

CHAPTER 2

GOVERNMENT AND ADMINISTRATION

2.01 GENERAL POWERS: (1) LEGAL STATUS: The Town of Rome is a body corporate and politic, with those powers granted by law. The Town shall be designated in all actions and proceedings by its name, as the Town of Rome.

(2) VILLAGE POWERS: The Town Meeting having, by resolution, directed the Town Board to exercise all powers relating to villages and conferred on village boards by Chapter 61, Wis. Stats. the Town shall have said powers through its Board. This is a continuing grant of powers.

(3) OFFICIAL NEWSPAPER: The official newspaper of the Town of Rome shall be the Wisconsin Rapids Daily Tribune.

2.02 ELECTIONS: (1) VOTER REGISTRATION: Pursuant to the provisions of the Wis. Stat. the Town of Rome elects that registration shall be required for all elections.

(2) POLLING PLACE: The polling place serving all wards shall be at the Municipal Building located at 1156 Alpine Drive.

(3) ELECTION POLL HOURS: The voting polls shall be open 7:00 am to 8:00 pm for all elections.

(4) Pursuant to Wis. Stat. 7.03 (1), The Town of Rome shall allow for the selection of two (2) or more sets of officials to work at different times on election day and permits the Clerk or an designee to establish different working hours for different officials assigned at the same polling place.

(5) ELECTION DAY EMERGENCY PLAN:

(a) Worldwide Terrorism Event:

1. In the event of a terrorist activity, the federal government may have a preliminary plan in place for moving activities of election days. However, if no plan exists, it shall be the policy of the Town of Rome to

act accordingly. All elections shall continue unless federal or state officials have ordered otherwise.

2. A worldwide terrorist event, although dramatically affecting each voter on a personal level, may not affect the daily operations of each polling location. If there is no police order to take cover or remain in doors, all operations of the polling locations shall remain in effect.

(b) Fire or Fire Alarms: In the event a fire or fire alarm has disturbed the activities at the Town Hall, the procedures set forth in pars. (e)-(g) herein shall be used to effectively continue election processes.

(c) Electrical Outage: Ballot boxes contain power supply backups that shall continue to operate in the event of a power outage. Should the Town Hall lose power, Town officials shall be available to assist in providing flashlights and immediate assistance. In the event of a long term power outage, a change of venue shall be required.

(d) Natural Disaster or Inclement Weather:

1. During inclement weather, the Fire Department and Police Department shall stay apprised of the severity and shall alert the Town Clerk of possible emergencies.

2. Should an evacuation occur, the evacuation procedures listed above should be followed. If a natural disaster such as a tornado occurs and requires inspectors and voters to seek cover, all un-voted ballots and poll lists shall be secured with the Chief Inspector. The ballot box shall remain unplugged and locked. No ballots shall be allowed into the ballot box, and no un-voted ballots shall be released. After passage of the emergency, regular business shall resume and the Chief Inspector shall note on his/her inspector report the period of non-voting from beginning to end.

(e) Evacuation:

1. In the event an evacuation is ordered by the Police or Fire Chief, all un-voted ballots shall be taken into custody by the election inspectors and the ballot box that has been storing and counting voted ballots shall remain sealed, and unplugged. The box has a battery back-up. The purpose for removing all un-voted ballots is to prevent anyone from entering and voting on unauthorized ballots while inspectors are out of the building. Elections may continue as soon as fire officials have cleared the building for re-entry.

2. Should an actual fire be detected, the locked ballot box has wheels and may be moved to the parking lot. If practical, the election inspectors may allow voting to continue in the parking lot of the building. There shall be established a designated corner of the parking lot where voting can take place and where the ballot box is still able to count and record ballots while on battery back-up. However, a power supply may be needed if this process should continue longer than one (1) hour. At no time shall the ballot box or ballots be out of sight of the election inspectors.

3. If this process is not able to be completed in the parking lot, then a change of venue shall be required. Changing the voting location shall require a police escort. The Town Clerk, or if the Town Clerk is not available, the Chief Inspector, shall determine if the event requires a change of venue. See par. (f) below to for the procedure for moving the entire polling location.

(f) Change of Venue:

1. When it is has been determined by the Town Clerk or Chief Inspector that a polling location needs to be moved to effectively respond to a disaster of any kind, the following process shall be executed.

2. The Town Clerk with police escort shall report to the polling location requiring the move. All inspectors shall assist the Clerk in packaging up all voting equipment,

unvoted ballots, challenged ballots, recreated ballots, absentee envelopes, poll lists, new registration forms, and any other miscellaneous material.

3. The ballot box shall remain locked at all times.

4. The ballot box shall be escorted to a Town-owned vehicle for moving. A police officer shall remain in control of the ballot box at all times. A police escort shall take the ballot box (which holds all voted ballots) to Fire Station #2. At this location, all inspectors and the Town Clerk shall set-up and operate the polling location. The ballot box has a battery backup and no information should be lost.

5. All unvoted ballots shall remain in the possession of the Chief Inspector and at least one other inspector during this change of venue.

6. Inspectors shall note this change of location on their Inspector Statement.

7. A sign shall be posted at the original polling location designating the new polling place for voters to see. Likewise, if possible, a notice shall be placed on the public access channel for voters to report to the correct location.

(g) Effect on Poll Watchers:

Poll watchers shall be required to exit any building that is evacuated. They may continue to watch the election processes without interruption. They shall be prohibited from interfering with the election process. If they are asked to leave and refuse to do so, they can be removed by the police.

2.03 TOWN BOARD: (1) MEMBERSHIP TO:

(a) The Town Board consists of five (5) Supervisors of the Town of Rome, one (1) of who is the Chairperson.

(b) Three (3) supervisors constitute a quorum of a five (5) member town board.

(2) VILLAGE POWERS: The Town Board shall exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats. except those powers which conflict with statutes relating to towns and town boards.

(3) MEETINGS OF THE TOWN BOARD: Regular meetings of the Rome Town Board shall be as scheduled and noticed by the Town Board. All meetings of the Board shall be held at the Municipal Building of the Town of Rome unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. A majority of Supervisors must consent to any change in the place of any meeting of the Board.

(4) ORDER OF BUSINESS:

(a) At all meetings, the following order may be observed in conducting the business of the Town Board:

1. Call to Order by presiding officer;
2. Roll call;
3. Reading and correcting the financial report and the minutes of the last preceding meeting or meetings;
4. Presentation of petitions, memorials, remonstrances, and communications;
5. Reports from officials of the Town;
6. Reports from committees;
7. Unfinished business remaining from preceding sessions in the order in which it was introduced;
8. New business; ordinances and resolutions may be introduced and considered;
9. Business may be presented by the Chairperson and Supervisors;
10. Establish next agenda.
11. Adjournment.

(b) Agenda Preparation:

1. The Town Clerk shall prepare an agenda incorporating the matters comprising the order of business.

2. No matter requiring research, investigation or decision shall be placed on the agenda of the Town Board unless a request to do so is made to the Town Clerk at least seven (7) days prior to the meeting, nor shall the agenda be amended to include said matter except when the members of the Board unanimously agree to the agenda addition.

