

1.01 ELECTION/ELIGIBILITY FOR OFFICE ORDINANCE

(1) Title

This ordinance is entitled the "Election/Eligibility for Office Ordinance."

(2) Authority

The Town Board has the specific authority, pursuant to Sections 5.15, 5.25, 5.40, 5.91, 6.27, 6.79, 8.05, 60.10, 60.21, 60.30, 60.305, 60.307, and 66.11, (1991-1992) Wis. Stats., to regulate elections, establish election procedures and to establish certain offices and the terms of those offices.

(3) Adoption of Ordinance

The Town Board has, by adoption of this ordinance, confirmed the statutory authority, powers and duties in Chapters 5, 6, 8, 60, and 66, (1991-1992) Wis. Stats., and establishes, pursuant to the above noted chapters and this ordinance, other statutory authority, powers and duties of the Town Board related to certain elections, certain election procedures and certain offices and the terms of those offices.

(4) April Election

(a) General Authority

At the annual spring April election in the odd numbered years, the Town shall elect, except as noted herein, the following Town officers, namely:

1. Town Chairperson
2. Two (2) Town Board Supervisors
3. Town Clerk
4. Town Treasurer
5. Municipal Judge
6. Town Constable if the office was properly established by means of the Town meeting.

At the annual spring April election in the even numbered years, the Town shall elect, except as noted herein, the following Town officers, namely:

1. Two (2) Town Board Supervisors

(b) Abolish Office of Town Constable

The Town of Randall Town meeting dated 30 November 1990 has abolished, by resolution and the Town Board has confirmed by this ordinance, the office of Town Constable.

(c) Combining Offices

In lieu of the above noted elected officers, the annual Town meeting or any special Town meeting of the Town may combine the following offices and may designate their status as full-time or part-time office, namely:

1. Town Clerk-Town Treasurer

(5) **Term of Office for Town Board**

The Town Board shall, if the Town Board contains three (3) Town Board supervisors, be elected in the spring election in April in the odd numbered years. If the number of Town Board supervisors in the Town is or has been expanded to four (4) members by ordinance of the Town Board then two (2) Town Board supervisors will be elected in the spring election in April of the even numbered years and two (2) Town Board supervisors will be elected in the spring election in April in the odd numbered years.

If the number of Town Board supervisors of the Town is or has been expanded to five (5) members by ordinance of the Town Board then three (3) Town Board supervisors, including the Town Chairperson will be elected in the spring election in April of the odd numbered years and two (2) Town Board supervisors will be elected in the spring election in April of the even numbered years.

If the Town population is twenty-five hundred (2,500) or more, the Town meeting may direct that the Town Board shall consist of five (5) Town Board supervisors and that these five (5) Town Board supervisors be elected at large. The terms of the Town Board shall then be staggered.

During the first term of expanded membership the two (2) new members will be initially elected for a one (1) year term.

(6) **Nomination for Office**

The Town of Randall Town meeting dated April 7, 1964, has adopted, by resolution and the Town Board has confirmed by this ordinance, a Town non partisan primary for nomination of elective Town officers in the Town.

(7) **Eligibility for Office/Incompatibility of Office**

Any person who is a qualified elector in the Town may hold any elected Town office in the Town. No member of the Town Board may, during his or her term, be eligible for any Town office or Town position which, during such term, the office or position has been created by or the selection to which is vested in the Town Board. Any member of the Town Board will be eligible for such Town office or Town position if he or she resigns from the Town Board before being appointed to the Town office or Town position and if the office or position was not created during his or her term in office.

If any question or concern by any person is raised to the Town Board regarding incompatibility of any office in the Town, the Town Attorney shall review the matter and shall provide his or her written comments to the Town Board.

(8) **Removals**

(a) **Elected Officials**

Elected officials may be removed for cause pursuant to Sec. 17.13, (1991-1992) Wis. Stats.

(9) **Compensation**

The compensation of all elected and appointed officials, including members of board and commissions, shall be as determined by the annual Town meeting or the Town Board, where applicable when authorized under Sec. 60.10(2)(k), (1991-1992) Wis. Stats., provided salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office. (See Sec. 60.32, (1991-1992) Wis. Stats.)

(10) **Outside Employment**

No full-time employee of the Town shall engage in any other remunerative employment within or without the Town unless the Town Board has determined that such employment will not interfere nor conflict with such employee's ability to perform his duties in an efficient and unbiased manner and given its approval.

(11) **Election Procedure**

(a) **Registration of Electors**

The Town Board mayor may not require voter registration until the population of the Town exceeds five thousand (5,000).

The Town Board has, by this ordinance, adopted mandatory voter registration.

(b) Polling Hours

The Town shall have the election polls open on election day from 7:00 a.m. to 8:00 p.m. unless the time is extended by the Town Board.

(c) Polling Locations

The polling locations for the Town shall be at the Town Hall of the Town of Randall unless designated otherwise by the Town Board.

(d) Wards

The Town has a population of one thousand (1,000) or more and therefore, the Town must be divided into voting wards. Based on the current population, the Town must be divided into three (3) wards. The Town of Randall annual Town meeting and any special Town elections shall be held in the first ward.

(e) Type of Voting Machines

The Town shall require use of paper ballots or voting machines; if the population is ten thousand (10,000) or more, then voting machines are required.

(12) **Election Officials**

(a) Qualifications

Except as otherwise provided by Wisconsin Statutes or this Code of Ordinances, there shall be five (5) inspectors at each poll at every election held within the Town, each of who shall be a qualified elector in the Town and be able to read and write with comprehension the English language understandingly and, except as a candidate for party committeeman, shall not be a candidate to be voted for at an election at which they serve. All officials, except special registration deputies, shall be affiliated with one of the two (2) recognized political parties which received the largest number of votes for president or governor in non-presidential general election years in the ward or combination of wards served by these polling place at the last election. The party which received the largest number of votes shall be entitled to three (3) inspectors for each polling place. The party receiving the next largest number of voters shall be entitled to two (2) inspectors for each polling place. The same election officials may serve the

electors of more than one ward where wards are combined under Sec. 5.15(6)(b), (1991-1992) Wis. Stats.

(b) Nomination and Approval

Pursuant to Sec. 7.30, (1991-1992) Wis. Stats., the Town Chairperson shall nominate to the Town Board no later than the last regular meeting in December of each even-numbered year the necessary election officials. If no regular meeting is scheduled, the Town Chairperson shall call a special meeting for that purpose not later than December 31. The Town Board shall immediately approve or disapprove the nominees and if disapproved, the Town Chairperson shall submit another name.

(c) Notice, Compensation and Tenure

Within five (5) days of the appointment of election officials the Town Clerk shall give each appointee notice. Appointees shall file the official oath with the Town Clerk within ten (10) days after the mailing of the notice. Appointees to fill vacancies or any other election official who has not filed the oath before receiving any ballots, shall sign the oath and return it to the Town Clerk. Persons qualified -as inspectors shall receive as compensation such amounts as set from time to time by the Town Board and shall hold office for two (2) years or until their successors are appointed and qualified and shall act as officers at every primary, general, municipal and special election following their appointment held within their districts during the term.

(d) Vacancies and Duties

Vacancies in the offices of election inspectors shall be filled in the manner provided in Sec. 7.30, (1991-1992) Wis. Stats. Duties of the officials shall be as provided in Sec. 7.30, (1991-1992) Wis. Stats., together with any additional duties as are prescribed by the Town Board.

1.02 SPECIAL OFFICE ORDINANCE

(1) **Title**

This ordinance is entitled the "Special Office Ordinance."

(2) **Authority**

The Town Board or the Town Chairperson have the specific statutory authority, powers and duties, pursuant to Sec. 60.22, and 60.24, (1991-1992) Wis. Stats., and have, as noted in the

subsections in Section (4) of this ordinance the specific statutory authority, powers, and duties to establish the special offices and to retain or appoint members to those special offices noted in Section (4) of this ordinance to remove the members of these special offices, to compensate members of these special offices, to establish the powers and duties of these special offices and to terminate those special offices noted in Section (4).

