

## CHAPTER 1

### GENERAL GOVERNMENT

- 1. 01 Elected Officials
- 1. 02 Appointed Officials
- 1. 03 Boards and Commissions
- 1. 04 Municipal Court
- 1. 05 General Regulations Governing All Village Officers
- 1. 06 Polling Place; Hours
- 1. 07 Public Records
- 1. 08 Residency Requirements

1.01 ELECTED OFFICIALS.

(1) VILLAGE PRESIDENT. The Village President shall be elected at the regular spring election in odd-numbered years for a term of 2 years commencing on the 3rd Tuesday of April in the year of his/her election.

(2) TRUSTEES. There shall be 6 Village Trustees. Three Trustees shall be elected at each annual spring election for 2 year terms, commencing on the third Tuesday of April in the year of their election.

(3) MUNICIPAL JUSTICE. (repealed 05/01/99)

1.02 APPOINTED OFFICIALS.

(1) CLERK-TREASURER. The Clerk-Treasurer shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term.

(2) CHIEF OF POLICE. The Chief of Police shall be appointed by the Village President, subject to confirmation by the Village Board. The Chief shall be subject to a 6 months probationary period after the initial appointment and during said probationary period may be removed without cause. Upon successfully completing said probationary period, the Chief shall serve for an indefinite term subject to removal for cause.

(3) FIRE CHIEF AND FIRE INSPECTOR. See secs. 6.01(2) and 6.04(1) of this Code.

(4) ASSESSOR. The Assessor shall be appointed by the Village President, subject to confirmation by the Village Board, for a term of 2 years commencing January 1 of odd-numbered years.

(5) VILLAGE ATTORNEY. The Village Attorney shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term.

(6) DIRECTOR OF PUBLIC WORKS. The Director of Public Works shall be appointed by the Village President, subject to confirmation by the Village Board, and shall serve at the pleasure of the Village Board. The Director may be removed upon a majority vote of the Village Board and 30 days written notice thereof.

(7) BUILDING INSPECTOR. The Building Inspector shall be appointed by the Village President, subject to confirmation by the Village Board for an indefinite term.

(8) EMERGENCY GOVERNMENT DIRECTOR, HEALTH OFFICER AND WEED COMMISSIONER. Said officers shall be appointed in April each year by the Village President for a term of one year commencing on May 1 following their respective appointments.

1.03 BOARDS AND COMMISSIONS.

(1) BOARD OF REVIEW.

(a) Membership. (rev. & rec. Ord. #216) The Board of Review shall consist of the Village President, the Clerk-Treasurer and 3 citizen members who shall be appointed by the Village President, subject to confirmation of the Village Board, for 3 year terms. The Village President may also appoint up to 3 alternate citizens to serve on the Board of Review in the event one or more standing members of the Board of review is or are removed or unable to serve for any reason. The appointment of each alternate member shall also be for a 3 year term and shall be subject to confirmation by the Village Board.

(b) Powers and Duties. The Board of Review shall have the powers and duties prescribed in Sec. 70.47 WI Stats.

(c) Records to be Held Confidential. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), WI Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), WI Stats. If any portion of this section shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions of this section. The remainder of this section shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this section are hereby repealed as to those terms that conflict.

(2) PLAN COMMISSION.

(a) Membership. The Plan Commission shall consist of the Village President, one Trustee and 3 citizen members. The Trustee shall be appointed annually by the Village President. The citizen members shall be appointed by the Village President, subject to confirmation by the Village Board, for 3 year terms.

(b) Powers and Duties. The Plan Commission shall have the powers and duties prescribed in Sec. 62.23, WI Stats.

(3) BOARD OF ZONING APPEALS.

(a) Membership. The Board of Zoning Appeals shall consist of 5 citizen members and one alternate member who shall be appointed by the Village President, subject to confirmation by the Village Board for 3 year terms. The alternate member shall serve only when another member is absent or refuses to serve.

(b) Powers and Duties. The Board of Zoning Appeals shall have the powers and duties prescribed in Sec. 62.23(7)(e) WI Stats. .

(4) LIBRARY BOARD.

(a) Membership. (amended Ord. #146) The Library Board shall consist of a 5 citizen members appointed by the Village President, subject to confirmation by the Village Board, for 3 year terms.

(b) Powers and Duties. The Library Board shall have the powers and duties prescribed in Sec. 43.58 WI Stats.