(c) No business shall be taken out of order unless by unanimous consent of all Supervisors and in the absence of any debate whatsoever. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Board.

(d) As soon as the Board meeting is called to order roll call shall be taken, noting who are present and who are absent and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Board may adjourn.

(5) INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS:

(a) Ordinances, including amendments to existing ordinances, shall be adopted pursuant to Sec. 66.0103, Wis. Stats. And as provided for in par. (b) herein.

(b) The procedure for adoption of an ordinance or an amendment to an existing ordinance shall be as follows.

1. An ordinance or amendment may be submitted to the Town Clerk By any Town Board member or department head.

2. Proposed ordinances or amendments shall either be drafted by the Towns Attorney or submitted to the Town Attorney for review prior to submission to the Town Clerk. In order to ensure this requirement is

met, the Town Clerk shall forward all submitted ordinances and amendments to the Town Attorney for review unless the proposed ordinance or amendment includes verification that the Town Attorney has already reviewed the same.

3. Upon receipt of the proposed ordinance or amendment, the Town Clerk shall provide a copy of the same to each Board member. The Town Clerk shall further consult with the Town Chairperson about placement of the proposal on the agenda for a future Board meeting.

4. Upon being placed on the agenda, a proposed ordinance or amendment shall be considered and acted upon according to the standards and procedures outlined in this section.

5. Except as provided for in sub. par. 6. herein, an ordinance or amendment shall not be considered adopted until it has been approved by the Board at a meeting and read at two subsequent meetings. The requirement of a reading may be satisfied by the placement of the reading of the ordinance or amendment on the agenda and the approval of the reading at that meeting. The actual reading of the ordinance or amendment at the meeting is not required.

6. The Town Board may, as it deems necessary and appropriate, waive the second and third readings and provide for the adoption of an ordinance or amendment immediately upon its approval and publication.

7. An ordinance or amendment shall become effective upon its publication in the Town Code.

8. Additions and amendments to Chapter 10 of the Town code are not subject to this section and shall be governed by the procedures outlined in that Chapter.

(c) Every petition or other writing of any kind, addressed to the Board, Clerk or other Town officer for reference to the Town Board, shall be delivered by the Clerk or such

other Town officer to the Chairperson or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Board following the receipt of same.

(6) CONDUCT OF DELIBERATIONS:

(a) A roll call shall not be necessary on any questions or motions except as follows:

1. When the ayes and naves are requested by any member.

2. When requested by the Wis. Stats.

(b) All aye and nay votes shall be recorded in the official minutes.

(c) Except as provided below, the Town Board shall, in all other respects, determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by Ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:

1. No person other than a member shall address the Board except under order of business, except that citizens may address the Board with the permission of the presiding officer as to matters, which are being considered by the Board at the time.

2. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

(7) PROCEDURE AT PUBLIC HEARINGS:

(a) The Chairperson shall call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.

(b) Each person speaking on behalf of the proposition shall be limited in time of five (5) minutes.

(c) The Chairperson shall then call on those persons who wish to oppose the proposition. Each person wishing to speak in opposition to the proposition shall give his or her name and address.

(d) Each such person wishing to speak in opposition to the proposition shall be limited to five (5) minutes.

(e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the Chairperson, provided such rebuttal statement shall be limited to three individual. (3) minutes by any one (1)

(f) When the Chairperson, in his discretion, is satisfied that the proposition has been heard, he shall announce the fact that the hearing is concluded.

(8) PUBLICATION OR POSTING OF ORDINANCES AND RESOLUTIONS:

(a) An Ordinance shall take effect the day after it is posted, or at a later date if expressly provided in the Ordinance, resolution, motion or action.

(b) When an Ordinance is posted, the Town Clerk shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk.

(9) CONTACTING THE TOWN ATTORNEY:

(a) Contacting the Town Attorney shall be limited to the following authorized persons: the Town Clerk, Town Chairperson, Police Chief, Fire Chief, Town Treasurer, Superintendent of Highways and Public Works, Town Assessor, Building Inspector, Zoning Administrator and the Chairperson of the Police and Fire Commission. Except as provided in sub. (c) herein, all contact questions, and the Town Attorney's response shall be memorialized by the Town Attorney in a memorandum promptly sent to the Town Clerk who shall distribute copies of the same to each member of the Town Board.

(b) Notwithstanding subs. (a) above, the Town Attorney is not required to memorialize the questions or answers to communications from the following:

1. The Chairperson of the Police and Fire Commission;

2. The Police Chief regarding cases pending in the Municipal Court.

(10) MAIL: All mail received at the Rome Municipal Building addressed to any Town Board member is Town business and open to all Town Board members. This correspondence will be opened by the Town Clerk and copies distributed to all Town Board members by the Town Clerk.

(11) AMENDMENT OF RULES: The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a two thirds (2/3) vote of all the members of the Board.

(12) SUSPENSION OF RULES: Any of the provisions of Sections 2.03(4) through 203 (7), inclusive, of this Code may be suspended temporarily by a majority of the Board members present at any meeting.

2.04 TOWN OFFICERS AND EMPLOYEES

(1) ELECTION OF OFFICIALS: At the annual spring election in odd-numbered years, the Town shall elect a Chairman, two (2) Supervisors, a Town Clerk and a Town Treasurer. At the annual spring election in even-numbered years shall elect two (2) Supervisors. Terms of office are to begin the second Tuesday in April of the year elected.

(2) CONSTABLE: Pursuant to Sec. 60.10, Wis. Stats. the Town has abolished the office of constable.

(3) MUNICIPAL JUDGE:

(a) Elected. The judge shall be elected, at large, at the spring election held in even numbered years for a term of two (2) years. The term of office will begin on May 1

following the spring election in even-numbered years. The judge shall receive such compensation as determined by the Town Board, which shall be in lieu of fees and costs. No compensation shall be paid to the judge for any time during the term for which the official bond and oath have not been executed and filed. No compensation shall be paid for any day for which court is scheduled to be in session for which the judge is not in attendance. Where possible, two weeks advance notice of an off day or off days shall be submitted in writing to the town attorney and the town Police Chief. The judge shall, as a condition precedent to receiving any compensation in the forthcoming month, file an affidavit with the town treasurer on or before the last working day of each calendar month stating that no case which has been submitted in final form in the past thirty days, exclusive of time of total disability, if any, remains undecided. The judge must be licensed to practice law in the State of Wisconsin and must be an adult resident of the town.

(b) Duties:

1. The judge shall execute and file with the clerk of the circuit court for Adams County the oath prescribed by Wis. Stats. 757.02(1) and a bond in the penal sum of two thousand dollars as prescribed by Wis. Stats. 755.03.
2. The judge shall have jurisdiction as provided in Wis. Stats. Sections 755.045 and 800.01, and exclusive jurisdiction of violations of Town ordinances, except as provided by Wis. Stats. Section 755.045(1) (a) and (b).
3. The judge may, in addition to any fine or penalty that may be imposed by law for any violation of a town ordinance, impose forfeiture for contempt as provided in Wis. Stats. Section 800.12. This forfeiture shall not exceed fifty dollars, or upon default in payment of the forfeiture, a jail sentence not to exceed seven days.