(3) **Adoption of Ordinance**

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted above in Chapter 60, (1991-1992) Wis. Stats., and as noted, the specific statutory authorities, powers and duties in the subsections in Section (4) of this ordinance and has established, pursuant to Chapter 60, (1991-1992) Wis. Stats., and this ordinance, the powers to establish these special offices, the powers to retain or appoint these special officers, the powers to remove the members in these special offices, the powers to establish the powers and duties of these special offices and the powers to terminate these special offices.

(4) **Special Offices**

(a) **Town Police and Fire Commission**

1. Appointment/Termination

The Town Board may, pursuant to Sec. 60.57, (1991-1992) Wis. Stats., establish a Board of Police Commissioners if the Town has a police department. The Town Board may, pursuant to Sec. 60.57, (1991-1992) Wis. Stats., establish a Board of Fire Commissioners if the Town has a fire department. The Town Board may, pursuant to Sec. 60.57, (1991-1992) Wis. Stats., establish a Board of Police and Fire Commissioners if the Town has a fire and police department.

2. Compensation

The Town Board shall establish the compensation for the period of appointment for the Town of Randall Board of Police and/or Fire Commissioners.

3. Duties

The Town of Randall Police and/or Fire Commissioners shall have duties and powers established in Sec. 60.57, and 62.13, (1991-1992) Wis. Stats., plus any other powers and duties established by the Town Board. The appropriate bond shall be filed prior to taking office.

(b) Town Superintendent of Highways

1. Appointment/Termination

The Town Board may, pursuant to Sec. 81.02, (1991-1992) Wis. Stats., appoint one (1) or more Town of Randall Superintendents of Highways. If more than one (1) is appointed, the Town Board shall divide the Town into as many districts as there are superintendents. Each district shall be numbered by the Town Board and a Superintendent of Highways shall be assigned to each district. The term of office shall be one (1) year from the date of appointment.

2. Compensation

The Town Board shall establish compensation based on a regular salary or by a per diem allowance. In addition, pursuant to Sec. 81.02, (1991-1992) Wis. Stats., the Town Board may establish a stated amount for maintenance and upkeep of a motor vehicle.

3. Duties

The Town of Randall Superintendent of Highways shall have the duties and powers established in Sec. 81.02, (1991-1992) Wis. Stats., plus any other additional duties established by the Town Board. The appropriate bond shall be filed prior to taking office.

(c) Town Park Commission

1. Appointment/Termination

The Town meeting of the Town of Randall has, pursuant to Sec. 60.66, (1991-1992) Wis. Stats., established the Town of Randall Park Commission (hereinafter referred to as "Park Commission"), made up of seven (7) commissioners. The commissioners shall serve for a seven (7) year term commencing on July 1st of the year of appointment. The Town Chairperson shall appoint and the Town Board shall confirm a successor during the month of June immediately preceding the expiration of the commissioner's term. A commissioner shall hold his or her office until his or her successor is appointed and qualified. All appointments to fill a vacancy shall be for the remainder of the unexpired term. Each Commissioner shall take and file the official oath within five (5) days of his or her appointment.

2. Compensation

Each Park Commissioner shall serve without compensation, but shall receive the sum established from time to time by the Town Board as reimbursement for expenses per meeting.

3. Organization

a. Within thirty (30) days after their appointment and qualifications, the Park Commissioners shall meet at the Town Hall and organize by the election of a President, Vice President, and Secretary from among their members. The officers shall serve for one (1) year from the date of their appointment.

b. The Park Commission shall adopt bylaws governing the conduct of its business as it, from time to time, deems proper and necessary. The adoption or amendment of bylaws shall be by a majority vote of the commissioners provided that every member of the Park Commission shall be provided with a copy of such proposed bylaws or amendments at least ten (10) days before consideration for adoption.

c. Meetings shall be called as deemed necessary by the President of the Park Commission. Meetings may also be held if two (2) or more commissioners request the President of the Park Commission to call a meeting. Each commissioner shall be notified of a meeting at least forty-eight (48) hours before the same and shall be provided with an agenda of items to be considered at the meeting. All meetings shall be conducted at the Town Hall, unless it is impractical to do so, in which case the President shall designate the meeting place.

d. The Park Commission is considered a governmental body and all of the requirements of the Wisconsin Open Meeting Law, Sec. 19.81, (1991-1992) Wis. Stats., and the following, shall apply to the Park Commission.

e. The Park Commission may appoint agents or employees to assist it in its duties and may make any and all rules and regulations concerning the duties of the employees' or agents'.

f. The Town Board shall provide suitable offices where maps, plans, documents, and records of the Park Commission shall be kept which shall be open for public inspection at all reasonable times.

4. Duties

a. The Park Commission shall have the duties and powers established in Sec. 60.66, .(1991-1992) Wis. Stats., plus any additional powers and duties established by the Town Board. The appropriate bond shall be filed prior to taking office.

b. After its organization, the Park Commission shall make a thorough study of the Town with reference to the following:

1. Making reservations of lands therein for public uses and laying out ample open spaces, parks, highways, roads, and boulevards.

2. Make plans and maps of a comprehensive Town highway and park system.

3. Gather such information in relation thereto as it may deem expedient.

4. Report the same to the Town meeting within two (2) years of the date of its organization. It shall make other reports, from time to time, as may be requested by the Town Board.

c. The Park Commission supervision of all lands acquired by the Town for and is hereby authorized shall have charge and previously or subsequently park or reservation purposes to:

1. Layout, improve, maintain, and govern all parks and open spaces; layout, grade, construct, improve, and maintain highways, roads, parkways, boulevards, and bridges in parks or connecting the same with any other park or open spaces or with any municipality, using methods and materials as it may deem expedient; determine and prescribe building lines along the same; and make rules for the regulation of the use and enjoyment by the public.

2. In the name of the Town, accept grants, conveyances and devises of land and bequests and donations of money to be used for park purposes.

3. In the name of the Town, acquire by purchase, land contract, lease, condemnation or otherwise, with the approval and consent of the Town Board, tracts of land or public ways as it may deem suitable for park purposes; but no land so acquired shall be disposed of by the Town Board without the consent of the Park Commission and all monies received for any lands or any materials so disposed of shall be paid into the Town Park Fund.

4. Exercise any and all usual powers of such bodies in addition to those enumerated above.

(d) Town Plan Commission

1. Membership, Appointment, Termination

a. The Town Plan Commission (hereinafter called "Plan Commission") shall consist of nine (9) members: the Town Chairperson, who shall be the presiding officer; one (1) supervisor from the Town Board; the President of the Park Commission; and six (6) citizen members appointed by the Town Chairperson with the approval of the Town Board. An appointed member shall be a qualified elector of the Town and shall have been a resident thereof for a least one (1) year.

b. The Town Chairperson, the Supervisor from the Town Board and the President of the Park Commission shall serve on the Plan Commission during their-term of office. Three (3) citizen members shall serve staggered three (3) year terms, and the remaining citizen members shall serve three (3) year terms from the succeeding May 1st. The Town Chairperson shall appoint and the Town Board shall confirm a successor during the month of April immediately preceding the expiration of the commissioner's term. A commissioner shall hold his or her office until his or her successor is appointed and qualified.

c. Appointments to fill a vacancy shall be for the remainder of the unexpired term.

2. Compensation

The Town Board shall establish a salary, from time to time, as it deems appropriate per meeting of the Plan Commission.

