

VILLAGE OF PORT EDWARDS

PLANNING, LEGISLATIVE, PROPERTY AND INFORMATION TECHNOLOGY COMMITTEE MEETING

Tuesday, 6 June 2023

4: 00 P.M. AT THE MARSHALL BUEHLER CENTER

The meeting room can accommodate up to 10 people including some public. If you a member of the public and wish to listen, please call the dial in number below and you will be acknowledged

Join Zoom Meeting – <https://us06web.zoom.us/j/81333517227?pwd=MExFMXovYVh1S0JYU0FXTDZnUzU3QT09>

Meeting ID: 813 3351 7227, Passcode: 716812 One tap mobile +13126266799

Phone Audio only: Meeting Dial-in number: 715-423-6698, Access Code ID: 02067

Agenda:

1. Call to order.
2. Roll call.
3. Approve the agenda.
4. Approve minutes from the 2 May 2023 meeting.
5. Public comments on agenda items.
6. Chairperson comments.
7. Discuss and Review Chapter 8 Public Works, Possible **MOTION** to approve changes to Chapter 8. Administrative changes and updates to outdated rules
8. Discuss and Review Chapter 1 General Government, Possible **MOTION** to approve changes to Chapter 1. Administrative changes and updates to accountability of the Board and other elected officials.
9. Discuss and review Chapter 5 – Fire department, section 5.13 regarding language on Athletic Association. Possible **MOTION** to approve the recommended changes.
10. Discuss and review Chapter 2, Village Board, specifically referring to recorded meetings. Possible **MOTION** to approve the language changes.

2.06 (6) (c) All Village meetings, to the extent possible and reasonably practical, will be recorded for the public use and the historical record. These will be archived on the Village of Port Edwards “Utube” page <https://www.youtube.com/@villageofportedwardswi> and posted on the Village website.
11. Discussion and Possible **MOTION** to approve language regarding donations to the Village.
12. Ripple Creek Apartment discussion and Possible **MOTION** to approve transfer to Property Management for a payment of \$4604 and ending the 50-year lease.
13. Discuss Old Business
14. Discuss New Business
15. Discuss any correspondence
16. Future Agenda Items
17. Next meeting date, 5 July 2023, 5 pm at the Marshall Buehler center
18. Adjourn

VILLAGE OF PORT EDWARDS

Port Edwards, Wisconsin

COMMITTEE: Planning, Legislature, Property
& Information Technology

DATE: 2 MAY, 2023

TO: BETSY MANCL

cc: BETSY MANCL	ERIK SAYLOR	RAYMOND BOSSERT
JEN MOORE	DAILY TRIBUNE	JASON WORDEN
TIARA GRUNDEN	WFHR/WGLX	DIANE TREMMEL
SCOTT DREW	NICK ABTS	LONN RADTKE
CALEB MCGREGOR		

Purpose of Meeting: Regular Monthly Meeting

Attendance: T. Grunden, C. McGregor, J. Moore, R. Bossert, B. Mancl

Citizens: Eric Hummel, Cary Smith, Del Stewert, Lee Fletcher, Matt Fletcher

Subjects Discussed, Action Taken & Board Action Required:

Regular Monthly Meeting

- ***Call to order:*** Meeting called to order by Grunden - Chairman at 5 p.m.
- ***Roll Call:*** All present from above.
- ***Approve the agenda , MOTION*** (Grunden/2nd by McGregor) to approve minutes from 29 March 2023 & agenda. **Motion carried.**
- ***Approve the previous month's minutes: MOTION*** by McGregor, 2nd by Moore, **Motion carried.**
- ***Public comments on agenda items:*** Questions on the process and procedures of the meeting as well as comments by Matt Fletcher, Lee Fletcher and Cary Smith on the Memorandum of Agreement between the Village and the Port Edwards Firefighter Association and its use of Village property.
- ***Committee Chairman's comments:*** None
- ***Planning, Legislature, Property, & Information Technology Updates***
- ***Discuss & review Chapter 8, Public Works, MOTION to approve changes to Chapter 8. Administrative changes & updates to outdated rules.***

There was NO MOTION, the Administrator will address some text issues and work on a better explanation for when a special assessment may be deemed appropriate SECTION 8.08. This will be brought back at the next meeting.

- Ripple Creek Apartment discussion and Possible **MOTION** to approve transfer to Property management.

Discussion and concern on the loss of low-income housing. More details will need to be brought to the FHR meeting for a final motion. Consensus to Move to FHR with that concern.

- ***Old Business.***
- ***Discuss and Possible MOTION to approve the Use of no more than \$22K in NEPCO lake account funds to secure and repair the “Donated” weed machines, pending a Memorandum of Agreement from the NEPCO lake district to refund that amount once their funding is in place 3-6 months from now.***

After some discussion and completing a legal agreement between the parties we will recommend authorizing the funds for a short-term loan to the lake district until they can pay us back.

MOTION to approve Grunden/McGregor, **Motion carried.**

- ***Discuss development options in the TIF district & incentives utilizing TIF funding.*** The administrator provided an updated DRAFT for comment. The Current authority under the development agreement allows for up to \$250K to be used.

a. Consensus on the DRAFT and moving it to FHR.

- ***New Business: None.***
- a. Discuss the Technical Assistance Grant from DNR for the Mill property, \$20K no match required.***

No issues, the committee supports the Grant for marketing efforts of the Mill.

b. Review of proposed Memorandums of Agreement for the use of Village property by the Firefighter Athletic Association for the Rummage sale and Street dance.

Concern on the optic of charging the athletic association, this will be moved to FHR for final review.

- ***Correspondence received.*** None
- ***Future Agenda items for next meeting:*** Review Village Board Chapter 2, parliamentary rules

- ***Next meeting date:*** 6 June, 2023 at 5 p.m., in person at the Marshall Buehler Center.
- ***Adjourn:*** Adjourned at 6pm by Grunden.

Tiara Grunden– Committee Chairman

CHAPTER 8
PUBLIC WORKS
UPDATED 11 APRIL 2023

- 8.01 Official Map
- 8.02 Street Grades
- 8.03 Street and Sidewalk Excavations and Openings
- 8.04 Obstructions and Encroachments
- 8.05 Snow and Ice Removal
- 8.06 Utility Extensions Required
- 8.07 Public Improvements and Assessments
- 8.08 Special Assessment Procedure
- 8.09 Driveways
- 8.10 Public Construction Bidding
- 8.11 Moving Buildings
- 8.12 Planting and Care of Trees
- 8.15 Penalty

CHAPTER 8 - PUBLIC WORKS

Updated 11 April 2023

8.01 OFFICIAL MAP.

- (1) ADOPTED. Pursuant to §62.23(6), Wis. Stats., the Official Map of the Village adopted July 1, 2002 is hereby adopted by reference. The Official Map and amendments thereto shall be kept in the office of the Clerk-Treasurer and recorded as required by law. ~~Where is the MAP???~~
- (2) AMENDMENTS TO OFFICIAL MAP.
- (3) ANNEXATIONS TO VILLAGE.