(4) ASSESSOR:

(a) Appointment: The Town Board shall appoint the Assessor.

(b) Duties: The Assessor is to discover, list and value all taxable real and personal property within the taxation district. It is the assessor's responsibility to ensure that parcels within the district are valued uniformly.

(5) BUILDING INSPECTOR:

(a) Appointment: There is hereby created the position of Building Inspector who shall be appointed by the Town Board. The Inspector shall have an indefinite term of office. The Building Inspector shall be fully-certified by the State of Wisconsin to enforce one and two-family Building Dwelling Codes and other Town building ordinances.

(b) Duties:

1. The Building Inspector shall enforce the Town's building and housing codes and all other ordinances, laws, and orders of the Town and State, which relate to building construction, alteration, and repair. With the consent of the Town Board, the inspector may appoint one (1) or more Town employees or officials as deputy building inspectors and may delegate to them the above-mentioned powers and duties, but such appointment shall not carry with it any increase in salary or wages.
2. The Building Inspector shall make all inspections necessary for compliance and enforcement of the Building Code.
3. The Building Inspector shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Town when such work is being done in violation of any Town ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the Inspector.
4. The Building Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefore. The inspector shall process all applications, make all

inspections, and have the authority to issue or cause to be issued a certificate of final inspections.

5. The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing, or constructing any building or structure is going on, including plumbing and electrical work.

(6) TOWN ATTORNEY:

(a) Appointment: The Office of Town Attorney is an appointed position. The Town Attorney shall be appointed by the Town Board and shall serve at the pleasure of the Board.

(b) Duties:

1. The Attorney shall conduct all of the legal business in which the Town is interested.

2. He shall, when requested by the Town Board, give written legal opinions, which shall be filed with the Town.

3. He shall draft ordinances; the Town Board may request bonds and other instruments as required.

4. He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the Town. Such assistant shall receive no compensation from the Town, unless previously provided by Ordinance.

5. The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.

6. The Town Attorney shall perform such other duties as provided by State law and as designated by the Town Board.

(7) CHIEF OF POLICE:

(a) Appointment:

1. The Chief of Police shall be appointed by the Police and Fire Commission. The Chief of Police shall hold office, subject to suspension or removal pursuant to

State law. The Chief of Police shall serve a probationary period of one (1) year, however, the Police and Fire Commission may, with just cause, increase or decrease the period. During the probationary period the Police and Fire Commission may, at its option, layoff, or terminate, with or without cause, said probationary employee without recourse to any grievance and arbitration procedures.

2. The compensation to be paid the Chief of Police for services, hours of active duty, rest days, vacation periods, and other involvement of his or her employment shall be determined and revised as deemed necessary by the Town Board.

3. Disciplinary action against the Chief shall be brought only by utilizing the procedures set forth in Section 62.13(5) of the Wisconsin Statutes relating to disciplinary actions against subordinates. In applying that procedure with respect to a Chief of Police, the term "subordinate" for the purposes of this Section shall be construed to mean "the Chief", and wherever the word "Chief" is used in Section 62.13(5), Wis. Stats. the words "Police and Fire Commission" shall be substituted for the purpose of this Ordinance.

(b) Duties:

1. The Chief of Police shall have command of the Police Department. He shall handle general administration and control of the Department and shall be responsible for the Department's government, efficiency, and general good conduct. He shall perform all duties prescribed to him by laws of the State, ordinances of the Town, other rules and regulations established by the Police and Fire Commission, policies and procedures as shall from time to time be applicable to the operation of the Department and shall obey all lawful written orders of the Police and Fire Commission.

2. The Chief of Police shall cause the public peace to be preserved and may arrest and, with reasonable diligence, take before the proper

court every person found in the Town engaged in any disturbance of the peace or violating any law of the State or ordinance of the Town. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime. Whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. He shall be responsible for the efficiency and general good conduct of the department, and he shall assure the Department is operated consistent with the Department's rules, regulations, policies and procedures.

3. There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Town, the name of the person making the arrest, the date and the cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

4. The Chief of Police shall retain subordinates subject to appointment by the Police and Fire Commission. Such appointments shall be made by promotion, when this can be done with advantage; otherwise, from the eligible list provided by the Police and Fire Commission. Such list shall be determined as provided in Section 62.13(4) of the Wisconsin Statutes.

5. The Chief of Police and all members of the Police Department shall be governed by the rules and regulations, practices and procedures adopted from time to time for the Rome Police Department.

6. The Chief of Police may make such further rules and regulations for the government of the police force, as he may deem necessary with approval of the Town Board and the Police and Fire Commission.

7. The Chief of Police shall keep records containing all information

received of offenses committed or of suspicious persons or places and the entries of offenses committed shall include those applicable but not limited to the following: the hour, place and manner in which the offense was committed; the property which might have been stolen, enumerating the articles; the name and residence of the owner (if known); and the name of the police officer on duty at the time the offense was committed.

8. The Police Department, upon request of the Chief of the Fire Department, shall assist in the investigation of any fire, which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

9. The Chief of Police shall submit a monthly report to the Town Board and to the Police and Fire Commission of all activities and transactions of the department during the preceding month.

10. The Chief of the Police Department shall submit an annual report to the Town Board to the Police and Fire Commission. It shall contain all such statistics as the Chief of the Police Department may wish to include therein. The Chief of the Police Department shall also recommend any amendments to the Code, which, in his judgment, shall be desirable.

11. The Chief of Police shall establish and promulgate Rules of Conduct, Directives, Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Town personnel rules and regulations. Policies and procedures require approval of the Police and Fire Commission.

12. The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members

in the knowledge, procedures, and, techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings. Officers shall file confirmation of attendance forms.

13. The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members, for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and Rules of the Department.

(8) FIRE CHIEF:

(a) Appointment:

1. The Fire Chief shall be appointed by the Police and Fire Commission. The Fire Chief shall hold office, subject to suspension or removal pursuant to State law. The Fire Chief shall serve a probationary period of one (1) year, however, the Police and Fire Commission may, with just cause, increase or decrease the period. During the probationary period, the Police & Fire Commission may, at its option, layoff or terminate with or without cause, said probationary employee without recourse to any grievance and arbitration procedures.

2. The compensation to be paid the Fire Chief for services, hours of active duty, rest days, vacation periods, and other involvement of employment shall be determined and revised as deemed necessary by the Town Board.

(b) Duties:

1. It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce a rigid observance of this ordinance and the bylaws.

2. It shall be the duty of the Chief to be present at as many fires as possible, to have complete command of and entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.

3. He shall enforce all fire prevention ordinances of the Town and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

4. He shall keep a fire record book of every fire to which any company was called and shall enter in such book the name of the property owner, locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishments, equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of members responding and general remarks.