3. Organization, Bylaws and Meetings

a. As soon as possible, after its initial appointment and following each appointment of members to full terms, the Plan Commission shall organize by the election of a Vice Chairperson and such other officers as it deems necessary.

b. The Secretary of the Plan Commission may be a nonmember of the Plan Commission and, if so, shall have no vote.

c. The Plan Commission shall adopt such bylaws governing the conduct of its business as it, from time to time, deems proper and necessary. The adoption and amendment of bylaws shall be by a majority vote of the Plan Commission, provided that every member of the Plan Commission shall be furnished a copy of such proposed bylaws or amendments at least ten (10) days before consideration for adoption.

d. The Plan Commission is considered a governmental body and all of the requirements of the Wisconsin Open Meeting Law, Sec. 19.81, (1991-1992) Wis. Stats., and the following, shall apply to the Plan Commission.

e. The Plan Commission shall meet on a regular monthly basis at a time convenient to a majority of the members and at such other times as may be agreed to by a majority of the Plan Commission.

4. Powers and Duties

a. The Town Plan Commission has the duties and powers established in Sec. 62.23, 236.02 and 236.45, (1991-1992) Wis. Stats., plus any other additional powers and duties established by statute and the Town Board. The appropriate bond shall be filed prior to taking Office.

b. The Town Board has established for the Plan Commission the following additional powers and duties:

1. Adopting and recommending to the Town Board statements, policies and plans for the future development of the Town.
2. Advising the Town Board on matters pertaining to the subdivision and development of land in the Town as provided by law.
3. Securing technical assistance or service only upon authority from and within appropriations from the Town Board.
4. Exercise such other powers germane to the powers granted by the statutes and this section as may, from time to time, be conferred upon it by the Town Board.

5. Referrals

The Town Board or other public body or officer of the Town having final authority shall refer to the Commission for its consideration and report before final action is taken the following matters, among others:

- a. Location and architectural design of any public building.
- b. Location of any statue or other memorial.
- c. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition or lease of land for any street, alley or other public way, park, playground, airport, parking area or other memorial or public grounds.
- d. Location, extension, abandonment or authorization for any public utility whether publicly or privately owned.
- e. Location, character and extent, or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion or vacation camps for children.
- f. Proposed fire prevention regulations.
- g. All annexations, incorporations or consolidations affecting the Town.

h. All divisions of land within the Town's platting jurisdiction.

6. Proceedings

The Plan Commission shall keep a written record of its proceedings which shall be open to public inspection.

(e) Town Sanitary District Commission

1. Appointment/Termination

The Town Board, pursuant to Sec. Wis. Stats., may appoint for the Town Commission three (3) Commissioners or constitutes itself as the Commission, 60.74, (1991-1992) Sanitary District if the Town Board then the number of Commissioners shall be the number of Town Board Supervisors. The term of office shall be for a six, (6) year term except those first appointed in a newly established Town. Sanitary District, wherein one (1) shall be appointed for a first term of two (2) years, one for a first term of four (4) years and one for a term of six (6) years. If the Town Board constitutes itself as the commission, the term of the Commissioners are concurrent with the terms of the Town Board Supervisors. The Commissioner shall hold office until a successor takes office. A non-resident of the Town may be appointed to the Commission, pursuant to Sec. 60.75(3), (1991-1992) Wis. Stats., if they own property within the Town Sanitary district.

2. Compensation

The Town Board having the largest portion of the equalized full value of all taxable property in the district may fix the compensation of the three Commissioners. In addition, the Commissioners may receive actual and necessary expenses incurred while in the performance of the duties of the office.

3. Duties

The Town Sanitary Commission shall have the duties and powers established in Sec. 60.77 and 60.78 (1991-1992) Wis. Stats., plus any additional powers and duties established by statute and by the Town Board. The appropriate bond shall be filed prior to taking office.

(f) Randall Community Library Board Members

1. Appointment/Termination

The Town Chairperson with the approval of Town Board shall appoint two (2) members to the Community Library Joint Library Board, pursuant to Sec. 43.53 (1991-1992) Wis. Stats., and the Community Library Joint Operating Agreement of 15 July 1992 to represent the Town. The term shall be for three (3) years commencing on January 1st of the year of appointment. The Town Chairperson shall appoint and the Town Board shall confirm a successor during the month of December immediately preceding the expiration of the members term. A member shall hold his or her office until a successor is appointed and qualified. All appointments to fill a vacancy shall be for the remainder of the unexpired term. Any Community Library Joint Library Board member must be a resident of the Town. The Town Chairperson may remove any Town of Randall member of the Community Library Joint Library Board with or without cause.

2. Compensation

The Town Board shall establish no compensation for the appointed Town members of the Joint Community Library Board. However, the Town Board shall establish reimbursement for costs and expenses, those costs and expenses that are actual and necessary expenses incurred in performing duties out of the municipality. If authorized by the Town Board, the Town Joint Community Library Board member may receive a per diem, mileage, and other necessary expenses incurred in performing their duties.

3. Duties

The Randall members of the Joint Community Library Board have the duties and powers established in Chapter 43, (1991-1992) Wis. Stats., plus any other additional powers and duties established by the Town Board. The appropriate bond shall be filed prior to taking office.

(g) Town Surveyor

1. Contract

The Town Board may, pursuant to Sec. 60.84, (1991-1992) Wis. Stats., contract with the County of Kenosha Surveyor or any registered surveyor to survey all or

some of the sections in the Town and to erect monuments under this section as directed by the Town Board.

2. Compensation

The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of a surveyor based on a regular salary, a per diem basis or other methods agreed to by the surveyor and the Town Board.

3. Duties

The surveyor has the duties and powers established in Sec. 60.84, (1991-1992) Wis. Stats., plus any additional powers and duties established pursuant to the contract between the Town Board and the surveyor. The appropriate bond shall be filed prior to the Town Board executing the contract.

(h) Town Attorney

1. Retention

The Town Board may, pursuant to Sec. 60.37. (1991-1992) Wis. Stats., designate, retain or employ one (1) or more attorneys on a temporary or continuing basis for legal matters or to represent the-Town in legal proceedings.

2. Compensation

The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board.

3. Duties

The attorney has the duties and powers established in Sec. 60.37, (1991-1992) Wis. Stats., plus any other additional powers and duties established pursuant to the retention, contract between the Town Board and the attorney. The appropriate bond shall be filed prior to the Town Board executing the retention contract.

(i) Town Auditor/Accountant

1. Retention

The Town Board may, pursuant to Sec. 60.41 and 60.43, (1991-1992) Wis. Stats., designate, retain or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Town in financial matters.

2. Compensation

The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Town Board.

3. Duties

The accountant has the duties and powers established in Sec. 60.41 and 60.43, (1991-1992) Wis. Stats., plus any additional powers and duties established pursuant to the retainer contract between the accountant and the Town Board. The appropriate bond shall be filed prior to the Town Board executing the written contract.

(j) Water Patrol Chief

1. Appointment/Termination

The Town Board may, pursuant to Sec. 30.77, (1991-1992) Wis. Stats., appoint one (1) Water Patrol Chief. The appointee shall be a certified police officer. Certification is defined as satisfactory completion of the program mandated by Sec. 165.85(4), (1991-1992) Wis. Stats. The person appointed will hold the office for a period of one (1) year and until his or her successor is appointed and qualified. The Town Board, may, by majority vote, remove any Water Patrol Chief with or without cause. The official oath must be filed with the Town Clerk within ten (10) days of his or her appointment.

2. Compensation

The Water Patrol Chief shall receive compensation as deemed appropriate from time to time by the Town Board.

3. Duties

The Water Patrol Chief has the duties and powers established by the Town Board, from time to time, and the duties pursuant to Section 20.13(10) of this Municipal Code. The appropriate bond shall be filed prior to taking office.