Commented [NA1]: Good question, I was curious about this myself.

8.02 STREET GRADES.

- (1) ESTABLISHMENT. The grade of all streets and alleys shall be established or reviewed by the Village ~~Engineer Administrator~~ and approved by the Village Board. No street or alley shall be worked or sidewalk constructed until the grade thereof is established.
- (2) 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 Village Administrator Engineer~~. All such alterations of grade shall be recorded in the office of the Clerk-Treasurer.

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8.03 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

- (1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the Village ~~Administrator Engineer~~, make any opening in any street, alley, sidewalk or any public way within the Village. No permit shall be granted when the ground is frozen unless the Director of Public Works determines such opening is necessary.
- (2) APPLICATION. Application for a permit shall be made on a form supplied by the Village ~~Administrator Engineer~~. The application shall be accompanied by a signed agreement to save the Village harmless from any liability arising from the work or activity covered by the permit, the fee provided in sub. (3) below and a written description of the work, including a sketch designating the trench location.
- (3) FEE. The permit fee shall be as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer.
- (4) 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 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.
- (5) 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.
- (6) EXCAVATION, REFILLING AND REPAVING REQUIREMENTS. The permittee shall comply with all Public Works Committee 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. Any damage to curbs and gutters, grass covered terraces and sidewalks shall be restored. The permittee shall notify the Director of Public Works when repaving has been completed. In the event settling occurs within one year of the completion of the project, the permittee shall be responsible for restoring the street.
- (7) 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.
- (8) 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.

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8.04 OBSTRUCTIONS AND ENCROACHMENTS.

(1) PROHIBITED.

- (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 sub. (2) below.
- (b) No person shall rake leaves **onto** a Village street, except during the leaf collection period established by the Village. See sec. 11.03(10)(e) of this Code.
- (c) No person shall cause the obstruction of the free flow of water in any gutter, ditch or swale.

(2) EXCEPTIONS. The prohibition of sub. (1) above shall not apply to the following:

- (a) Signs or clocks attached to buildings which project not more than 6 feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street and alley.
- (b) Awnings that do not extend below any point 7 feet above the sidewalk, street or alley.
- (c) Public utility encroachments authorized by the village.
- (d) Goods, wares and merchandise that do not extend more than 3 feet on a sidewalk.
- (e) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Public Works Committee. It may require such materials to be protected by barricades or appropriate lights.
- (f) Excavations and openings permitted under sec. 8.03 of this chapter.

8.05 SNOW AND ICE REMOVAL.

- (1) SIDEWALKS TO BE KEPT CLEAR. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village fronting or abutting any street shall clean, or cause to be cleaned, the sidewalk in front of or adjoining each such building or unoccupied lot of snow or ice to the width of such sidewalk and to the street surface within **24 hours after the cessation of a snowstorm or -last Village plowing effort (whichever has occurred moreset recently)**. When the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, ashes, sawdust or sand.
- (2) DEPOSIT IN STREET PROHIBITED. No person shall deposit, or cause to be deposited, any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or 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.
- (3) REMOVAL BY VILLAGE. The failure to remove or 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 §66.0627, Wis. Stats.

8.06 UTILITY EXTENSIONS REQUIRED. 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.

8.07 PUBLIC IMPROVEMENTS AND ASSESSMENTS.

(1) GENERAL APPLICATION.

- (a) 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 §§66.0703 and 66.0701, Wis. Stats., **if deemed appropriate by the Village Board.**

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However, as of 17 August 2021, Resolution #2021-05 (Enacting the Motor Vehicle Registration Infrastructure fee) ~~All Village assessments have been waived, except in special-those circumstances deemed appropriate by the Village Board to be appropriate circumstances requiring assessment. Those circumstances could be a developer improving parcels, a unique parcel that has certain requirements, an HOA petitioning for improvements. These and other circumstances would be presented to the Public Work Committee for discussion and movement to the full board for action.~~

- (b) ~~If a special assessment is deemed appropriate by the Village Board,~~ 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.
- (c) ~~If a special assessment is deemed appropriate by the Village Board,~~ The total assessment for any public improvement shall be based upon the total cost, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited on a fair and equitable basis.
- ~~(d.) Appropriate circumstances used to assist the Village board in their determinations shall be any improvements in Home Owner Association controlled parcels, any new construction or major renovations expanding the size or use of a parcel by a developer or home builder, and any improvements that are outside of the current Village infrastructure footprint of water, sanitation and storm water services, (ie NEPCO lake parcels, Seneca Road or some portions of Port Road). In these circumstances a special assessment from 0-100% can be levied by the Village if approved by the Village Board.~~

(2) SEWER AND WATER MAINS.

- (a) All sewer and water main extensions shall be constructed by the Village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.
- (b) ~~If a special assessment is deemed appropriate by the Village Board,~~ Special assessments for all sewer and water main extensions shall be levied at 100% of the total cost of construction.

(3) STREETS.

- (a) Streets shall be constructed by the village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.
- (b) Except as provided in Ch. 19 of this Code, the cost of all streets shall be borne by the Village. ~~In certain circumstances with new developments the developer will be required to install new roadway per Village standards to provide access to the development at their cost.~~

(4) CURB AND GUTTER.

- (a) Curb and gutter shall be located in such places and at such grades designated by the Village Board and shall be constructed by the Village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.
- (b) ~~If a special assessment is deemed appropriate by the Village Board,~~ Special special assessments for all new curb and gutter shall be levied at 100% of the total cost. ~~However in most situations, The cost of replacement curb and gutter shall be borne by the Village.~~

(5) SIDEWALKS.

- (a) The sidewalk shall be located in such places and at such grades as designated by the Village Board and shall be constructed in accordance with standards established by the Village Board.
- (b) ~~If a special assessment is deemed appropriate by the Village Board,~~ Special special assessments for all new sidewalks shall be levied at the total cost. ~~However in most situations, The cost of replacement sidewalk shall be borne by the Village.~~

8.08 SPECIAL ASSESSMENT PROCEDURE.

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Commented [NA2]: What are the "certain circumstances" here and where can they be found? You say they "will be required" to install new roadway, but if that's the case, it's got to be in writing somewhere that the "certain" circumstances are.

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- (1) ALTERNATE METHOD SELECTED. As provided in §66.0701, Wis. Stats., 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.
- (2) PRELIMINARY RESOLUTION. As of 17 August 2021, Resolution #2021-05 (Enacting the Motor Vehicle Registration Infrastructure Fee), All Village assessments have been waived, except in special circumstances, deemed appropriate by the Village Board. 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:
 - (a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.
 - (b) The limits of the proposed assessment district.
 - (c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.
 - (d) 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 sub. (4) below, and shall be included in the final resolution.
 - (e) 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 sub. (4) below, and shall be included in the final resolution.
 - (f) 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 sub. (4) below, and will be included in the final resolution.
 - (g) The Village ~~Engineer-Administrator~~ shall prepare a report as required by sub. (3) below.
- (3) REPORT OF VILLAGE ~~Administrator~~ **ENGINEER**. Whenever the Village Board, by preliminary resolution, directs the Village ~~Administrator-Engineer~~ to prepare a report, the Village ~~Administrator-Engineer~~ shall prepare a report consisting of the following:
 - (a) Preliminary or final plans and specifications for the public work.
 - (b) 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.
 - (c) A schedule of the proposed assessments.
 - (d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis for such benefit.
 - (e) Upon completion of the report, the Village ~~Administrator-Engineer~~ shall file a copy of the report with the Clerk-Treasurer.
- (4) INCORPORATION OF STATUTORY PROVISIONS. The provisions of §66.0703, Wis. Stats., 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.
- (5) 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.