(5) BOARD OF HEALTH. The Village Board shall constitute the Board of Health.

(6) BELMONT LIGHT AND WATER UTILITY COMMISSION. (Revoked Ord. #139)

(7) BELMONT SEWER COMMISSION. (Revoked (Ord. #139)

(8) BELMONT FIRE PROTECTION DISTRICT BOARD.

(a) Creation of Fire Protection and Ambulance Service District. Pursuant to the provisions of Chapt. 66.30 WI Stats., the Village of Belmont has entered into an agreement with the Towns of Belmont, Elk Grove, Kendall and Seymour to form the Belmont Fire Protection District Inc.

(b) Membership. (amended Ord. #146) The Belmont Fire Protection District Board shall consist of 6 members, one member appointed by each of the participating towns and 2 by the Village. The Village members shall be appointed by the Village President, subject to

confirmation by the village board, for a 3 year term.

(c) Powers and Duties. The Belmont Fire District Board shall elect its own officers and have such powers and duties as prescribed in the agreement entered into by the participating municipalities and by the Wisconsin Statutes in regard to fire protection and ambulance service.

(9) ADMINISTRATIVE REVIEW APPEALS BOARD.

(a) Membership. The Administrative Review Appeals Board shall consist of the Village President, a trustee and one citizen member. The Trustee member shall be appointed annually by the Village President, subject to confirmation by the Village Board. The citizen member shall be appointed by the Village President, subject to confirmation by the Village Board, for a 3 year term.

(b) Powers and Duties. See Sec. 4.05 of this Code.

(10) (created Ord. 140) The Village Board of the Village of Belmont shall appoint an adult school crossing guard for the protection of persons who are crossing a highway in the vicinity of a school in accordance with Sec. 349.215 WI Stats. The appointment of such person shall be in effect until rescinded by the Village Board.

(11) (created Ord. 200) VISITOR AND TOURISM PROMOTION AND DEVELOPMENT COMMISSION

(a) Membership. The commission shall consist of five (5) members, at least one of whom shall represent the Wisconsin hotel and motel industry. Members of the Commission shall be appointed by the Village President and shall be confirmed by a majority of the Village Board. Commissioners shall serve for a one-year term, at the pleasure of the Village President, and may be reappointed.

(b) Powers and Duties. The Commission shall have all of the powers and duties prescribed or permitted under WI Stats. Sec. 66.0615.

1.04 MUNICIPAL COURT. (repealed 05/01/00)

1.05 GENERAL REGULATIONS GOVERNING ALL VILLAGE OFFICERS.

(1) EFFECT. The provisions of this section shall apply to all officers of the Village regardless of the time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Village Board.

(2) OATH OF OFFICE. Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his/her duties and within 5 days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file said oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

(3) BOND. Every officer shall, if required by law or the Village Board, upon entering upon the duties of his/her office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his/her office.

1.06 POLLING PLACE; HOURS. There shall be one polling place in the Village which shall be located in the Belmont Community Building. The polls shall be open from 9:00 A.M. to 8:00 P.M. on all election days.

1.07 PUBLIC RECORDS (Cr. Ord. #94).

(1) DEFINITIONS.

(a) "Authority" means any of the following Village entities having custody of a Village record: an office, elected official, agency, board, commission, committee, village board, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(b) "Custodian" means that officer, department head, division head or employee of the Village designated under sub. (3) or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his/her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

(c) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and the 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/her 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.

(2) DUTY TO MAINTAIN RECORDS.

(a) Except as provided under sub. (7), each officer and employee of the Village shall safely keep and preserve all records received from his/her predecessor or other persons and required by law to be filed, deposited or kept in his/her office or which are in the lawful possession or control of the officer or employee or his/her 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/her custody and the successor shall receipt therefor to the officer or employee, who shall file said 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.

(3) LEGAL CUSTODIANS.

(a) Each elected official is the legal custodian of his/her records and the records of his/her office, but the official may designate an employee of his/her staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the Clerk-Treasurer or the Clerk-Treasurer's designee 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, or in his/her absence or disability or in case of vacancy, the deputy clerk is hereby designated the legal custodian of all Village records.

(c) For every authority not specified in pars. (a) or (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his/her staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in

his/her absence or the absence of his/her designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subch. II of Ch. 19, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) PUBLIC ACCESS TO RECORDS; FEES.

(a) Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.

(b) Records will be available for inspection and copying during all regular office hours.

(c) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.

(d) 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.