(5) **Responsibilities for Special Officers**

(a) Every person who holds a special office noted in Section (4) shall be an elector of the Town upon appointment or retention except for the below noted offices. The person shall remain an eligible elector of the Town while he or she holds the special office. If the person is no longer an eligible elector of the Town, then the office shall be considered vacant and the appropriate appointing authority shall appoint new persons to these offices within thirty (30) days after a vacancy has been declared by the Town Board. The following special officers need not be eligible electors to hold these special offices:

1. Town Attorney
2. Town Surveyor
3. Town Auditor/Accountant
4. Water Patrol Chief
5. Town Sanitary Commissioner
6. Town Enforcement Officer

(b) All special offices and special office holders shall, in their special office duties, comply with the state open meeting law, the state open record law and the Town Open Meeting and Open Record Ordinances.

(c) The special office holders, other than the specific compensation and reimbursement for costs and expenses noted in Section (4), shall not be entitled to any Town financial benefits, vacation benefits, health benefits, training programs, educational programs, insurance benefits, paid leave benefits or other benefits except if authorized, from time to time, as deemed appropriate by the Town Board.

(6) **Removal**

Special officers may be removed as provided in Sec. 17.13 (1) and 17.13(3) (1991-1992) Wis. Stats.

1.03 OFFICIAL OATHS AND BONDS

(1) **Title**

This Ordinance is entitled the "Official Oath and Bond Ordinance."

(2) **Authority**

The Town Board has the specific statutory authority, powers and duties, pursuant to Sec. 60.20, 60.22, and 60.31, (1991-1992) Wis. Stats., to require that certain elected and appointed officials take an official oath and to require that they file the appropriate bond.

(3) **Adoption of Ordinance**

The Town Board has, by the adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in Chapter 60, (1991-1992) Wis. Stats., and has established, pursuant to the chapter noted above and this ordinance, other statutory authority, powers and duties of the Town Board related to requiring the taking of oaths and the filing of bonds.

(4) **Oath**

(a) **General provision**

All elected officers and appointed officers of the Town, except elected assessors and municipal judges, shall take and file the below noted oath within five (5) days after notification of election or appointment by the Town Clerk. The written oath of office and the oral oath of office, pursuant to Sec. 19.01, (1991-1992) Wis. Stats., shall be substantially in the following form:

Written Oath

STATE OF WISCONSIN,

County of Kenosha

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this ____ day of _____, 20__.

Signature

Oral Oath

I, _____ swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of _____ to the best of my ability. So help me God.

(b) Elected Assessors

Any elected assessor shall take and file the official oath noted above at anytime between May 27th, and May 31st, each year or within ten (10) days of appointment to fill vacancy.

(c) Municipal Judges

Any municipal judge shall take and file the below noted written oath as specified by Sec. 755.03, (1991-1992), Wis. Stats., prior to acting as judge. The municipal judge's written oath shall be substantially in the following form:

STATE OF WISCONSIN

County of Kenosha

I, the undersigned, who have been elected (or appointed) to the office of Municipal Judge, but have not yet entered upon the duties thereof, do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Wisconsin; that I will administer justice without respect to persons and will faithfully and impartially discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this ____ day of _____, 20__.

Signature

(d) Filing Locations

The official oath of all elected officers and appointed officers of the Town shall be filed with the Town Clerk except that the Town Clerk shall file his or her oath with the Town Treasurer and except that the Municipal Judge shall

file his or her oath with the Clerk of the Circuit Court for the County of Kenosha.

(e) Failure to File Oath

If any elected officer or appointed officer of the Town fails to file the proper oath within the time prescribed by statute or this Code of Ordinance, the failure to file constitutes refusal to serve in the office. No Municipal Judge in the Town shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed his or her oath.

(5) Bonds

(Recreated 9-94)

(a) General Provision

The following officers of the Town shall be required to execute and file an appropriate bond in the amounts noted below:

| <u>Office</u> | <u>Amount</u> |
|---------------------------------|---------------|
| 1. Town Clerk | \$10,000.00 |
| 2. Deputy Town Clerk | \$10,000.00 |
| 3. Town Treasurer | \$10,000.00 |
| 4. Deputy Town Treasurer | \$10,000.00 |
| 5. Town Constable | \$500.00 |
| 6. Municipal Judge | \$1,000.00 |
| 7. Municipal Court Clerk | \$1,000.00 |
| 8. Municipal Court Deputy Clerk | \$1,000.00 |

The bond costs shall be provided by the Town. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Sec. 632.17(2), (1991-1992) Wis. Stats. The Town Board has, by this ordinance, established the amounts of the bonds. The Town Board may at anytime determine that any bond amount noted above is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Town Board.

(b) Filing Location

The official bond shall be filed with the Town Clerk except that the Town Clerk shall file his or her bond with the Town Treasurer and except that the Municipal Judge shall file his or her bond with the Clerk of Circuit Court of the County of Kenosha.

(c) **Failure to File Bond**

The elected officers and appointed officers of the Town required to file a bond shall file the required bond before entering upon the duties of the office. If any elected officer or appointed officer of the Town fails to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Town Board. No Municipal Judge shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed the required bond.

1.10 TOWN CHAIRPERSON AND TOWN BOARD ORDINANCE

(1) **Title**

This ordinance is entitled the "Town Chairperson and Town Board Ordinance."

(2) **Authority**

The Town Board or the Town Chairperson has the specific authority, powers and duties pursuant to Sec. 60.13, 60.22, 60.23, and 60.24, (1991-1992) Wis. Stats., to manage and direct certain affairs of the Town. In addition, the Town Chairperson has additional general and specific statutory authority, powers and duties beyond and within Chapter 60, (1991-1992) Wis. Stats., and has additional statutory authority, powers and duties with certain authorization of the Town meeting.

(3) **Adoption of Ordinance**

The Town Board has, by the adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Chairperson established in Chapter 60, (1991-1992) Wis. Stats., and has established, pursuant to that chapter and this ordinance, other statutory authority, powers and duties of the Town Chairperson to manage and direct certain affairs of the Town.

(4) **General Statutory Authority, Powers and Duties of the Town Chairperson in Chapter 60, (1991-1992) Wis. Stats.**

(a) **General Powers and Duties**

1. Preside at Town Board Meeting

The Town Chairperson shall preside over meetings of the Town Board.

2. Preside at Town meeting

The Town Chairperson shall preside over Town meetings as provided under Sec. 60.13, (1991-1992) Wis. Stats.

3. Sign Documents

a. The Town Chairperson shall sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Town Board, unless the Town Board, by ordinance, authorizes another Town officer to sign specific types of documents in lieu of the Town Chairperson.

b. The Town Board, by ordinance, may authorize use of a facsimile signature under this paragraph.

c. The Town Chairperson shall sign all drafts, order checks and transfer orders as provided under Sec. 66.042, (1991-1992) Wis. Stats.

4. Assure Administration of Statutes

The Town Chairperson shall supervise the administration of statutes relating to the Town and Town operations to see that they are faithfully executed.

5. Act on Behalf of Town Board

a. The Town Chairperson shall see that Town orders and ordinances are obeyed.

b. The Town Chairperson shall see that peace and order are maintained in the Town.

c. The Town Chairperson shall obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166, (1991-1992) Wis. Stats.

6. Act on Authorization of Town Board

The Town Board does, effective upon passage of this ordinance, authorize the Town Chairperson to act on behalf of the Town Board to direct, as appropriate, for the Town, the solicitation and quotations for the purchase of equipment, materials and services and submit bids and quotations to the Town Board for

approval, as provided by Sec. 60.47, (1991-1992) Wis. Stats.

7. The Town Board does authorize the Town Chairperson to act on behalf of this Board to represent or designate another Town officer to represent the Town at meetings of and hearings before governmental bodies, on matters affecting the Town.

(5) **Administering Oaths**

The Town Chairperson may administer oaths and affidavits on all matters pertaining to the affairs of the Town.

(6) **Statutory Authority, Powers and Duties of Town Chairperson Pursuant to Sec. 60.24, (1991-1992) Wis. Stats.**

(a) The Town Chairperson shall nominate election officials when the Town Board disapproves the nominee of a party committee under Sec. 7.30(4)(b)2, (1991-1992) Wis. Stats.