8.09 DRIVEWAYS.

- (1) PERMIT REQUIRED. No person shall construct or enlarge any driveway onto a Village ~~street~~ without first obtaining a driveway permit from the Village ~~Administrator~~ **Director of Public Works**. The applicant for a driveway permit shall file the application with the ~~Director~~ **Administrator** 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.

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(2) SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.

- (a) Width. No driveway shall exceed 30 feet in width for residential and 42 feet for nonresidential at the outer or street edge of the sidewalk unless approved by the Village Board.
- (b) 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.
- (c) Interference With Street Prohibited. No driveway apron shall extend out into the street farther than the face of the curb or roadway surface.
- (d) Other Driveways. No driveway shall be located within 10 feet of another driveway.
- (e) 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.
- (f) 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 sec. 8.07(5) of this chapter. 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.

(3) CULVERTS REQUIRED. The Public Works Director shall determine if a culvert shall be required and the length and diameter thereof in conjunction with any driveway construction. The property owner shall be responsible for the cost of the culvert and installation.

8.10 PUBLIC CONSTRUCTION BIDDING.

- (1) GENERAL. Except as provided in sub. (2) below, all Village public construction contracts shall be let in accordance with §62.15, Wis. Stats. ~~Any Public-public works construction project, over \$25,000 in cost shall be bidded by the Village. This will involve proper noticing and at least 2 bidders. The Bids-bids will then be compared with the same comparable tools (Costcost, Referenceesreferences, Timelinetimeline, Extra-extra Serviceservices, last project conducted in the Village, Administrator's assessment).~~ Projects costing less than \$25,000 shall be left to sourced by the Village Administrator to be sole-sourced, or bidded by the Village at the option of the Village Board or its duly authorized representative.
- (2) STREET CONSTRUCTION. Pursuant to §62.15, Wis. Stats., the Village Board hereby determines that Village street construction shall be done directly by the Village by contracting for such construction with Wood County without submitting the same for bids.

8.11 MOVING BUILDINGS.

- (1) PERMIT REQUIRED. No person shall move any building or mobile home into or within the Village without a permit from the Director of Public Works and a building permit from the Building Inspector upon 30 days' notice.
- (2) APPLICATION. Application for a permit shall be made on a form provided by the Director of Public Works.
- (3) PERMIT FEE. For any building that is moved by use of heavy moving trucks or rollers, the fee shall be \$100. For any building that is moved by the use of common carrier trucks or skids, the fee shall be \$10.
- (4) BOND REQUIRED. Before a permit is issued, the mover must give a bond in the amount of \$10,000 with good and sufficient sureties to be approved by the Village Attorney conditioned that the mover shall save the Village harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived for small buildings.
- (5) INSURANCE REQUIRED. Before a moving permit shall be issued, the applicant shall submit to the Clerk-Treasurer a certificate of insurance evidencing that the applicant has in force and will maintain during the

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term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.

- (6) NOTICE TO UTILITIES. Prior to the issuance of said permit, the owner or mover shall certify that he has notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the permittee the cost thereof.
- (7) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS. Every permittee shall, within one day after reaching his destination, report that fact to the Director of Public Works. The Director shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of said building has caused any damage to the streets or highways, the house mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter to the satisfaction of the Public Works Committee, the Village shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

8.12 PLANTING AND CARE OF TREES.

- (1) 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 §27.09, Wis. Stats.
- (2) 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. (See also sec. 10.08 of this Code).
- (3) PLANTING AND CARE BY PRIVATE PERSONS. No person shall spray, remove or plant any trees, plants or shrubs on any public street or in any public place without securing a permit from the Director of Public Works.
- (4) 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:
 - (a) To trim them to create a clearance of 14 feet above the street and 8 feet above the sidewalk so that they are not a hazard to persons using the streets, or sidewalks or to interfere with the proper lighting of the streets. The Director of Public Works may waive the requirement for newly planted trees if the Director determines that no interference with public travel is created.
 - (b) 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.
 - (c) To remove and prohibit 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.
 - (d) To prohibit planting or permitting the growth of any box elder, cottonwood or willow tree.
 - (e) To prohibit planting any tree which may grow to a mature height of 18 feet or more under overhead electric wires. The Director of Public Works shall provide a list of trees that may be planted.

The owners of any property may arrange to have any tree, plant or shrub sprayed, trimmed or removed by the Village and pay for such service at the rates established by the Village Board.

- (5) 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.
- (6) 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.

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- (7) SPECIAL ASSESSMENT. The ~~Director of Public Works~~ Village Administrator 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.

8.15 PENALTY. The penalty for violation of any provision of this chapter shall be a penalty as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

CHAPTER 5
FIRE DEPARTMENT
(Amended 1 December 2022)

- 5.01 Composition of Department
- 5.02 Appointments
- 5.03 Government of Department
- 5.04 Compensation
- 5.05 Department Budget
- 5.06 Powers and Duties of Chief
- 5.07 Control and Care of Apparatus
- 5.08 Police Power of Department
- 5.09 Fire Inspectors
- 5.10 Village Fire Prevention Code; Adoption of Codes
- 5.11 Right of Way
- 5.12 Traffic Laws Apply to Volunteers
- 5.13 Activities Organization and Fund Raising
- 5.14 Open Burning Regulated
- 5.15 Hazardous and Other Spills
- 5.16 Emergency Medical Service
- 5.20 Penalty

5.01 COMPOSITION OF DEPARTMENT. The Department shall be known as the "Village of Port Edwards Fire Department" and shall consist of the Fire Chief and such subordinates as may be authorized by Department bylaws.

5.02 APPOINTMENTS.

- (1) FIRE CHIEF. See sec. 1.02 of this Code.
- (2) OTHER OFFICERS; SUBORDINATES. Other officers and subordinates shall be ~~appointed~~ promoted by the Fire Chief ~~when not elected in accordance with Department bylaws,~~ with the approval of the Police and Fire Commission.

5.03 GOVERNMENT OF DEPARTMENT. The Department shall be governed by the bylaws of the Department, Village ordinances ~~and~~, resolutions, the Police and Fire Commission rules and the Wisconsin Statutes.

5.04 COMPENSATION. Members of the Department shall receive compensation in the amount and in the manner determined from time to time by the Village Board.

