retention of any record listed in pars. (a) and (b) above for a longer period of time.

(d) *Notice Required.* Prior to the destruction of any public record described above, at least 60 days' notice shall be given to the State Historical Society.

(e) *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 regulation.

**1.11 USE OF TOWN HALL.** The Town Hall shall be used for Town purposes only, with the exception that the Town Board may authorize the use of the Hall for the activities of the County Line 4-H Club and the Red Cross Blood Bank.

**1.12 ETHICS CODE. (1) ETHICAL STANDARDS OF PUBLIC OFFICIALS.** (a) The proper operation of democratic government requires that public officials and employes be independent, impartial and responsible to the people. The purpose of this section is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the Town.

(b) The officials and employes of the Town, whether elected or appointed, are "public officials and employes" within the meaning and intent of this section.

**(2) RESPONSIBILITIES OF PUBLIC OFFICE.** (a) Public officials and employes are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest shall be their primary concern. Their conduct in both their official and private affairs shall be above reproach.

(b) Public officials are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out, impartially, the law of the nation, State and Town.

(3) **DEDICATED SERVICE.** Public officials and employes shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employes unless prohibited from doing so by law or by officially recognized confidentiality of their work.

(4) **USE OF PUBLIC PROPERTY; OBLIGATIONS OF CITIZENS.** (a) *Use of Public Property.* No public official or employe shall request, use or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employe in the conduct of official business.

(b) *Obligation of Citizens.* No public official or employe shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(5) **CONFLICT OF INTEREST.** No Supervisor or other public official or employe, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgment or will tend to impair his independence or judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

(6) **SPECIFIC CONFLICTS OF INTEREST.** Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive:

(a) *Incompatible Employment.* No Supervisor or other public official or employe shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgment or action in the performance of his official duties. In the event a Supervisor, official or employe possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Town Board for the records of that authority.

(b) *Disclosure of Confidential Information.* No Supervisor, other public official or employe shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town nor shall he use such information to advance the financial or other private interest of himself or others. having a value greater than \$10, whether in the form of service, loan, thing or promise, from any person who, to his knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the Town nor shall any such official or employe accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant, in the discharge of his duties, any improper favor, service or thing of value. Any Supervisor or other public official or employe who accepts any gift, favor or thing of value shall, in the case of a Supervisor, disclose the matter in the minutes of the next Board meeting and, in the case of other officials or employes, report the matter to the Board for disclosure in the minutes of the next meeting.

(d) *Representing Private Interests Before Town Agencies or Courts.* No Supervisor or other public official or employe whose salary is paid in whole or in part by the Town shall appear on behalf of private interests before any agency of the Town. He shall not represent

private interests in any action or proceeding against the interest of the Town in any litigation to which the Town is a party.

(e) *Contracts With the Town.* Any Supervisor or other public official or employe who has substantial financial interest in any business entity, entering into or proposing to enter into, any transaction or contract with the Town for the sale of real estate, material supplies or services to the Town shall disclose such interest to the Town Board to be reported in the minutes of the appropriate Board meeting. In the case of a Supervisor, he shall refrain from voting upon or otherwise participating, except in the performance of a ministerial act, in the transaction or the making of such contract or sale.

(f) *Disclosure of Interest in Legislation.* 1. A Supervisor who has a financial or other private interest in any legislation shall disclose on the records of the Board the nature and extent of such interest. This provision shall not apply if the Supervisor disqualified himself from voting.

2. Any other public official or employe who has a financial or other private interest and who participates in discussion with or gives an official opinion to the Board shall disclose on the record of the Board the nature and extent of such interest.

(7) **SANCTIONS.** Violation of any provision of this section should raise conscientious questions for the Supervisors or any other official or employe concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Town. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.