(b) The Town Chairperson shall serve as caucus official under Sec.. 8.05(1)(c), (1991-1992) Wis. Stats.

(c) The Town Chairperson shall sue on official bonds, if any, under Sec. 19.015, (1991-1992) Wis. Stats.

(d) The Town Chairperson shall execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan, if any, under Sec. 24.67, (1991-1992) Wis. Stats.

(e) The Town Chairperson shall serve as Town Fire Warden under Sec. 26.13 and 26.14 (1991-1992) Wis. Stats.

(f) The Town Chairperson shall appoint members of the Library Board, if any, under Sec. 43.54(1)(a) and 43.60(3), (1991-1992) Wis. Stats.

(g) The Town Chairperson shall provide an annual estimate of funds necessary for any utility district established under Sec. 66.072(2), (1991-1992) Wis. Stats.

(h) The Town Chairperson shall publish annually a notice regarding noxious weeds and appoint one or more commissioners of noxious weeds under Sec. 66.96 and 66.99, (1991-1992) Wis. Stats.

(i) The Town Chairperson, if authorized by the Town Board, shall represent the interests of the Town in connection with appearances before the State Tax Appeals Commission under Sec. 70.64(5), (1991-1992) Wis. Stats.

(j) The Town Chairperson shall approve the bond of the Town Treasurer delivered to the County Treasurer under Sec. 70.67(1), (1991-1992) Wis. Stats.

(k) The Town Chairperson shall sign orders for payment of work performed and materials furnished on Town highways under Sec. 81.04, (1991-1992) Wis. Stats.

(l) The Town Chairperson shall serve as a member of the County Highway Committee under Sec. 83.015(1)(d), (1991-1992) Wis. Stats.

(m) The Town Chairperson shall close County trunk highways when rendered dangerous for travel and notify the County Highway Commissioner under Sec. 83.09, (1991-1992) Wis. Stats.

(n) The Town Chairperson, under Sec. 167.10(8), (1991-1992) Wis. Stats., shall enforce regulation of fireworks under Sec. 167.10, (1991-1992) Wis. Stats.

(o) The Town Chairperson shall perform the Town Chairperson's duties related to stray animals and lost goods under Chap. 170, (1991-1992) Wis. Stats.

(p) The Town Chairperson shall perform the Town Chairperson's duties related to distrained animals under Chap. 172, (1991-1992) Wis. Stats.

(q) The Town Chairperson shall perform the Town Chairperson's duties related to animals that have caused damage in the Town under Chapter 173, (1991-1992) Wis. Stats.

(r) The Town Chairperson shall perform the Town Chairperson's duties related to municipal power and water districts under Chapter 198, (1991-1992) Wis. Stats.

(s) The Town Chairperson shall cause actions for recovery of forfeitures for violations of Ordinances that can be recovered in municipal court under Sec. 778.11, (1991-1992) Wis. Stats. to be commenced in Town of Randall.

(t) The Town Chairperson shall notify the District Attorney of forfeitures which may not be recovered in municipal court under Sec. 778.12, (1991-1992) Wis. Stats.

(u) The Town Chairperson shall approve bonds furnished by contractors for public works under Sec. 779.14(1m), (1991-1992) Wis. Stats.

(v) The Town Chairperson shall execute the conveyance of real property of the Town.

(7) **Town Board**

The Town Board shall have all powers of the Town not specifically given to some other body or officer. Except as otherwise provided by law, the Town Board shall have the management and control of Town property, finances, highways, streets, utilities and the public service, and may act for the government and good order of the Town, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The Town Board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the Town Board shall have the powers enumerated in Sec. 60.22 and 60.23 (1991-1992) Wis. Stats. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

1.11 TOWN CLERK ORDINANCE

(1) **Title**

This ordinance is entitled the "Town Clerk Ordinance."

(2) **Authority**

The Town Board and the Town Clerk have specific statutory authority, powers, and duties pursuant to Sec. 60.10, 60.15, 60.33 and 60.331, (1991-1992) Wis. Stats., to manage and direct certain affairs of the Town. In addition, the Town Clerk has certain additional general and specific statutory authority, powers and duties beyond and within Chapter 60, (1991-1992) Wis. Stats., and have certain statutory authority, powers, and duties with certain authorization of the Town meeting.

(3) **Adoption of Ordinance**

The Town Board has, by the adoption of this ordinance, confirmed the specific statutory authority, powers, and duties of the Town Clerk noted above in Chapter 60, (1991-1992) Wis. Stats., and has established, pursuant to the above noted chapter and this ordinance, other statutory authority, powers, and duties of the Town Clerk to manage and direct certain affairs of the Town.

(4) **General Statutory Authority, Powers and Duties of the Town Clerk in Chapter 60, (1991-1992) Wis. Stats.**

(a) Clerk of Town Meeting

The Town Clerk shall serve as clerk of the Town of Randall Town meetings pursuant to Sec. 60.15, (1991-1992) Wis. Stats.

(b) Clerk of Town Board

1. The Town Clerk shall serve as clerk of the Town Board, shall attend all meetings of the Town Board and shall keep a full record of its proceedings.

2. The Town Clerk shall file all accounts approved by the Town Board or allowed at the Town of Randall Town meetings and enter a statement of the accounts in the record books of the Town.

3. The Town Clerk shall file with the Town Board claims approved by the Town Clerk, as required under Sec. 60.44(2)(c), (1991-1992) Wis. Stats.

(c) Finance Book

The Town Clerk shall maintain a finance book which shall contain a complete record of the finances of the Town showing receipts, with the date, amount and source of each receipt, the disbursements, with the date, amount and object of each disbursement; and any other information relating to the Town finances prescribed by the Town Board.

(d) Elections, Appointments and Notices

1. The Town Clerk shall perform the duties required by Chapters 5, 10, and 12, (1991-1992) Wis. Stats., relating to elections and notices.

2. The Town Clerk shall transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town Supervisor, Treasurer, Assessor or Clerk, a written notice stating the name and post office address of the elected or appointed officer. The Town Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.

3. The Town Clerk shall transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Town Constable or Municipal Judge in the Town, a written notice stating the name of the Town Constable or Municipal Judge and the term for which

elected or appointed. If the Municipal Judge or Town Constable was elected or appointed to fill a vacancy in the office, the Town Clerk shall include in the notice the name of the incumbent who vacated the office.

(e) Sale of Real Property

The Town Clerk shall execute the conveyance of real property of the Town.

(f) Notices

1. The Town Clerk shall publish or post ordinances and resolutions as required under Sec. 60.80, (1991-1992) Wis. Stats.

2. The Town Clerk shall give notice of Town annual and special Town meetings as required under Sec. 60.11(5) and 60.12(3), (1991-1992) Wis." Stats.

(g) Records

1. The Town Clerk shall comply with sub-chapter II of Chapter 19, (1991-1992) Wis. Stats., concerning any record of which the Town Clerk is legal custodian.

2. The Town Clerk shall demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Municipal Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Town Clerk. shall dispose of the books and papers as required by law.

(h) Licenses

The Town Clerk shall issue any license or permit granted by the Town Board when presented with a receipt from the Town Treasurer indicating that any required fee has been paid.

(i) Schools

1. The Town Clerk shall perform the Town Clerk's duties under Chapters 115 and 121, (1991-1992) Wis. Stats., relating to public instruction.

2. The Town Clerk shall, within ten (10) days after the Town Clerk's election or appointment, report his or her name and post-office address to the administrator of each cooperative educational service agency which contains any portion of the Town of Randall. The Town Clerk shall report to the administrator the name and post office address of each school district clerk within

ten (10) days after the name and address is filed in the Town Clerk's office.

3. The Town Clerk shall make and keep in the Town Clerk's office a map of the Town showing the exact boundaries of school districts within the Town.