5.05 DEPARTMENT BUDGET. The Fire Chief shall file with the Village Administrator, as requested, a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

5.06 POWERS AND DUTIES OF CHIEF.

- (1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the Department. The Chief shall provide or be accountable for the safety of the members of the Department. The Chief shall also obey all lawful written orders of the Village President as approved by the Village Board.
- (2) PRESIDING OFFICER. The Chief or, in his absence, the highest ranking staff officer shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise, and enforce the provisions of this chapter and the bylaws.
- (3) COMMAND OF FIREFIGHTING OPERATIONS. The Chief or, in his absence, the highest ranking line officer shall be present at all fires, if possible, and have complete command and entire accountability for all firefighting operations, plan the control of the same, direct the action of the Department when it arrives at a fire, observe that the Department does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the Department equipment is kept in operable condition at all times.
- (4) DISCIPLINARY ACTION. The Fire Chief shall, in accordance with the Department bylaws, have the power to suspend, demote, ~~expel~~ or otherwise discipline members of the Department, subject to the determination by the Police and Fire Commission. A non-probationary fire employee may only be terminated after a hearing held before the Police and Fire Commission. ~~appeal to the Village Board.~~
- (5) ENFORCEMENT OF FIRE PREVENTION ORDINANCES. The Chief shall enforce all fire prevention ordinances of the Village and the State laws and regulations pertaining to fire prevention and shall have a formal fire prevention program.
- (6) FIRE RECORDS. The Chief shall keep fire records, using the State form, of every fire to which the Department was called.
- (7) APPARATUS INVENTORY. The Chief shall keep an inventory of all apparatus and equipment.
- (8) DUTIES AS COMMANDING OFFICER. The Chief shall perform such other duties as are usually incumbent on the commanding officers of fire departments.

5.07 CONTROL AND CARE OF APPARATUS.

- (1) The Fire Chief shall have control of all apparatus used by the Department and shall be accountable for its operable maintenance. Emergency repairs may be authorized by the Chief or, in his absence, the highest-ranking officer available. If additional funds are needed for repairs, a request shall be made to the Village Board.
- (2) No apparatus shall be used for any purpose except for firefighting that is within the Village limits or in training therefore, except pursuant to contracts and mutual aid agreements approved by the Village Board. The Chief may authorize the use of apparatus for civic purposes.

5.08 POLICE POWER OF DEPARTMENT.

- (1) **POLICE AUTHORITY AT FIRES/EMS CALLS.** The Fire Chief and his assistants or officers in command at any fire are hereby vested with full and complete police authority. Any member of the Department may report to the proper authorities any person failing to give the right of way to the Fire Department in responding to the fire or EMS call.
- (2) **CONTROL OF FIRE DEPARTMENT EMERGENCIES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firefighters, EMS personnel and police officers and those admitted by order of the Chief shall be permitted to enter. The Chief may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire, the Chief may order the removal or destruction of any property necessary to prevent the further spread of the fire. The Chief may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department.
- (3) **ENTERING PREMISES.** Any firefighter, while acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property when the Chief reasonably believes such entry is required for the protection of persons or property. If any person shall hinder, resist or obstruct any firefighter or EMS personnel in the discharge of his duty, as is hereinbefore provided, the person so offending shall be deemed guilty of resisting the firefighter or EMS personnel in the discharge of his duties.
- (4) **DUTIES OF BYSTANDERS.** Every person who shall be present at a fire or EMS call shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or removing or guarding property. Such officer may cause the arrest of any person refusing to obey such orders.
- (5) **DAMAGE OR DESTRUCTION OF EQUIPMENT PROHIBITED.** No person shall willfully damage or destroy, in any manner, any equipment belonging to the Fire Department or the Village and no vehicle or railroad equipment shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

5.09 FIRE INSPECTORS.

- (1) **FIRE CHIEF TO BE FIRE INSPECTOR.** The Fire Chief shall hold the office of Fire Inspector with the power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.
- (2) **INSPECTION DUTIES.** Fire Inspectors shall inspect, according to State regulations, all buildings, premises and public thoroughfares within the Village limits for the purpose of noting and causing to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of all explosives and inflammable liquids within the Village.

- (3) **WRITTEN RECORD OF INSPECTIONS.** The Chief shall keep a written record of each property inspected, which shall conform to the requirements of the State Department of Commerce and shall make a report of such inspections available upon request.
- (4) **CORRECTION OF FIRE HAZARDS.** When any inspection by the Fire Chief or Deputy Inspector reveals a fire hazard, the Chief or the Deputy Inspector may serve a notice in writing upon the owner of the property giving the owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the Fire Chief or the Deputy Inspector may have the same removed by the Village, and the cost of such removal shall be recovered in an action by the Village against the owner of the property and may also be entered on the tax roll as a special charge against the property.
- (5) **ENTERING ON PREMISES.** No person shall deny the Fire Inspector or the Deputy Inspector free access to any property within the Village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspectors in the performance of duties or refuse to observe any lawful direction given by the Inspector or Deputies.

5.10 VILLAGE FIRE PREVENTION CODE; ADOPTION OF CODES. The following chapters of the Wisconsin Administrative Code, Rules of the Department of Commerce, are hereby adopted by reference and made a part of this Code.

COMM 10	Flammable and Combustible Liquids Code
COMM 11	Liquefied Petroleum Gas Code (Gold)
COMM 12	Liquefied Petroleum Gas Handbook (Blue)
COMM 14	Fire Prevention Code
COMM 16	Wisconsin State Electrical Code
COMM 20-25	Uniform Dwelling Code
COMM 28	Detection and Alarm Systems
COMM 30	Fire Department Health and Safety Standards
COMM 50-64	Building and Heating Ventilating and Air Conditioning Code
COMM 70	Historic Building Code
NFPA 10	Portable Fire Extinguishers
NFPA 13	Installation of Sprinkler Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 30A	Auto and Marine Service Station Code
NFPA 58	Storage and Handling of Liquefied Petroleum Gases
NFPA 70	National Electric Code
NFPA 80	Fire Doors and Windows
NFPA 101	Safety to Life From Fire in Buildings and Structures
NFPA 101M	Alternative Approaches to Life Safety
NFPA 211	Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances
NFPA 385	Tank Vehicles For Flammable and Combustible Liquids
NFPA 395	Standard For the Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects
NFPA 1031	Fire Inspector Professional Qualifications Wisconsin Fire Chiefs Guide Book

Copies of all applicable Federal, State and County codes, statutes and ordinances used in the operations of the Fire Department are adopted by reference and are on file in the office of the Fire Chief or are available through Federal, State, County or Village government and the National Fire Prevention Association.