5. The Fire Chief and all members of the Fire Department shall be governed by the rules and regulations, practices and procedures adopted from time to time for the Rome Fire Department.

6. The Fire Chief may make such further rules and regulations for the government of the fire department, as he may deem necessary with approval of the Police and Fire Commission.

7. The Chief of the Fire Department shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall begin immediately upon the occurrence of such a fire, by the fire officer. If it appears the fire is of suspicious origin, the Chief of the Fire Department shall immediately take charge of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with authorities in the collection of evidence and in the prosecution of the case.

8. The Chief of the Fire Department shall submit a monthly report to the Town Board and the Police and Fire Commission of all activities and transactions of the department during the preceding month.

9. The Chief of the Fire Department shall oversee the records of all incidents involving Fire Department response. The officer in charge of the incident shall make each incident record upon returning to Fire Station Number 1.

10. The Chief of the Fire Department shall submit an annual report to the Town Board and the Police and Fire Commission. It shall contain all such statistics as the Chief of the Fire Department may wish to include therein. The Chief of the Fire Department shall also recommend any amendments to the Code which, in his judgment, shall be desirable.

(9) COMMUNITY DEVELOPMENT DIRECTOR:

(a) Appointment:

1. The Town Board shall appoint a Community Development Director.

2. Compensation for the Community Development Director shall be at the discretion of and shall be the responsibility of the Town Board.

(b) Duties: The following duties and responsibilities are normal for this position and are not to be construed as exclusive or all-inclusive. Other duties may be required as assigned.

1. Perform all duties of the Zoning Administrator as provided for in Chapters 10 and 17 of the Town Code of Ordinances.

2. Provide necessary forms for applications for zoning permits;

3. Issue zoning permits and conditional use permits where the provisions of the Town's ordinances have been complied with;

4. When necessary, upon review of Applications and issuance of Permits or properly filed complaints, identify and record information relative to non-conforming uses and structures;

5. Maintain files of applications, permits, and other relevant information;

6. Maintain an official zoning map for the Town of Rome and update it upon zoning changes.

7. Maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, nonconforming uses, appeals and applications therefore.

8. Provide and maintain a public information service relative to all matters arising out of Chapters 10 and 17 of the Town Code.

9. Forward to the Board of Appeals applications for appeals, variances or other matters on which the Board of Appeals is required to consider pursuant to Chapter 10 of the Town Code.

10. Attend all meetings of the Plan Commission and Board of Appeals and take minutes for said meetings.

11. At any reasonable time and for any proper purpose, enter upon any public or private premises and make inspection thereof to determine compliance with the provisions of the Zoning Code;

12. Upon determining reasonable probability that a condition of a permit issued under Chapter 10 has been violated, issue cease and desist orders requiring the cessation of any construction or use;

13. Investigate all complaints made relating to the location of structures, the use of structures, lands and waters, giving notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises, and report uncorrected violations to the Town Attorney in a manner specified;

14. Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.

(10) SUPERINTENDENT OF HIGHWAYS AND PUBLIC WORKS:

(a) Appointment:

1. The Town Board shall appoint a Superintendent of Highways/Public Works.

2. Compensation for the Superintendent of Highways/Public Works shall be at the discretion of and shall be the responsibility of the Town Board.

(b) Duties: The Superintendent of Highways/Public Works shall perform the following duties:

1. Supervise the construction and maintenance of all highways in the superintendent's district required to be maintained by the Town, and keep them passable at all times. Perform such other services in connection with said highways.

2. Supervise the maintenance of all town parks, cemeteries and transfer sites.

3. Supervise maintenance of all highway equipment.

(11) LIBRARIAN:

(a) Appointment: The Library Board shall appoint a Librarian. The Librarian shall appoint such other assistants and employees as the Library Board deem necessary, and

prescribe their duties and compensation.

(b) Duties: The Librarian shall perform the following duties:

1. Act as the library's ex-officio.
2. Serve as the technical advisor to the Board.
3. Implement the policies of the library as approved by the Library Board.

(12) TOWN EMPLOYEES: The Town Board may employ, on a temporary or permanent basis, persons necessary to carry out the functions of Town government. The Board may establish the qualifications and terms of employment, which may include the residency of the employee. The Board may delegate the authority to hire Town employees to any Town official or employee.

(13) RESIDENCY REQUIREMENTS:

(a) No person shall be eligible for full-time employment to any position in the Police Department or in the Highway /Public Works Department unless he or she meets one of the following residency standards:

1. Resides in the Town of Rome;
2. Becomes a Town of Rome resident within one (1) year from the date of employment;
3. Resides within fifteen (15) miles, by public road travel, of the Town of Rome Municipal Building.

(b) No person shall be eligible for full-time employment to any position in the Fire Department unless he or she resides within the area served by the Rome Fire Department or shall become a resident of the area served by the Fire Department within one (1) year from the date of employment.

(c) If any non-resident employee of the Police Department or Highway/Public Works Department or the Fire Department fails to relocate to the prescribed residency area within one (1) year of employment, his or her office,,

position or employment shall be automatically forthwith vacated. In the event any employee of the Police Department or Highway/Public Works Department shall cease to reside in the prescribed area or if any employee of the Fire Department shall cease to reside within the area served by the Rome Fire Department, his or her office, position or employment shall be automatically forthwith vacated.

(d) The Police and Fire Commission in the case of a Police or Fire Department employee and the Town Board in the case of a Highway/Public Works employee may, upon a showing of just cause and special circumstances, grant a waiver to these requirements in cases where literal compliance would cause an undue hardship on an individual employee.

(e) Residency means to be physically present with the intent to remain indefinitely in the prescribed area and includes, but is not limited to, such factors as the maintenance of a principal residence, voting address, mailing address and such other factors which indicate a person in fact lives in the prescribed area.

2.05 COMMISSIONS AND BOARDS:

Appointment: To appoint a member to a Commission or a Board the Town will advertise for the position in local newspaper and post a notice at the town meeting posting sites. Resumes must be submitted with qualifications and previous employment experience. Applicants will be interviewed and appointed by the Town Board.

Reappointment: Sixty days before a member's term expires the respective Commission or Board Chair shall notify in writing the Town Board and the member the term expiration date. If the member indicates an interest in reappointment a letter of interest must be submitted along with a resume if there is not a resume on file. All other members of the body shall complete a written evaluation and recommendation to be forwarded to the Town Board. If at any time it is apparent a Commission or Board member is unsuitable or

unable to objectively carry on Commission or Board business, the Town Board is empowered to request the member's resignation.

(1) BOARD OF APPEALS:

(a) **Appointment:** Pursuant to sec. 62.23(7)(e), a Board of Appeals is hereby created. The Board shall consist of five (5) adult residents of the Town appointed by the Town Chairperson subject to confirmation by the Town Board. The members of the board shall serve at such compensation to be fixed by resolution, and shall be removable by a majority vote of the Town Board for cause upon written charges and after public hearing. The Town Chairperson shall appoint one (1) of the members as chairperson, who shall act as such officer for one (1) year and may be reappointed to such position. The Board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

(b) **Alternates:** The Town Chairperson shall appoint, for staggered terms of three (3) years, two (2) alternate members of such board, in addition to the five (5) members provided above. The appointment of the alternate members is subject to confirmation by the Town Board. Annually, the Town Chairperson shall designate one (1) of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one (1) member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

(c) **Powers:** The Board of Appeals shall have the duties, powers and authority delegated to such bodies in sec. 62.23 Wis. Stats. and in this Chapter.