4. The Town Clerk shall apportion, as provided by law, tax revenues collected .by the Town for schools.

(j) Highways and Bridges

The Town Clerk shall perform the duties specified in Chapters 80 and 92, (1991-1992) Wis. Stats., relating to highways, bridges and drains.

(k) Notice of Property Tax Revenue

The Town Clerk shall notify the Kenosha County Treasurer, by March 15th, of the proportion of property tax revenue and of the credits under Sec. 79.10, (1991-1992) Wis. Stats., that is to be disbursed by the County Treasurer to each taxing jurisdiction located in the Town.

(5) **Other Statutory Authority, Powers and Duties of Town Clerk**

(a) Animal Disturbance

The Town Clerk shall file the appropriate notice under Sec. 172.03, (1991-1992) Wis. Stats., with the County Clerk related to animals running at large.

(b) Municipal Court Records

The Town Clerk shall receive the Town Municipal Court records, pursuant to Sec. 755.12, (1991-1992) Wis. Stats. when and if the Municipal Court ceases to exist to, within ten (10) days of receipt, dispose of any records and briefs with the appropriate Clerk of Circuit Court pursuant to Sec. 755.14, (1991-1992) Wis. Stats.

(c) Recording Orders and Certificates

The Town Clerk shall obtain and maintain a cancellation book pursuant to Sec. 66.081, (1991-1992) Wis. Stats.

(d) Statement of Indebtedness to Secretary of State

The Town Clerk shall furnish, pursuant to Sec. 69.68, (1991-1992) Wis. Stats., a full and completed summary of the

bonded indebtedness and all other indebtedness, the purpose for which the sum was incurred and any accrued interest, if any, remaining unpaid to the Secretary of State.

(e) Fire Fighter Association

The Town Clerk, if a fire fighter association exists in the Town, shall receive the annual report pursuant to Sec. 213.07, (1991-1992) Wis. Stats.

(f) Notice of Cessation of Operations

The Town Clerk shall receive the appropriate notice, pursuant to Sec. 109.07, (1991-1992) Wis. Stats., of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the Town. The Town Clerk shall then immediately inform the Town Board of receipt of such information.

(g) Release and Publication of Tax Roll

The Town Clerk shall receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, (1991-1992) Wis. Stats. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.

(h) Requiring Seller's Permit

The Town Clerk shall require proof of a seller's permit or application for a seller's permit from any person that requests a license or permit from the Town to engage in a business involving the sale at retail of tangible personal property subject to taxes under Sec. 77.61, (1991-1992) Wis. Stats.

(i) Prepare General Statistics and Annual Statement of Taxes

The Town Clerk shall make out and transmit to the County Clerk by fifteen (15) days of years end a statement pursuant to Sec. 69.60, (1991-1992) Wis. Stats., showing the assessed value of all property within the Town, all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Town and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Town Clerk shall file a statement of taxes levied to the Department of Revenue.

(j) Make Tax Roll

The Town Clerk shall make out the complete list of all taxable real property to be called the Tax Roll as required in Sec. 70.65, (1991-1992) Wis. Stats.

(k) Correct Tax Roll

The Town Clerk, before delivering the Tax Treasurer and after delivering of the Tax Roll Treasurer, shall correct the errors in the Tax Sec. 70.73, (1991-1992) Wis. Stats. Roll to the Town to the Town Roll required in

(1) Receive Assessment Roll

The Town Clerk shall receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Sec. 70.50, (1991-1992) Wis. Stats.

(6) Deputy Clerk

The Town Clerk may, pursuant to Sec. 60.331, Stats., appoint a Deputy Clerk. The Deputy Clerk file the oath and bond as required by Sec. 60.31, Stats. (1991-1992) Wis. shall take and (1991-1992) Wis. Stats.

1.12 TOWN MUNICIPAL JUDGE ORDINANCE

(1) Title

This ordinance is entitled the "Town Municipal Judge Ordinance."

(2) Authority

The Town Board has the specific authority, powers, and duties pursuant to Sec. 60.36, 60.37 and Sec. 755.01, (1991-1992) Wis. Stats., to provide for the election of a Municipal Judge and to provide for the operation and maintenance of the court, including employees for the court.

(3) Adoption of Ordinance

The Town Board has, by the adoption of this ordinance, confirmed the statutory authority, powers, and duties noted above in Chapter 60 and 755, (1991-1992) Wis. Stats., and has established, pursuant to these chapters and this ordinance, the powers and duties of the Town Board to provide for the operation and maintenance of a municipal court system and to provide for the election of a Municipal Judge.

(4) **Term of Office**

(Recreated 8/24/2000)

Term of Office. The term of office for Municipal Judge of the Town of Randall shall be four (4) years. The term shall commence on May 1st, and shall end April 30th.

(5) **Oath and Bond**

The Municipal Judge of the Town of Randall shall file the appropriate oath and bond as required by "Ordinance No. 1.03," and Sec. 755.03, (1991-1992) Wis. Stats.

(6) **Salary and Fees**

The salary affixed for the Municipal Judge of the Town of Randall shall be in lieu of fees and costs. The salary shall be affixed by the Town Board before the start of every year of service. The salary of the Municipal Judge can not be decreased during the term of office, but no salary will be paid until the appropriate oath and bond have been properly executed.

(7) **Joint Municipal Court/Single Jurisdiction**

This Municipal Court in the Town of Randall is a single jurisdiction court system.

(8) **Jurisdiction**

The Municipal Court of the Town of Randall has exclusive jurisdiction in the Town over any action in which the Town rules to impose forfeiture for violation of Town ordinances unless the action is transferred under Sec. 800.04(1) or Sec. 800.05(3), (1991-1992) Wis. Stats., to a court of review. If equitable relief is sought or demanded, the municipal court in the Town does not have jurisdiction.

The Municipal Judge of the Town of Randall is authorized to issue inspection warrants under Sec. 66.122 and Sec. 66.123, (1991-1992) Wis. Stats. The Municipal Judge may order the payment of restitution for violation of ordinances in conformity with Sec. 943.24 and Sec. 943.50, (1991-1992) Wis. Stats. The restitution provided shall be under Sec. 943.24(5) or 943.50(5) or 800.093, (1991-1992) Wis. Stats.

(9) **Sessions of Court**

The Municipal Court of the Town of Randall shall be open at such times as determined by the Municipal Judge of the Town of Randall.

(10) **Office**

The Municipal Judge of the Town of Randall shall keep his or her office and hold court in the Town Hall. If no room is available at anytime, the Municipal Judge may office and hold court at the Bassett Fire Station in the Town of Randall. No Municipal Judge shall, in the Town, have an office or hold court in a tavern or in a room in which intoxicating liquors are sold or in a room connecting therewith. No Municipal Judge may hold court or keep his or her office with a practicing attorney unless the attorney is his or her law partner and the partner shall not act as attorney before the Municipal Judge.

(11) **Clerk and Deputy Clerk**

The Municipal Judge may appoint one clerk who shall receive compensation as determined by the Town Board. Such clerk shall take and file the oath prescribed by Sec. 19.01, (1991-1992) Wis. Stats., and shall give bond in the sum of one thousand (1,000) dollars.

(12) **Compliance with State Law**

The Municipal Judge of the Town of Randall shall comply with Chapter 755, (1991-1992) Wis. Stats.

(13) **Forfeitures**

The Municipal Judge may impose punishment and sentences as provided by Sec. 800.09, (1991-1992) Wis. Stats., and as provided in this Code of Ordinances. All forfeitures, fees, penalty assessments and costs shall be paid to the Town Treasurer within seven (7) days after receipt of the money by the Municipal Judge or other court personnel. At the time of payment, the Municipal Judge shall report to the Town Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

(14) **Stipulations and Deposits in Municipal Court**

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800, (1991-1992) Wis. Stats., and where applicable, other provisions of the Wisconsin Statutes as referred to in subsection (15) below. The Municipal Judge shall establish in accordance with Sec. 800.03(3), (1991-1992) Wis. Stats., a schedule of deposits for violations of Town ordinances, resolutions and bylaws, except traffic regulations which are and shall be governed by Sec. 345.26, (1991-1992) Wis. Stats., and boating violations which are and shall be governed by Sec. 30.80, (1991-1992) Wis. Stats. Such deposit schedule shall be approved by the Town Board and shall be posted in the office of the Municipal Court Clerk.