- 5.11 RIGHT OF WAY.** The officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire, shall have the right of way over all other vehicles upon Village streets when giving visual and audible signal, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such emergency vehicles, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such emergency vehicles shall have passed. Except when actually responding to a fire alarm or other emergency call, or when on duty at a fire, the emergency vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applicable to other vehicles.
- 5.12 TRAFFIC LAWS APPLY TO VOLUNTEERS.** All firefighters and EMS personnel, when responding to a fire call or EMS call with a private vehicle, shall comply with all traffic regulations.
- 5.13 ACTIVITIES ORGANIZATION AND FUND RAISING.**
- (1) **ACTIVITIES ORGANIZATION.** Members of the Department may organize an activities organization and elect officers provided that social activities are not funded from Village funds unless approved by the Village Board.
 - (2) **FUND RAISING.** The members may raise funds for special activities. Monies raised by members shall be kept in a special fund and used as directed by the membership, and shall be audited annually by the Village Auditor.
 - (3) **PROPERTY OWNERSHIP.** The Department membership may own property and equipment purchased by monies earned by fund raising events. If the membership disbands through a majority vote of its members, all apparatus, equipment, buildings and land shall become the property of the Village.
- 5.14 OPEN BURNING REGULATED.**
- (1) **PROHIBITED BURNING.** It shall be unlawful to burn leaves and trash of any kind.
 - (2) **RECREATIONAL BURNING.** Open recreational burning is permitted in a fire pit; a minimum 3-sided enclosure; or a gas, electric or charcoal kettle, subject to the following:
 - (a) The fire is monitored by a responsible person until the fire is extinguished or burns out.
 - (b) The fire is not lit on windy days or when atmospheric conditions will endanger the public health or safety.
 - (c) The fire is located off the public right of way and in excess of 30 feet from the residence of another.
 - (d) The fire is not used for the covert burning of plastic, rubber, garbage or other offensive materials.
 - (3) **BURNING BY PERMIT.** Burning permits for burning brush in nonresidential areas may be issued by the Fire Chief. Burning permits for residential areas may be approved by the Village Board.
 - (4) **LIABILITY.** Any person open burning, whether permitted or not, which results in a response by the Village Fire Department shall be billed for the cost of such response.
- 5.15 HAZARDOUS AND OTHER SPILLS.** See Ch. 9 of this Code.
- 5.16 EMERGENCY MEDICAL SERVICE.** Emergency medical service is provided pursuant to a contract approved by the Village Board.
- 5.20 PENALTY.** Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty, as provided in sec. 25.04 of this Code.

CHAPTER 2 VILLAGE BOARD

(Adopted 9/14/21)

- 2.01 Meetings
- 2.02 Order of Business
- 2.03 Presiding Officer
- 2.04 Committees
- 2.05 Ordinances and Resolutions
- 2.06 Parliamentary Rules
- 2.07 Suspension of Rules
- 2.08 Officers' and Employees' Expenses

2.01 MEETINGS.

(1) **REGULAR MEETINGS.** Regular meetings of the Village Board shall be held on the second Tuesday of each calendar month at 7:00 P.M. Any regular meeting falling on a legal holiday shall be held on a day designated by the Village Board and at the same hour.

(2) **SPECIAL MEETINGS.** Special meetings of the Board may be called by the Village President or a Standing Committee 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 notify each Trustee of the time and purpose of such meeting. Emergency meetings may be called upon no less than 2 hours' notice, pursuant to §19.84(3), Wis.

Stats.

(3) **ANNUAL ORGANIZATIONAL MEETING.** The Village Board shall hold an annual organizational meeting on the third Tuesday of April. The agenda for this meeting will include onboarding for all new Trustees, the reassignment of committee membership and chairman, Guidance for the new year by the president and a strategic planning session for all to include key civic leaders with topics to be determined by the Board, President and Administrator.

(4) **MEETINGS TO BE PUBLIC; PUBLIC NOTICE.** Except as provided in §19.85, Wis. Stats., 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 §19.84, Wis. Stats.

(5) **QUORUM.** Four Village Board members, shall constitute a quorum, but a lesser number may adjourn from time to time or compel the attendance of absent members.

2.02 ORDER OF BUSINESS.

The business of the Village Board shall be conducted in the following order:

1. Call to order by presiding officer.
2. Roll call. If a quorum is not present, the meeting shall be adjourned, which may be to a specified date.
3. Correction and approval of minutes of previous meeting.
4. Comments by public.
5. Communications.
6. Committee reports including Village officers' reports including introduction of ordinances and resolutions.
7. New business,
8. Unfinished business from previous meeting
9. Trustee Comments

10. Setting of next meeting dates and times

11. Adjournment.

2.03 PRESIDING OFFICER.

(1) **CONTROL OF MEETING.** Subject to any other provisions of this section, 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.

(2) **ABSENCE OF VILLAGE PRESIDENT.** If the Village President is absent from any meeting or is otherwise unable to carry out the duty of a presiding officer, The Vice President shall call he meeting to order and preside for that meeting. If both are absent a designated trustee shall chair the meeting.

(3) **SELECTION OF VILLAGE VICE PRESIDENT.** The Vice President of the Village Board shall be chosen by the Village Trustees, excluding the Village President, at the annual organizational meeting of the Village held on the third Tuesday of April. Such election shall be made by secret paper ballot, be conducted by the Village Clerk, and be exclusive of the President. If the Vice President is unable to serve in the capacity of Vice President for any reason, a special election may be held at any open meeting upon proper notice or at any emergency meeting called specifically for that purpose.

2.04 COMMITTEES.

(1) **STANDING COMMITTEES AND APPOINTMENTS.** At the annual organizational meeting following the spring election, the Village President shall, subject to confirmation by the Village Board, appoint 3 Trustees to each of the standing committees. The Village President shall designate committee chairmen. The standing committees are as follows:

- (a) Public Works Committee
- (b) Public Safety Committee
- (c) Parks and Recreation Committee
- (d) Planning, Property, Legislative and Information Technology Committee
- (e) Finance and Human Resources Committee

(2) **SPECIAL COMMITTEES.** The Village President shall appoint all special committees and designate the chairman of each.

(3) **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.

2.05 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.

2.06 PARLIAMENTARY RULES.

(1) **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.

(2) **MOTIONS.** When a motion is made, it shall be stated by the chair or, if in writing, shall be read by the Clerk-Treasurer.

(3) **MEMBER CALLED TO ORDER.** When a member is called to order by a trustee, they, shall not proceed without a decision from the Chair.

(4) **ROBERT'S RULES.** Meetings of the Village Board shall be conducted according to Robert's Rules of Order, Edition XII, revised, except as otherwise provided herein.

(5) **VOTING.**

(a) 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 roll call vote.

(b) Aye and No Vote. The ayes and no's 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. Any abstentions will also be recorded for the record.

(c) 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.

(6) **Local Business Meeting Rules (Dated 1 July 2021).**

(a) Individuals shall raise their hand or request verbally to the Chair to be recognized. There is no need to stand to be recognized.

(b) Agendas will include "New" Business and "Old" Business sections to be a responsive and relevant governing body that allows citizens and Trustees be given the opportunity to bring up timely issues and topics for discussion and possible action within a reasonable timeframe. No final "MOTIONS" or actions can be taken during these sessions other than initiating a dialogue on a topic and referring action to a full board or another committee for action.

(c) All Village meetings and, to the extent possible and reasonably practical, Committee meetings, will be recorded for the public use and the historical record. These will be archived in the Wisconsin Rapids Community Media website and posted on the Village website.