(d) **Quorum Requirements:** If a quorum is present, the Board of Ap-

peals may take action by a majority vote of the members present.

(e) Records: The secretary of the Board of Appeals shall be responsible for drafting all records of the Board of Appeals as required by state statute. The Zoning Administrator shall maintain records of all actions of the Board of Appeals as supplied by the secretary of the body.

(2) PLAN COMMISSION:

(a) Appointment: A Plan Commission is hereby created pursuant to section 62.23(1) Wis. Stats. The Plan Commission shall consist of seven (7) adult residents of the Town who shall be appointed by the Town Chairperson, subject to confirmation by the Town Board. The members of the board shall serve at such compensation to be fixed by resolution. Appointees to the Plan Commission may be removed only by a majority vote of the Town Board for cause upon written charges and after a public hearing.

(b) Term: The terms of the Commissioners shall be as set forth in sec. 62.23 Wis. Stats. and shall commence on May 1.

(c) Officers: By May 1 of each year, the Town Board Chairperson shall appoint a Commissioner as Chair and another Commissioner as Secretary of the Commission who shall fulfill the duties customary to those offices. The term of such officer positions shall be one (1) year and said officers may be reappointed. A commissioner may be removed from an officer position during said term only upon a majority vote of the Town Board.

(d) Powers: The Plan Commission shall have the duties, powers and authority delegated to such bodies in sec. 62.23 Wis. Stats. and in this Chapter.

(e) Quorum Requirements: If a quorum is present, the Plan Commission may take action by a majority vote of the members present.

(f) Records: The secretary of the Plan Commission shall be responsible for drafting all records of the Plan Commission as required by state statute. The Zoning Administrator shall maintain records of all actions of the Plan Commission as supplied by the secretary of the body.

(3) POLICE AND FIRE COMMISSION:

Pursuant to the authority granted by Sec. 60.57(1) (c), Wis. Stats. it is hereby established in the Town of Rome a Board of Police and Fire Commissioners. The Police and Fire Commission shall be organized as required under Sec. 62.13(1) of the Wis. Stats. and shall be subject to all of the provisions of the Sections 62.13, Wis. Stats. The Commission shall consist of five (5) adult residents of the Town, three (3) of who shall constitute a quorum. Annually, before April 30th, the Town Board Chairperson shall appoint one member to a five (5) year term subject to confirmation by the Town Board. All terms shall commence on May 1. The members shall be removable by the Town Board for cause upon written charges.

The Commissioners shall receive a per diem as set by the Town Board and reimbursement for expenses as determined from time to time by the Town Board. The secretary shall provide at the Town Board's request, a summary of all such proceedings and shall annually, prior to the first day of April of each year, submit a summary of the year's activities.

(4) WATER UTILITY COMMISSION:

There is hereby established a Water Utility Commission pursuant to section 66.0805 (1) Wisconsin Statute for the purpose of the management of the water utility by a commission. The Water Utility Commission shall consist of five (5) adult residents of the area of the Town where curbside service of the Utility is available, three (3) of who shall constitute a quorum. Annually, before September 30th, the Town Board Chairperson shall appoint one member to a five (5) year term subject to confirmation by the Town Board. All terms shall commence on October 1st. The members shall be removable by

the Town Board for cause upon written charges.

The Commissioners shall receive a per diem set by the Town Board and reimbursement for expenses as determined from time to time by the Town Board.

The secretary shall provide at the Town Board's request, a summary of all such proceedings and shall annually, prior to the first day of April of each year, submit a summary of the year's activities.

(5) ELECTION BOARD: There shall be seven (7) inspectors for each polling place at each election. The Town Board Chairperson shall nominate to the governing body no later than the last regular meeting in December of each even-numbered year the necessary election officials for each polling place. Within five (5) days after appointment of the election officials the Clerk shall give each appointee notice. The appointees shall file the official oath with the clerk within ten (10) days after the mailing of the notice. The appointed election officials shall hold office for two (2) years and until his or her successors are appointed and qualified. They shall serve at every election held during their term of office. Prior to the first election following the appointment of the inspectors, the inspectors at each polling place shall elect one of their members to act as chief inspector. The chief inspector shall hold the position for the remainder of the term. The inspectors shall possess full authority to maintain order and to enforce obedience to their lawful commands during the election and the canvass of the votes. The members shall be removable by the Town Board for cause upon written charges.

(6) LIBRARY BOARD: A Library Board, in accordance with Wis. Stat. 43.54 and 43.58 shall administer the library. The Library Board shall consist of seven (7) members, as follows: five (5) members must be residents, two (2) of the seven (7) members may be nonresidents and (1) of the seven (7) shall be a school administrator, or the

administrator's representative, to represent the public school district in which the public library is located. Not more than one member of the municipal governing body shall at any one time be a member of the library board. The Town Chairman, subject to the confirmation by the Town Board, shall appoint all members to hold office for a period of three (3) years, which may be extended by the Town Board. The members shall be removable by the Town Board for cause upon written charges.

The Town Board authorizes and designates operating funds for the library as in accordance with Wis. Statutes 43.64 and 43.52. Once designated, the Library Board shall have exclusive control of the expenditure of all monies collected, donated or appropriated for the Library.

The Library Board shall supervise the administration of the library and shall appoint a librarian.

2.06 TOWN PROPERTY: (1) CUSTODY OF OFFICIAL PROPERTY: Town officers and employees must observe the standards of care imposed by Section 19.21, Wis. Stats. with respect to the care and custody of official property.

(2) SURPLUS PROPERTY:

(a) An item of property shall be considered to have no further usefulness when:

1. The item or its function has been totally replaced by other Town property and no probable future function exists for it; or

2. The Town no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or

3. The item is no longer able to reliably or economically perform the work required of it.

(b) Surplus property shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without

structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Town property shall not include property which is obtained by the Town as a result of abandonment or loss by the property's original owner. Surplus Town property shall not include items of property which is traded in for newer items. Surplus Town property shall not include library materials used by the public library for lending purposes.

(c) When, in the opinion of a department head, an item(s) of property meets the standard for surplus property set forth earlier herein, the department head shall notify the Town Clerk of the age, make, model, location, original purchase price and the estimated value of the item(s).

(d) Upon receipt of such a recommendation, the Clerk shall refer it to the Town Board which shall determine whether the item(s) is surplus, and if so, the manner of disposal.

(e) The options for disposal shall be limited to the following:

1. Donation to a non-profit organization or another governmental agency.
2. Sale by sealed bid.
3. Public auction.

(f) In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Town Board. The Town Board shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the Town and the amount of the bid shall be forfeited to the Town. In the event no bids are received, the item shall be disposed of as directed by the Town Board.