(15) **Procedure in Municipal Court**

The procedure in Municipal Court shall be as provided by this section and State law including, but not excluding because of enumeration, Chapters 66, 345, 751, 755, 757 and 800, (1991-1992) Wis. Stats.

(16) **Contempt Procedures**

(a) The Municipal Judge may impose a sanction authorized under Sec. 800.12(2), (1991-1992) Wis. Stats., for contempt of court, as defined in Sec. 785.01(1), (1991-1992) Wis. Stats., in accordance with the procedures under Sec. 785.03, (1991-1992) Wis. Stats.

(b) The Municipal Judge may impose a forfeiture for contempt under Sec. 800.12(1), (1991-1992) Wis. Stats., in an amount not to exceed fifty (50) dollars or upon nonpayment of the forfeiture and the penalty assessment under Sec. 165.87, (1991-1992) Wis. Stats., a jail sentence not to exceed seven (7) days.

1.13 TOWN TREASURER ORDINANCE

(1) **Title**

This ordinance is entitled the "Town Treasurer Ordinance."

(2) **Authority**

The Town Board and the Town Treasurer have the specific authority, powers and duties pursuant to Sec. 60.10, 60.22, 60.34 and 60.341, (1991-1992) Wis. Stats., to manage and direct certain affairs of the Town. In addition, the Town Treasurer has certain additional statutory authority, powers and duties beyond Chapter 60, (1991-1992) Wis. Stats., and certain statutory authority, powers and duties with certain authorization of the Town meeting.

(3) **Adoption of Ordinance**

The Town Board has, by the adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Treasurer noted above in Chapter 60, (1991-1992) Wis. Stats., and has established, pursuant to the above noted chapter and this ordinance, other statutory authority, powers and duties of the Town Treasurer to manage and direct certain affairs of the Town.

(4) **General Statutory Authority, Powers and Duties of the Town Treasurer in Chapter 60, (1991-1992) Wis. Stats.**

(a) Receive and Disburse Town Money

1. The Town Treasurer shall receive and take charge of all money belonging to the Town, or that money which is required by law to be paid into the Town Treasury, and shall disburse the money pursuant to Sec. 66.042, (1991-1992) Wis. Stats., and Chapter 3 of this Code of Ordinances.

2. The Town Treasurer shall keep an itemized account of all monies received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested to the Town Board.

(b) Deposit of Town Money

1. The Town Treasurer shall deposit, as soon as practicable, the funds of this Town in the name of the Town in a proper public depository or in the public depository or public depositories designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.

2. When money is deposited under par. (a), the Town Treasurer and treasurer's sureties are not liable for any loss as defined in Sec. 34.01(2), (1991-1992) Wis. Stats. The interest arising from the money deposited shall be paid into the Town Treasury.

(c) Records

The Town Treasurer shall comply with sub-chapter II of Chapter 19, (1991-1992) Wis. Stats., concerning records of which the Town Treasurer is legal custodian.

(d) Taxes

The Town Treasurer shall perform all of the duties relating to taxation required of the Town Treasurer under Chapters 70 through 79, (1991-1992) Wis. Stats.

(5) **Deputy Town Treasurer**

The Town Treasurer shall take required by Sec. 60.31 (1991-1992) may appoint a Deputy Treasurer who determined by the Town Board. The file the oath and bond as required Stats. and file the oath and bond as Wis. Stats. The Town Treasurer shall receive compensation as Deputy Treasurer shall take and by Sec. 60.31 (1991-1992) Wis.

1.14 ENFORCEMENT OFFICER

(1) **Position Created**

The Enforcement Officer position is created and shall consist of one (1) Enforcement .Officer or otherwise as the Town Board may prescribe by ordinance or resolution.

(2) **Salary; Collection of Fees**

The Enforcement Officer shall receive a salary as fixed by the Town Board and shall not be entitled to any other compensation. All fees, bail deposits, and other special remuneration or funds collected or received by the Enforcement Officer shall be deposited with the Town Treasurer not less than weekly.

(3) **Tenure of Enforcement Officer**

The Enforcement Officer shall serve an indefinite term, or until removed with or without just cause by a majority vote of the Town Board.

(4) **Eligibility for Enforcement Officer and Procedure for Filling Vacancy**

(a) **Eligibility for Enforcement Officer**

The following are requirements for appointment to the position of Enforcement Officer. The requirements are minimum requirements, and the Town Board may, from time to time, impose additional requirements as it deems necessary.

1. The appointee shall be a certified police officer. Certification is defined as satisfactory completion of the program mandated by Sec. 165.85(4), (1991-1992) Wis. Stats. be a certified police officer.
2. The appointee shall have obtained at least a high school diploma.
3. The appointee shall be of the highest integrity and moral character.

4. The appointee shall hold a valid Wisconsin Driver's license.

5. The appointee shall reside within the Town or within a five (5) mile radius of the Town's borders. This requirement may, however, be waived by the Town Board. *(Recreated 3/11/2004)*

(b) Procedures for Appointment of Enforcement Officer

Upon a vacancy occurring in the position of Enforcement Officer:

1. The Town Board shall publish notice of such vacancy in those newspapers and law enforcement journals as it deems necessary. This requirement may, however, be waived by the Town Board.

2. The Town Board shall conduct oral interviews with each applicant. The Town Board may solicit written advice and recommendations from previous employers and any other agency as may be applicable.

3. The Town Chairperson shall, thereafter, make the appointment, subject to a majority vote to confirm by the Town Board.

(5) **Enforcement Officer; Duties and Powers**

(a) Jurisdiction

The jurisdiction of the Enforcement Officer shall be within the borders of the Town of Randall, Kenosha County, Wisconsin.

(b) Serving of Papers

The Enforcement Officer shall serve within the Town of Randall any writ, process, order or notice, and execute any order, warrant or execution lawfully directed to or required to be executed by him or her, by any court or official.

(c) Written Orders

The Enforcement Officer shall obey all lawful written orders from the Town Chairperson and the Town Board. The Enforcement Officer shall perform all duly authorized duties and directions from the Town Board as may be appropriate.

(d) Power of Arrest

The Enforcement Officer shall arrest all persons in the Town of Randall found in the act of violating any ordinance of the Town or aiding or abetting in such violation, and the Enforcement Officer shall arrest without warrant all persons whom the Enforcement Officer has reasonable grounds to believe have violated any ordinance and will not be apprehended unless immediately arrested. The Enforcement Officer may only effectuate an arrest for an ordinance violation for which the Enforcement Officer has jurisdiction. If the Enforcement Officer is a certified police officer pursuant to Sec. 165.85(4), (1991-1992) Wis. Stats., then the Enforcement Officer shall, at his or her discretion, take the arrested persons in charge and confine them until the appropriate forfeiture has been posted on behalf of the arrested person or persons. If a forfeiture is not posted for the person or persons arrested, the Enforcement Officer shall within a reasonable time bring such person before the court having jurisdiction thereof to be dealt with according to law.

(e) Carrying of Firearms

The Enforcement Officer, unless specifically allowed by the full Town Board, shall not be allowed to carry a firearm while on duty. The Town Board shall, by resolution or ordinance, describe the equipment which the Enforcement Officer shall be allowed to carry and/or employ while on duty as the Town of Randall Enforcement Officer.

(f) Attending Municipal Court

The Enforcement Officer shall attend sessions of the Municipal Court of the Town of Randall when required by the Municipal Judge.