(d) Public participation and comment is encouraged and valued. Each citizen that requests to speak shall give their full name and address for the record and this will be included in the minutes. Each meeting shall include a public comment section. The individual or group representative shall have 3 minutes to address the Board or Committee. Their comments can be answered directly by a Trustee if the trustee deems it appropriate.

(e) Public comment via a signed letter or notarized statement shall be included in the Board or Committee packet for review by the members. This will include any Public Comment by electronic means (email) that can be verified. Any Email comments that cannot be validated, shall be left to the discretion of the Village Administrator for inclusion in the Board or Committee packet.

(f) All meeting agendas will be published no later than 48 hours before any meeting, Meeting packets (all the data and background information on the meeting Agenda) will be posted on the Village website no later than 12 hours before the meeting.

(g) All Village meetings will include a video-internet method to participate for Trustees as well as citizens if possible and reasonably practical. The meeting link will be published and open for public comment and participation. All rules of order will remain the same as for in-person meeting attendees.

(h) The Village Board meeting shall include a "Consent Agenda" to expedite the meeting process. The consent agenda will include the previous Board minutes and the Village bills and invoices. Trustees may "hold out" any line items they deem worthy of discussion. The "Hold Out" procedure would be to separate the issue at hand and engage in a separate discussion on that issue/topic. Any final decision will be included in the minutes for the record.

(i) The discussion of correspondence received will be included in all Village Agendas. This is the municipality effort to ensure a full and transparent discussion of items received by either the Village staff or any trustee and then it can be entered into the record for possible future action.

2.07 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 2/3 of the members present.

2.08 OFFICERS' AND EMPLOYEES' 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.

If the event is included in the department's annual budget, there is no need for a special approval by the Board. If the Event is not included and outside of the planned annual budget the request must be brought thru the Finance and Human resources Committee for discussion and approval. This will then be submitted to the entire board at the next regular monthly board meeting for final approval by MOTION.

Upon completion of the event a filing of a regular and itemized voucher/memorandum with receipts will be submitted to the Village administrator, who will present same to the Finance and Human Resources Committee as a follow to the event.

CHAPTER 1
GENERAL GOVERNMENT

(Updated 11 January 2023)

- 1.01 Elected Officials
- 1.02 Appointed Officials
- 1.03 Municipal Court
- 1.04 Ethical Standards
- 1.05 Boards and Commissions
- 1.06 Emergency Management
- 1.07 Elections
- 1.08 Public Records
- 1.09 Village of Port Edwards Cemetery
- 1.10 Abandoned and Lost Property

CHAPTER 1 - GENERAL GOVERNMENT
(Updated 11 January 2023)

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 third Tuesday of April in the year of his election.
- (2) TRUSTEES. There shall be 6 Village Trustees, 3 of whom shall be elected at the regular spring election in odd-numbered years and 3 in even-numbered years for 2-year terms, commencing on the third Tuesday of April in the year of their election.
- (3) MUNICIPAL COURT JUDGE. The Municipal Court Judge shall be elected in even-numbered years for a term of 4 years.

1.02 APPOINTED OFFICIALS. The appointed officials of the Village shall be as follows; (All will be presented to the Village Board for Approval)

<u>OFFICIAL</u>	<u>APPOINTED BY</u>	<u>TERM</u>
(1) Village Administrator	Village Board	Indefinite Determined by Board
(2) Administrative Support Coordinator/Clerk-Treasurer	Village Board Administrator	Indefinite At Will
(3) Administrative Support Specialist/Deputy Clerk-Treasurer	Village Board Administrator	Indefinite At Will
(4) Village Assessor	Village Board Administrator	Contract
(5) Village Attorney	Village Board Administrator	Contract
(6) Police Chief	Village Board Police and Fire Commission	Indefinite At Will or Contract
(7) Fire Chief	Village Board, upon the recommendation of Fire Department members Police and Fire Commission	Indefinite At Will
(8) Public Works Supervisor	Village Board Administrator	Indefinite At Will
(9) Zoning Administrator	Village Board Village President	Indefinite 1 year
(10) Weed Commissioner	Village President	1 year
(11) Emergency Management Director	Wood County Board/Village Administrator	as Required
(12) Deputy Emergency Mgt. Director	Fire Chief shall serve as Deputy Director	Indefinite
(13) Building Inspector	Village Board Administrator	Contract
(14) Plumbing Inspector	Village Board Administrator	Contract
(15) Electrical Inspector	Village Board Administrator	Contract

1.03 MUNICIPAL COURT.

- (1) CREATED. There is created and established the Village of Port Edwards Municipal Court under the provisions of Ch. 755, Wis. Stats.
- (2) MUNICIPAL COURT JUDGE. The Municipal Court shall be located in the Village Municipal Building and shall be under the jurisdiction of and presided over by a Municipal Judge who resides in the Village. The Municipal Judge shall be elected at large in the spring election for a term of 4 years commencing on May 1 of the year of

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his election. The Village Board shall provide for a primary election in the event that more than 2 candidates file nomination papers for the position of Municipal Judge.

- (3) BOND. The amount of the bond required by §755.03(1), Wis. Stats., shall be \$2,500.
- (4) HOURS. The Municipal Court shall be open at such times as the Municipal Judge determines, subject to the direction of the Village Board.
- (5) CONTEMPT. The Municipal Judge may impose a forfeiture for contempt and a jail sentence for nonpayment of the forfeiture and any applicable assessments, pursuant to §800.12(2), Wis. Stats.
- (6) JURISDICTION. This section shall be construed to limit neither the jurisdiction of the Municipal Court nor the authority of the Municipal Court to impose penalties under the Wisconsin Statutes.

1.04 ETHICAL STANDARDS.

- (1) DECLARATION OF POLICY. It is declared that high ethical standards among **Village officers and employees (anyone receiving a payroll check from the Village)** are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Village in their public officers and employees. The purpose of this section is to establish guidelines for ethical standards of conduct for all such Village officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of Village officers and employees and their official actions.
- (2) STATUTORY STANDARDS OF CONDUCT. The provisions of the following sections of the Statutes are made a part of this section and shall apply to all public officers and public employees whenever applicable, to wit:
 - §946.10 Bribery of Public Officers and Employees
 - §946.11 Special Privileges from Public Utilities
 - §946.12 Misconduct in Public Office
 - §946.13 Private Interest in Public Contact Prohibited
- (3) SPECIFIC CONFLICTS OF INTEREST.
 - (a) Use of Public Property. No public officer or employee shall use or permit the use of Village vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such officer or employee in the conduct of official business, as authorized by the **Village Administrator**, Village Board or authorized board, commission or committee.
 - (b) Conflicts of Interest: Disclosure of Interest. Except as provided herein, no public officer or public employee shall engage in any business transaction with the Village or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or will tend to impair his independence or judgment or action in the performance of his official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the Village, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the Village Board, or committee, board or commission thereof, as appropriate, to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.
 - (c) Representing Private Interests Before the Village Board or Village Agencies. No public officer or employee, including persons engaged to provide professional services to the village, shall represent, for compensation, private interests before the Village Board or any Village board, commission or committee without disclosure of the private business relationship and explicit consent of the Village Board.
 - (d) Disclosure of Confidential Information. No public officer or employee shall, without proper authorization of the Village Board, disclose confidential information concerning the property,

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government or affairs of the Village nor shall he use such information to advance the financial or other private interest of himself or others.