(g) No public auction or awarding of bids shall occur under this section

unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission shall be given as follows:

1. Publication as a Class 2 notice.
2. Posting in at least three (3) public places within the Town.
3. Display on the Town's website.
4. Broadcast on the Town's public access channel.

(h) Whenever this Section provides for an auction or other disposition of any property, the Town Board shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, the fees of such auctioneer and all such costs, other than those for Town labor and the use of Town property, do not exceed the payment received by the Town from the auction or sale of the property.

(3) DONATIONS/GIFTS:

(a) Donations to the Town shall require approval as follows:

1. Any donation with a value of \$500 or more shall require approval by the Town Board.

2. A donation with a value of less than \$500, but more than \$100, shall require written approval by the head of the department to which the donation is made.

3. A donation with a value of not more than \$100 may be accepted on behalf of the Town by any Town official or employee, but said donation shall be reported, in writing, to the appropriate department head within 10 days of the date of the donation.

(b) A donation may be accepted or rejected by the appropriate authority.

(c) For the purpose of determining the value of a donation, the approving authority shall rely on the fair market value as

determined in any commercially reasonable manner.

(d) The term "donation" shall include cash and all property, real or personal.

(e) Upon notification of any prospective donation to the Town, a Town official or employee shall notify the donor of the applicable donation approval requirement.

(f) In reviewing the proposed donation, the approving authority shall consider the usefulness of the donation to the Town, liability issues, any potential ethical issues and any other factors the authority deems relevant.

(g) A receipt for all donations shall be signed by the approving authority and shall include the following information: name and address of donor, description including serial or I.D. number of donation, value of donation and date of donation.

(h) The original of the receipt shall be filed with the Town Clerk and a copy provided to the donor.

(i) All donations to the Town shall immediately become Town property and shall be kept on Town-owned property or deposited into a Town-owned account. Donated property shall be used for Town purposes only and shall be subject to Town ordinances regarding operation and use.

(j) All donations to the Town shall immediately be submitted to the Town Board in writing and reported to the Board at a regular board meeting and entered into the board minutes.

2.07 ETHICAL STANDARDS: (1) DECLARATION OF POLICY: It is declared that high ethical standards among Town officers and employees 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

Town in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such Town 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 Town officers and employees and their official actions.

(2) STATUTORY STANDARDS OF CONDUCT: The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:

(a) Section 946.10. Bribery of Public Officers and Employees.

(b) Section 946.11. Special Privileges from Public Utilities.

(c) Section 946.12. Misconduct in Public Office.

(d) Section 946.13. Private Interest in Public Contract Prohibited.

(3) SPECIFIC CONFLICTS OF INTEREST:

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

(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 Town, 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 Town, 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 membership of the Town 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 Town Board or Town Agencies: No public officer or employee, including persons or firms engaged to provide professional services to the Town, shall represent, for compensation, private interests before the Town Board, commission or committee without disclosure of the private business relationship and explicit consent of the Town Board.

(d) Disclosure of Confidential Information: No public officer or employee shall, without proper authorization of the Town Board, disclose confidential information concerning the property, government or affairs of the Town, nor shall he use such information to advance the financial or other private interest of himself or others.

(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 Town, 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 of gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to Ten Dollars (\$10.00) in value.

(f) Outside Employment: No full-time employee of the Town shall engage in any other remunerative employment; provided that the Town Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such ability of the employee to perform his duties in an efficient and unbiased manner.

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

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

(i) Advisory Opinion: Any questions as to the interpretation of any provisions of this Ethical Standards Chapter shall be referred to the

Town Attorney for an advisory opinion.

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

(k) Confidentiality of Information: Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats. or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7) (af), unless a court determines that it is inaccurate, is, per Section 70.47(7) (af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

2.08 FINANCE: (1) PREPARATION AND ADOPTION OF BUDGET: When requested by the Chairperson, Town Board or Town Clerk, each officer, department and committee shall annually file with the Town Clerk an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of

such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Town Clerk and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.

(2) Drafts, Orders, Checks and Transfer Orders:

(a) Drafts, orders, checks and transfer orders shall be signed by the Chairperson, the Clerk and the Treasurer.

(b) In lieu of the personal signatures of the Town Treasurer, Clerk and Chairperson, they may, with Town Board approval, affix on checks a facsimile signature, except the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof; and the facsimile signature stamp shall not be given to or used by any other individual.

(c) In case of the absence of the Town Treasurer, Clerk or Chairperson they may authorize a replacement signature of another Town official.

(3) RECEIVING MONEY; RECEIPT FOR SAME: The Town Treasurer shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt in triplicate, therefore in the manner specified by the Town Board. The Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Town or to the Town or to the Treasurer shall be safeguarded in such manner, as the Town Board shall direct.

(4) DUPLICATE TREASURER'S BOND ELIMINATED: The Town of Rome elects not to give the bond on the Town Treasurer provided for by Sec. 70.67(1), Wis. Stats.

(5) STATEMENT OF REAL PROPERTY STATUS: The Town Treasurer is

authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric and sewer bills, current water, electric and sewer bills, contemplated improvement, floodplain status, violation of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Town Treasurer shall collect a fee of Ten Dollars (\$10.00) for compiling such information on said form. The Town Treasurer shall have a minimum of twenty-four (24) hours to satisfy such requests.

(6) ISSUANCE OF PERMITS AND LICENSES: No Town permits or licenses shall be issued to any applicant or agent responsible for unpaid or delinquent Town taxes, assessments, forfeitures or other outstanding financial claims.

(7) AUDIT: An audit of the financial records shall be conducted at least once a year by a certified public accountant not otherwise employed by the Town.

2.09 SPECIAL ASSESSMENTS/CHARGES:

(1) Purpose: The purpose of this section is to provide for payment for the construction, reconstruction, improvement and preservation of the sidewalks, driveway approaches, streets, curbs, gutters, and sewer and water mains or any other municipal work or improvement in the town by the levy of special assessments therefore upon various classes of real estate, in a fair and equitable manner, through the application of a variety of formulas. All such levies shall be grounded in the exercise of the police powers of the town. No levies shall be grounded in the special assessment district concept, such as described in Wis. Stats. §66.0829.

(2) Special assessment options:

(a) Statutory procedures: Pursuant to Wis. Stats. § 66.0701, the town

adopts the procedures for levying special assessments as contained in Wis. Stats. § 66.0703, with the exception that the town may at its discretion use the following procedures in lieu of the procedures described in Wis. Stats. § 66.0703:

1. Prior to imposing a special assessment pursuant to this subsection, the Board shall prepare a report containing the information required in sec. 66.0703 (5) Wis. Stats. If the board determines to proceed with the work or improvement, it shall approve the plans and specifications therefore and adopt a resolution directing that such work or improvement be carried out in accordance with the report as finally approved.