(e) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. The cost of photocopying shall be \$.20 per page. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.

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

3. There shall be no charge for locating a record unless the actual cost therefore exceeds \$50, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

4. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds \$5.

5. 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.

6. The legal custodian may provide copies of a record without charge or at a reduced charge where he/she determines that waiver or reduction of the fee is in the public interest.

(f) Pursuant to §19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display, and make available for inspection and copying at 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 therefore. This paragraph does not apply to members of the Village Board.

(5) ACCESS PROCEDURES.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail unless

prepayment of a fee is required under sub. (4)(e)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 therefore. 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 sub. (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under §19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

(6) LIMITATIONS ON RIGHT TO ACCESS.

(a) As provided by §19.36, Wis. Stats., 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 §43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he/she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

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.
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 §905.03, Wis. Stats.

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

(7) DESTRUCTION OF RECORDS.

(a) Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under 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 by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:

1. Bank statements.
2. Canceled checks.
3. Receipt forms.
4. Vouchers, etc.

(b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than 7 years after the record was effective unless a shorter period has been fixed by the State Public Records Board, pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period, except the water stubs, receipts of current billings and customers' ledgers may be destroyed after 2 years:

1. Contracts.
2. Excavation permits.
3. Inspection records.

(c) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than 7 years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board, pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period:

1. Old insurance policies.
2. Election notices.
3. Canceled registration cards.

(d) Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record, as provided by §19.21(4)(a), Wis. Stats.

(e) Any tape recordings of a governmental meeting of the Village may be



destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published if the purpose of the recording was to make minutes of the meeting.

(8) **PRESERVATION THROUGH MICROFILM.** Any Village officer or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his/her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in §16.61 (7)(a) and (b), Wis. Stats., 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 of subs. (4) through (6) of this section.

1.08 **RESIDENCY REQUIRED.**

(1) **PURPOSE AND MANDATE.** The Village Board finds and the Village Board requires that it is necessary, convenient and proper, in order to provide for the health, safety, general welfare, administrative and emergency needs of the citizens, that certain essential Village officials, after the effective date of this ordinance, reside within the corporate limits of the Village; and, that certain Village employees be able to report to work within reasonable specified times.

(2) **SCOPE AND APPLICATION.**

(a) The Residency portion of this section applies to the following essential officials: The Clerk-Treasurer, Chief of Police, Director of Public Works and all Village department heads and supervisory positions which may be created from time to time by the Village Board.

(b) This section shall not apply to an essential Village official or other Village official whose employment with the Village on the effective date of the section arises out of a personal contract with the Village for the provision of personal or professional services; whose employment with the Village arises out of a joint or cooperative contract with another municipality; or whose employment with the Village arises out of a personal contract for the provision of personal or professional services on a temporary basis for a term of one (1) year or less, or for the purpose of a single or nonrecurring special project, study or service.

(3) **RESIDENCY TRANSITION.**

(a) A listed essential official or employee who resides outside the corporate limits of the Village on the effective date of the section shall establish residency inside the corporate limits of the Village within six (6) months of the date of this section or the person's office, position or employment with the Village shall be forthwith automatically vacated.

(b) Any listed essential official or employee who resides inside the corporate limits of the Village on the effective date of this section shall not reside outside the corporate limits of the Village unless the person's office, position or employment with the Village shall be forthwith automatically vacated.

(4) **VACANCY.** A vacancy occurring under this section shall be filled as provided in the Municipal Code for the original appointment of an essential Village official; or, as to all employees, according to existing Village employment policy and practice.

(5) **REPORTING TIME.**

(a) Full time Police officers shall reside so as to be able to respond to emergency situations by reporting to their principal work place within 15 minutes of a call to duty.

(b) Public Works personnel shall reside so as to be able to respond to

emergency situations by reporting to their principal work place within 20 minutes of a call to duty.

(6) REPORTING TIME TRANSITION.

(a) Personnel to whom this Ordinance applies who reside outside the reporting time requirement on the effective date of the section shall establish residency within six (6) months of the effective date of this section or the person's employment with the Village shall be forthwith automatically vacated.

(b) Personnel to whom this Ordinance applies who reside within the reporting time requirement on the effective date of this section shall not establish residency outside such requirement, or the person's employment with the Village shall be forthwith automatically vacated.

(7) WAIVER. The Village Board may, upon a showing of necessity and a vote of 3/4 of all its members, waive the requirements of this section.