- (e) Gifts and Favors. No public officer or employee shall accept anything of value, whether in the form of a gift, service loan or promise, from any person who, to his knowledge, has a direct financial interest in any transaction or official business with the Village which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value such as a meal up to ~~\$40~~ **\$25** in value.
- (f) Outside Employment. No full-time officer/**employee** of the Village shall engage in any other remunerative employment within or ~~without~~ **outside** the Village provided that the **village administrator with Village Board concurrence** may approve such outside employment or activity if it finds that it does not interfere or conflict with such ability of the officer or employee to perform his duties in an efficient and unbiased manner.
- (g) Advisory Opinion. Any questions as to the interpretation of any provisions of this section shall be referred to the Village Attorney for an advisory opinion.

1.05 BOARDS AND COMMISSIONS.

(1) BOARD OF REVIEW.

- (a) Membership. The Board of Review shall consist of the Village President, the Clerk-Treasurer and one Trustee appointed by the Village President and confirmed by the Village Board annually. The Village Assessor shall attend all meetings of the Board of Review.
- (b) Powers and Duties. The Board of Review shall have the powers and duties prescribed in §70.47, Wis. Stats.

(2) PLAN COMMISSION.

- (a) Membership. The Plan Commission shall consist of 7 members. One member shall be the Village President who shall be the Chairperson. One member shall be the Village Administrator. One member shall be a Trustee, appointed by the Village President, subject to confirmation by the Village Board, for one-year terms. The other 4 members shall be citizens of recognized experience and qualifications, appointed by the Village President, subject to confirmation by the Village Board, for staggered 3-year terms.
- (b) Powers and Duties. The Plan Commission shall have the powers and duties prescribed in §§61.35 and 62.23, Wis. Stats., and such other powers and duties as shall be vested in the Commission, from time to time, by the Village Board. **The focus of this commission will be on Village strategic planning, zoning issues, development issues, adjustments to the official Village map**

(3) BOARD OF ZONING APPEALS.

- (a) Membership. The Board of Zoning Appeals shall consist of 5 citizens appointed by the Village President, subject to confirmation by the Village Board, for staggered terms of 3 years. Two alternate members shall be appointed by the Village President, subject to confirmation by the Village Board, for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of interest.
- (b) Officers. The Village President shall designate the Chairperson of the Board. The Administrative Support Coordinator/Clerk-Treasurer shall serve as Secretary to the Board.
- (c) Powers and Duties. The Board shall have the powers and duties prescribed in §62.23(7)(e), Wis. Stats. See also Ch. 17 of this Code.

(4) POLICE AND FIRE COMMISSION.

- (a) Membership. The Police and Fire Commission shall consist of five (5) members, none of whom shall be officers or employees of the Village, appointed by the Village President, subject to confirmation by the Village Board, for staggered 5-year terms.
- (b) Powers and Duties. In accordance with §62.13(5), Wis. Stats., the Police and Fire Commission shall have the power and duty to discipline any protected services officers (including the Police Chief, Village police officers, Fire Chief, and/or Village fire officers) who are not probationary.

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- (5) SOUTH WOOD COUNTY AIRPORT COMMISSION.
 - (a) Membership. The Airport Commission shall consist of ~~3~~ 4 members representing the Village, the City of Wisconsin Rapids, **City of Nekoosa** and the Town of Grand Rapids. The Village member **to this commission(who must be an elected official)** shall be appointed by the Village President, subject to confirmation by the Village Board.
 - (b) Powers and Duties. The Commission shall have the powers and duties set forth in Ch. 21 of the City of Wisconsin Rapids Municipal Code, which is hereby adopted by reference.
- (6) SOUTH WOOD COUNTY AIRPORT HEIGHT LIMITATION ZONING COMMISSION.
 - (a) Membership. The Airport Height Limitation Commission shall consist of 3 members representing the Village, the City of Wisconsin Rapids and the Town of Grand Rapids. The Village member shall be appointed by the Village President, subject to confirmation by the Village Board.
 - (b) Powers and Duties. The Commission shall have the powers and duties set forth in Ch. 21 of the City of Wisconsin Rapids Municipal Code, which is hereby adopted by reference.
- (7) AIRPORT BOARD OF APPEALS.
 - (a) Membership. The Airport Board of Appeals shall consist of 5 members. The Village member shall be appointed by the Village President, subject to confirmation by the Village Board.
 - (b) Powers and Duties. The Airport Board of Appeals shall have the powers and duties set forth in Ch. 21 of the City of Wisconsin Rapids Municipal Code, which is hereby adopted by reference.
- (8) ADMINISTRATIVE REVIEW APPEALS BOARD.
 - (a) Membership. The Administrative Review Appeals Board shall consist of the Village President, one Trustee and one citizen member. The Trustee shall be appointed by the Village President, subject to confirmation of the Village Board for one-year term. The citizen member shall be appointed by the Village President, subject to confirmation by the Village Board, for 3-year terms.
 - (b) Powers and Duties. See Ch. 6 of this Code.

1.06 EMERGENCY MANAGEMENT.

- (1) JOINT ACTION EMERGENCY MANAGEMENT AGREEMENT. The Wood County Joint Action Emergency Management Ordinance (formerly Emergency Government Ordinance), adopted February 8, 1983, is hereby ratified and accepted by the Village as provided in Section III of said Joint Action Ordinance.
- (2) EMERGENCY MANAGEMENT DIRECTOR. The County-Municipal Emergency Management Director is hereby designated and appointed as Director for the Village, subject to the conditions and provisions as set forth in the Wisconsin Statutes and the Wood County Joint Action Ordinance. **Due to the overarching responsibilities of the County Emergency Management Director**, as required this designation ~~can~~ **will** be delegated to the Village Administrator based on the event.
- (3) MUNICIPAL DEPUTY DIRECTOR. The position of Municipal Deputy Director is hereby created as provided in Section III, D of the County-Municipal Joint Action Emergency Management Ordinance. The Deputy Director shall, under the administrative direction of the County-Municipal Emergency Management Director, direct the municipal Emergency Management program and carry out the duties as provided by the County- Municipal Joint Action Emergency Management Ordinance and such other related duties as may be assigned by the Village Board.
- (4) UTILIZATION OF EXISTING SERVICES AND FACILITIES, POLICY. In preparing and executing the Emergency Management program, the services, equipment, supplies and facilities of the existing departments and agencies of the Village shall be utilized to the maximum extent practicable; and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are requested of them.