2. Prior to taking action on a special assessment to pay for some or all of the costs of the work or improvement authorized pursuant to this subsection, the Board shall hold a public hearing on the same, notice of which shall be published as a Class 2 Notice with the date of the last publication being at least seven (7) and not more than twenty (20) days prior to the public hearing.

3. The town may adopt the final resolution to levy the special assessments either before the work is carried out or after the work is completed and actual project costs have been determined. The final resolution shall list the costs of the special assessment levied against each property benefited by the improvement. The town clerk/treasurer shall publish the final resolution as a Class 1 Notice, under Wis. Stats. Ch. 985, and a copy of such resolution shall be mailed to every interested person whose post office address is known, or can be ascertained with reasonable diligence.

4. When a final resolution is published, all awards, compensations and assessments arising therefrom are deemed legally authorized and made, subject to the right of appeal under Wis. Stats. § 66.0703 (12).

(b) Developer financing: Where the municipality is unwilling or

unable to make a special assessment, the improvements will be made on a developer-financed basis as follows:

1. The applicants will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under paragraph (a) of this subsection.

2. Part of the contribution required in subsection (b) (1) of this section may be refundable. When additional property, which the original developer did not own or have an interest in at the time of the project, is benefited by the work or improvement within ten years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under subsection (2) (a) of this Section for the abutting property benefited. This amount will be refunded to the original contributors. In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under subsection (2) (a) of this Section nor will it exceed the total assessable cost of the original extension. After ten years has elapsed there will be no refunds.

3. Developer financing of water main extensions shall be governed by sec. 5.02 (22).

(3) Assessment formula:

(a) If an assessment represents the exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Board. As to each project for which an assessment is imposed, the Board shall determine, based on the size, scope and location of the project, which assessment formula, or combination of formulas, best satisfies the reasonable basis requirement.

(b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property.

2.10 PUBLIC RECORDS: (1) DUTY TO MAINTAIN RECORDS:

(a) Each officer and employee shall keep secure and preserve all records received from the predecessor or other persons as required by law to be filed, deposited or kept in their office or which are in the lawful possession or control of the officer or employee or deputies, or to the possession or control of which they may be lawfully entitled as such officers or employees.

(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 the successor all records then in custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Town Clerk. If a vacancy occurs before a successor is selected or qualified, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(2) LEGAL CUSTODIAN(S) :

(a) Each elected official is the legal custodian of their records and the records in the office, however the official may designate a staff employee to act as the legal custodian.

(b) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of the designee.

(c) Unless otherwise prohibited by law, the Town Clerk or their designee shall act as legal custodian for all Town records for the Town Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Town Board, except that the Town Treasurer shall be the legal custodian for all records in possession of the Treasurer.

(d) The legal custodian shall have full legal power to render decisions

and to carry out the duties of an authority under Subch. 11 of Ch. 19, Wis. Stats. and this Chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this Section.

(3) PUBLIC ACCESS TO RECORDS:

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

(b) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours advance notice of intent to inspect or copy.

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

(d) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. No original public records of the Town shall be removed from the possession of the legal custodian.

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

1. There shall be a fee for photocopying per page, excluding accident reports. Said cost will be calculated not to exceed the actual, necessary and direct cost of reproduction.

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 fifty dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester. The Town will determine the cost of locating a record by using the hourly rate of twenty dollars (\$20.00) per hour for employees involved in attempting to locate the record.

6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds five dollars (\$5.00).

7. Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

8. The legal custodian may provide copies of a record without charge or at a reduced charge where it is determined that waiver or reduction of the fee is in the public interest.

(4) DESTRUCTION OF RECORDS:

(a) Town officers may destroy the following non-utility financial records of which they are the legal custodian and which are considered obsolete, after completion of any audit by an auditor licensed under Chapter 442 of the Wisconsin Statutes but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats.

1. Contracts and papers relating thereto.

2. Correspondence and communication.

3. Financial reports other than annual financial reports.

4. Justice dockets.

5. Oaths of office.
6. Reports of boards, commissions, committees and officials duplicated in the Town Board proceedings.
7. Election notices and proofs of publication.
8. Canceled voter registration cards.
9. Official bonds.
10. Police records other than investigative records.
11. Resolutions and petitions.
12. Bank statements, deposit books, slips and stubs.
13. Bonds and coupons after maturity.
14. Canceled checks, duplicates and check stubs.
15. License and permit applications, stubs and duplicates.
16. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
17. Receipt forms.
18. Special assessment records.
19. Vouchers, requisitions, purchase orders and all other supporting document pertaining thereto.

(b) Town officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any audit by an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two (2) years after payment or receipt of the sum involved or the effective date of said record.

1. Contracts and papers relating thereto.

2. Excavation permits.

3. Inspection records.

(c) Notwithstanding the above provisions appearing in this Section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in Sec. 7.23, Wis. Stats.

(d) Unless notice is waived by the State Historical Society, at least sixty (60) days notice shall be given the State Historical Society prior to the destruction of any record.

(e) Any tape recordings of a governmental meeting of the Town may be destroyed, erased or reused no sooner than ninety (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.

2.11 REVIEW OF ADMINISTRATIVE DETERMINATIONS: (1) REVIEW OF ADMINISTRATIVE DETERMINATIONS:

Any person aggrieved by an administrative determination of the Town Board or a board, commission, committee, agency, officer or employee of the Town or agent acting on its behalf may have such determination reviewed as provided in this Chapter. The remedies under this Chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

(2) **DETERMINATIONS REVIEWABLE:** The following determinations are reviewable under this Chapter:

(a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.

(b) The suspension, revocation or non-renewal of an existing permit, license, right, privilege or authority.

(c) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

(d) The suspension or removal of a Town officer or employee.

(3) DETERMINATIONS NOT SUBJECT TO REVIEW: The following determinations are not reviewable under this Chapter:

(a) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Town Board.

(b) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.

(c) The denial of a tort or contract claim for money required to be filed with the Town under Sec. 62.26, Wis. Stats.

(d) The grant, denial, suspension or revocation of a fermented malt beverage license under Ch. 125, Wis. Stats.

(e) Judgments and orders of a court.

(f) Determinations made during municipal labor negotiations.

(g) Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

(4) MUNICIPAL AUTHORITY DEFINED: "Municipal authority" includes the Town Board, commission, committee, agency, officer, employee or agent of the Town making a determination.

(5) PERSONS AGGRIEVED: A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the Town, whose rights, duties or privileges are adversely affected by a determination of a municipal authority.

(6) REDUCING DETERMINATION TO WRITING: The municipal authority making an initial determination

shall, within ten (10) days of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person aggrieved. The determination shall be dated and shall advise such person of his right to have such determination reviewed.

(7) REQUEST FOR REVIEW OF DETERMINATION: Any person aggrieved may, within thirty (30) days of receiving the initial determination, have an initial determination reviewed by written request mailed or delivered to the officer, employee, agent, agency, committee, board, commission or body that made the determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. Failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

(8) REVIEW OF DETERMINATION:

(a) Who Shall Make Review: The officer, employee, agent, agency, committee, board, commission or body who made the initial determination may make a review under this Section. However, an independent review of such determination by another person, committee or agency of the Town, appointed by the Chairperson with confirmation of the Board Supervisors, shall be provided if practicable.

(b) When to Make Review: The municipal authority shall review the initial determination within fifteen (15) days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.

(c) Right to Present Evidence and Argument: The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.

(d) Decision on Review: The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision.

(9) APPEAL OF REVIEW OF DETERMINATION: An appeal of the review of determination shall be filed with or mailed within thirty (30) days of notice of such decision to the office or person designated in the decision notice.

(10) APPEAL HEARING:

(a) Time of Hearing: The Town shall provide the appellant an appeal hearing within fifteen (15) days of receiving the request for an appeal and shall serve the appellant with a notice of such hearing by mail or personal service at least ten (10) days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the Town Attorney, who shall forthwith advise the Chairperson of such appeal.

(b) Conduct of Hearing: At the hearing, the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. The person conducting the hearing shall swear in the witnesses. The Chairperson shall appoint, without confirmation, an impartial decision-maker that may be an officer, committee, board or commission of the Town or the Town Board who did not participate in making or reviewing the initial determination, who shall make the decision of the appeal. The decision-maker may issue subpoenas. An impartial person may however, conduct the hearing, committee, board or commission designated by the Chairperson to conduct the hearing and report to the decision-maker.

(c) Record of Hearing: The person conducting the hearing or a

person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant, shall cause the proceedings to be taken by a stenographer or by a recording device.

(11) FINAL DETERMINATION:

(a) Within twenty (20) days of completion of the appeal hearing the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefore. Such determination shall be a final determination. The appellant may seek judicial review.

(12) JUDICIAL REVIEW:

(a) Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within thirty (30) days of receipt of the final determination.

(b) The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Town and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

2.12 PERSONNEL REGULATIONS (1) PERSONNEL POLICIES.

(a) Contract. The Town Board shall negotiate employment contracts for union employees, with such contracts being based on Town personnel policies.

(b) Return to Work Program.

1. The Return to Work Program (RTW) provides for the early return of employees who suffer an illness or

injury that prevents them from performing their normal duties for a period of up to six months. Any employee who, because of illness or injury is temporarily incapable of performing in his/her assigned capacity may with the consent of the town, be assigned to light duty. It is in the best interest of both the employee and the Town that the return to work be arranged as soon as possible. Opportunities for work within the employee's medical restrictions will be looked for within the employees department and if nothing is available or appropriate, in other departments. The Town agrees not to exercise this article in a discriminatory manner.

2. Procedure

a. The department head or immediate supervisor of an injured/ill employee shall contact the Town Board when information is received that the employee will not be able to return to his/her regular job for an extended period of time (a month or more).

b. The Town Board or designee shall work with the employee's personal physician or another physician selected by the Town to establish a set of work restrictions.

c. Once the work restrictions are received, opportunities for modified duty with the department shall be considered and if none are identified, the department head or immediate supervisor shall coordinate with the other departments to identify projects and tasks and the physical requirements of each that could be performed by a RTW participant.

3. The status of an employee in the RTW shall be reviewed on a biweekly basis.

4. Modified duty or transfer to another department will be provided only if all the following conditions exist:

a. There must be productive work available, and

b. The work must be within the employee's medical restrictions with

minimal chance that the RTW assignment will aggravate the existing injury/illness, and

c. The work must be within the employee's skill level.

5. Employees who are provided a RTW assignment shall receive their same level of pay and benefits prior to participation in the program.

6. The cost of the wages and benefits for employee participating in the RTW will be paid by the department from which the employee was employed prior to the illness/injury. If a budget shortfall exists due to temporary fill or overtime coverage, the department head will be responsible for requesting additional funds.

(2) SEXUAL HARASSMENT.

(a) **Sexual Misconduct.** Federal and state laws on sexual harassment requires employers to take measures to prevent sexual misconduct in the workplace by supervisors, employees and even third parties over whom an employer can exercise some measure of control. As a result, the Town of Rome has developed a written policy against sexual harassment. This policy will be strictly and conscientiously enforced.

(b) **Offensive or inappropriate sexual behavior.** It is the policy of the Town of Rome that all employees are responsible for assuring that the workplace is free from sexual harassment because of the Town of Rome's strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be viewed as sexual harassment, including:

1. Unwelcome sexual advances;

2. Requests for sexual acts or favors;

3. Other verbal or physical conduct of a harassing nature.

(c) Complaint of sexual harassment.

1. Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, Town officials, co-workers, or visitors must bring the problem to the attention of town officials. Employees may bring their complaint to their supervisor, the Town Clerk or a member of the Town Board. If the complaint involves someone in the employee's direct line of command, then the employee may go to another supervisor or one of the other persons named herein with the complaint.

2. All complaints will be promptly investigated and handled in a manner similar to Rome's complaint-handling process, except that special privacy safeguards will be applied in handling sexual harassment complaints. All employees should be aware that the privacy of the charging party and the person accused of sexual harassment will be kept strictly confidential.

3. The Town of Rome will retain confidential documentation of all allegations and investigations and will take appropriate corrective action, including disciplinary measures when justified, to remedy all violations of this policy.

2.14 PROPERTY NUMBERING IDENTIFICATION.

(1) This section is adopted pursuant to the general police powers granted to Towns who have been authorized to exercise village powers under Section 60.22 (3) of the Wisconsin Statutes. The special assessment levied in this ordinance is authorized under Sec. 66.0701, Wis. Stats.

(2) The purpose of this section is to promote the health, safety and welfare of the public and to protect property. The Town Board has determined that red, reflective Property Number Identification (PNI) Signs, uniform in appearance, will make it easier for emergency vehicles to determine the location of buildings and properties that are the sites of reported emergencies. Further, PNI signs will make it easier for passing motorists to accurately report such emergencies.

(3) PNI Sign requirement: Every parcel in the Town of Rome for which a property identification number has

been assigned pursuant to the Adams County Street Name and Building Numbering Ordinance (Amended 1999) shall be required to display that number on a sign that meets the requirements of the county ordinance. The Town of Rome Highway Department shall install the signs. PIN signs installed prior to the adoption of this ordinance that meet the requirements of the county ordinance shall be acceptable.

(4) Any fire sign that is stolen, defaced or that otherwise becomes illegible shall be replaced by the Town and the costs of replacement charged to the property owner.

(5) The actual cost of the materials and labor associated with the purchase and installation of a PNI sign shall be charged to the parcel owner and a special assessment made against the property on the next available property tax bill. The special assessment is not payable in installments and shall constitute a lien on that property, pursuant to Sec. 66.0717 Wis. Stats, until paid in full.

(6) Notice of the special assessment shall be via the property tax bill. Any property owner who objects to the special assessment may file a written request for a hearing before the Town Board. Said request must be made within 30 days of the mailing of the tax bill on which the special assessment appears.

(7) An appeal of the special assessment may be filed in the manner presented in section 66.0703 (12) Wis. Stats. within 40 days of the date of the final determination of the Town Board.