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- (5) **COOPERATION.** The Village may cooperate pursuant to §66.0301, Wis. Stats., to furnish services, combine offices and finance emergency management services with other municipalities and the County upon appropriate resolution of the Village Board.
- (6) **SUCCESSION TO LOCAL OFFICES.** The Village Board, by resolution, may provide for the continuity of government in the event of and throughout the duration of a state of emergency resulting from emergency action by providing a method by which temporary emergency appointments to public office are made, except as limited by express constitutional provisions. Such ordinance or resolution shall define the scope of the powers and duties, which may be exercised and shall provide for the termination of appointments so made, pursuant to §166.07, Wis. Stats.
- (7) **EMERGENCY REGULATIONS.** Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Village Board, the Village President may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety. Any such emergency order, rules and regulations shall expire within 48 hours of the issuance of the same unless extended by the Village Board, in accordance with §166.23, Wis. Stats.
- (8) **STATE LAW ADOPTED BY REFERENCE.** Chapter 166, Wis. Stats., is hereby adopted by reference.
- (9) **PENALTY.** It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Management organization in the enforcement of any order, rule, regulation or plan issued pursuant to this section or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this section. For a violation of any of the provisions of this section, he shall forfeit not more than \$500.

1.07 ELECTIONS.

- (1) **VILLAGE CLERK'S ELECTION DUTIES.** As provided in §7.15, Wis. Stats., the Administrative Support Coordinator/Clerk-Treasurer shall have charge of and supervise all elections held in the Village.
- (2) **ELECTION OFFICIALS.**
 - (a) Appointment. Election officials shall be appointed pursuant to §7.30, Wis. Stats.
 - (b) Appointment of alternative election officials. The Clerk-Treasurer shall have the discretion to hire election officials to work less than a full day on the day of the election pursuant to §7.30, Wis. Stats.
 - (c) Number. Except as provided par. (d) below, there shall be 7 inspectors for each election at any given time pursuant to §7.30, Wis. Stats.
 - (d) Reduction of Number. Pursuant to §7.32, Wis. Stats., the Clerk-Treasurer may reduce the number of election inspectors for any given election to not less than 3 at any given time.
- (3) **NOMINATION OF ELECTED VILLAGE OFFICIALS.** All candidates for elective Village 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.
- (4) **VOTER REGISTRATION.** All electors for all elections shall be required to be registered. The Clerk-Treasurer shall receive applications for registration at his office during regular office hours throughout the year, except that registration may also be completed at Village polling places on election days upon presentation of proper identification and proof of residence.
- (5) **POLLING HOURS.** The polls of the Village shall open at 7:00 A.M and close at 8:00 P.M. for all elections.
- (6) **WARDS.** The Village is divided into 3 wards. The Village Ward Map is on file in the office of the Clerk-Treasurer.
- (7) **POLLING PLACE.** The polling place for the Village shall be the Village Fire Station Meeting Room.

1.08 PUBLIC RECORDS.

- (1) **DEFINITIONS.** As used in this section:
 - (a) "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

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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) below 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.
 - (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 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.
- (2) DUTY TO MAINTAIN RECORDS.
- (a) Except as provided under sub. (8) below, 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 therefore 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 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 Administrative Support Coordinator/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 pars. (a) or (b) above, 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 paragraph 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 Ch. 19, Subch. II, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this subsection.
- (4) PROCEDURAL INFORMATION. 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 thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of this section. This section does not apply to members of the Village Board.

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(5) PUBLIC ACCESS TO RECORDS; FEES.

- (a) Except as provided in sub. (7) below, 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 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 videotapes 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 therefore exceeds \$50, 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 assure payment if such estimate exceeds \$5.
 - 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.

(6) 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 §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. (5)(f)6 above. 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. When the legal custodian has doubts as to whether the requested records are exempt from disclosure, in whole or in part, he shall have 3 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 sub. (7) below. 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

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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.

(7) 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 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.

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(8) DESTRUCTION OF PUBLIC RECORDS.

- (a) Financial Records. Village officers may destroy the following non-utility 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 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. Payrolls and other time and employment records of personnel included under the Wisconsin 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 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 that water stubs, receipts of current billings and customers' ledgers may be destroyed after 2 years:
 - 1. Water and sewer stubs and receipts of current billings.
 - 2. Customer's ledgers.
 - 3. Vouchers and supporting documents pertaining to charges not included in plant accounts.
 - 4. Other utility records after 7 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 7 years after the record was effective, unless another period has been set by Statute, or by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., 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 §19.21(4)(a), Wis. Stats.

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- (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 §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 this Code.

1.09 VILLAGE OF PORT EDWARDS CEMETERY. The Village of Port Edwards Cemetery shall be managed and operated by the Village Board under rules and regulations and fees established from time to time by the Board. Details on its operation can be found in Village Ordinance #76. **The village administrator is appointed as the cemetery manager to conduct the day-to-day operations of the cemetery.**

1.10 ABANDONED AND LOST PROPERTY.

- (1) **DISPOSAL OF.** The Village may dispose of any non-Village owned personal property which has been lost and abandoned or remained unclaimed for a period of 30 days after the taking of possession of the property by the Village or its representative in accordance with §66.0139, Wis. Stats.
- (2) **METHODS OF DISPOSAL.** Except as provided in subs. (3), (4) and (5) below, each Village department head shall have the option of maintaining and using any unclaimed abandoned property for its own use. The department head shall make a list of all unclaimed abandoned property not to be retained by the department and shall post the list among all departments for consideration for Village use. The department head may donate to charity or any nonprofit organization abandoned unclaimed property not converted to Village use, or discard any unclaimed abandoned property that is deemed non-usable, or dispose of the property by public auction or sealed bid.
- (3) **DISPOSAL OF ABANDONED BICYCLES.** The Chief of Police or his authorized representative may dispose of unclaimed or abandoned bicycles and other play vehicles through public auction, donation to charity or other nonprofit organizations, or junking. The bicycle auction shall be conducted by the Police Department at any time the surplus of bicycles dictates and the 30-day waiting period for abandonment has expired. Proceeds from the sale, after deducting the necessary expenses for conducting the sale, shall be retained by the Police Department for use in community traffic safety or crime prevention activities.
- (4) **DISPOSAL OF FLAMMABLE EXPLOSIVE OR INCENDIARY SUBSTANCES.** The Village may immediately and safely dispose of unclaimed or abandoned flammable or explosive devices or devices posing a danger to life or property in their storage, transportation or use after taking possession without public auction. The Village shall attempt to return to the rightful owner substances, materials or devices which have a commercial value in the normal business usage and do not pose an immediate threat to life or property. An attempt to return the substance, material or device to the rightful owner shall be made when it appears the substance, material or device has been reported stolen.
- (5) **DISPOSAL OF SEIZED PROPERTY.** The Chief of Police or authorized representative may safely dispose of any seized property which poses a danger to life or other property in storage, transportation or use and which is not required for evidence or further investigation. Disposal procedures include, but are not limited to, return of the seized property to the rightful owner.
- (6) **RECORDS.** Each department head shall maintain an inventory of such property not disposed of in a sale open to the public, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property as a public record for a period of not less than 2 years from the date of disposal.