(g) Enforcement of Ordinances

The Enforcement Officer shall investigate and prosecute all ordinance violations duly enacted and as authorized by the Town of Randall of which the Enforcement Officer has knowledge or information.

(h) Monthly Report

The Enforcement Officer shall make a monthly report to the Town Board on calls and responses and related activities.

(i) Record Keeping

The Enforcement Officer shall keep an accurate and complete record of all complaints, arrests, convictions, and dispositions of the Enforcement Officer's activities.

(j) Investigation of Complaints

Whenever any complaint in writing is made to the Town of Randall or whenever a public official of the Town gives a lawful order, the Enforcement Officer shall promptly begin an investigation of the complaint, submitting a written report of his or her findings to the Town Chairperson. Whenever practical, the Enforcement Officer shall take photographs of the violation and shall file the photographs in the office of the Town Clerk. The Enforcement Officer, whenever any ordinance violation shall come to his or her knowledge, shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.

(k) Issuance of Citation

When a complaint is found to be factual and in violation of a Town ordinance, a citation shall be issued in accordance with Section 1.15 of this Code of Ordinances.

(6) **Operating Philosophies and Goals of the Town of Randall Enforcement Officer**

The Enforcement Officer operations will exemplify social concern for the protection of individual freedom, the general welfare and the development of humanitarianism in the community. Enforcement Officer operations will be based upon the equality of all members of the community in the eyes of the law. Enforcement Officer operations will be characterized by the meticulous adherence to constitutional, ethical and performance standards. Enforcement Officer operations must always be based upon explicit and broadly held notions of the law enforcement services by the community. Enforcement Officer operations will always reflect a receptivity to development and change in order to better respond to the appropriate requests and needs of the community.

(7) **Professional Discretion**

In the performance of his or her duty to serve society, the Enforcement Officer will be called upon to make difficult decisions. He or she must exercise discretion in situations where his or her rights and liabilities and those of the Township hinge upon his or her conduct and judgment. The Enforcement Officer is decisions are not easily made and occasionally they involve a

choice which may cause him or her hardship or discomfort. An Enforcement Officer must be faithful to his or her oath of office, the principles of professional police service, and the objectives of his or her office, and in the discharge of his or her duty, he or she must not allow personal motives to govern his or her decisions and conduct.

(8) **Courtesy**

Effective law enforcement depends upon a high degree of cooperation between the Enforcement Officer and the public the officer serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law abiding citizens who rightfully expect fair and courteous treatment by the Enforcement Officer. While the urgency of a situation might preclude the ordinary social amenities, discourtesy under any circumstances is indefensible. The practice of courtesy by the Enforcement Officer is not a manifestation of weakness; it is on the contrary, entirely consistent with the characteristics of a professional law enforcement officer.

(9) **Unprofessional Conduct**

The Enforcement Officer is one of the most conspicuous and visible representatives of government, and to the majority of people, he or she is a symbol of stability and authority upon whom they can rely. The Enforcement Officer's conduct is closely scrutinized, and when the officer's actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an officer, on or off duty, may reflect directly upon the Township, the Enforcement Officer must at all times conduct himself or herself in a manner which does not bring discredit to the officer, the office or the Township.

(10) **Use of Intoxicants**

There is an immediate lowering of esteem and suspicion of ineffectiveness when there is public conduct by the Enforcement Officer evidencing the use of intoxicants. Additionally, the services of law enforcement requires the Enforcement Officer to be mentally alert and physically responsive. The consumption of intoxicants is prohibited while the Enforcement Officer is on duty. The Enforcement Officer is not to consume intoxicants to such a degree that it impairs his or her on-duty performance.

(11) **Personal Appearance**

The Enforcement Officer is a visible representative of the Town of Randall and of his or her office. During duty hours the Enforcement Officer should be well groomed, neat and clean.

Civilian clothing worn by the Enforcement Officer while appearing in court shall present a business-like appearance.

(12) **Misconduct**

The Enforcement Officer shall be held responsible for the proper performance of any and all duties assigned to him or her and for strict adherence to the regulations adopted from time to time for the administration of the office of Enforcement Officer. It will not be received as an excuse or justification for anything that the Enforcement Officer does contrary to the regulations, or for anything that the Enforcement Officer may omit to do, that the Enforcement Officer followed the advice or suggestions of any other person, whether that person be connected with the Town of Randall or not, except when an official of higher rank may take upon himself or herself the responsibility of issuing direct and positive orders.

(13) **Dereliction of Duty**

(a) **Equal Protection**

The Enforcement Officer shall not act in such a manner as to deprive any member of the community of the equal protection of the laws. It is required of the Enforcement Officer that the Enforcement Officer evidence no bias in the performance of his or her professional duties. This regulation is intended to prohibit omissions as well as specific actions which are based on citizens' race, color, sex or creed. Equality of treatment of all citizens requires that political or fraternal affiliation, racial and religious identification, national origin and economic status must be discarded in favor of uniform, fair and similar treatment of all individuals.

(b) **Unreasonable Orders**

The Enforcement Officer shall not be overbearing, oppressive or tyrannical in his or her relations with members of the community. The Enforcement officer shall not cause unreasonable orders to be given to citizens. The Enforcement Officer shall not cause to give unreasonable warnings to control conduct not within the scope of the Enforcement Officer's lawful authority. The Enforcement Officer shall not cause to issue threats to use authority not clearly available to the Enforcement Officer at the moment.

(c) **Improper Language**

The Enforcement Officer shall not use insulting, defamatory or obscene language in the performance of the officer's duties.

(d) Investigation of Violations

The Enforcement Officer shall not ignore flagrant violations of the law which may come to his or her attention through citizen complaints, by his own observation or through his or her own investigation.

(e) Impermissible Activities

The Enforcement Officer shall not engage in any activity which does not pertain to the officer's office and business while the Enforcement Officer is on duty, unless prior permission has been given by the Town Board.

(f) Accurate Reports

The Enforcement Officer shall not submit reports which are either inaccurate or incomplete.

(14) **Truthfulness**

The Enforcement Officer is required to speak the truth at all times and under all circumstances, whether under oath or otherwise. This section prohibits withholding of evidence from a judicial proceeding, perjury, untruthful statements made within the department, false public statements, and any other misrepresentations by the Enforcement Officer. The Enforcement Officer shall not knowingly make false official reports or knowingly enter or cause to be entered, in any departmental book, record or electronic recording any inaccurate, false or improper information.

(15) **Misuse of Town Property**

The Enforcement Officer shall be responsible for the good care of the Town property for which he or she is responsible, whether fixed or movable, assigned to his use or her or keeping, and will promptly report to the Town Board, in writing, the loss of, damage to or unserviceable condition of such property. Roughness or carelessness in handling of such property shall not be tolerated. The Enforcement Officer, if found responsible for the destruction or loss of Town property, either "through willfulness or negligence, may be required to pay all costs of repairs or replacement thereof, besides suffering any penalty imposed for the violation of this regulation as decided by the Town Board.

(16) **Use of the Radio**

The Enforcement Officer shall not use the police radio except for official police communications. At no time shall the Enforcement Officer use discourteous, obscene or disrespectful language during the transmission of a radio message.

(17) **Misappropriation of Private Property**

The Enforcement Officer shall take all precaution necessary to guarantee the proper handling of evidence and any property seized, received or found.

(18) **Immorality**

The Enforcement Officer, while on duty, shall not engage in any conduct involving moral turpitude.

(19) **Violations of Law**

The Enforcement Officer shall not engage in unlawful conduct which, if committed in Wisconsin, would constitute a violation of law, unless the conduct is lawful in the jurisdiction in which it is committed.

(20) **Bribes; Acceptance of Gifts; Solicitation**

The Enforcement Officer shall not accept a bribe, reward, fee or gift for services rendered in his or her role as the Enforcement Officer.

(21) **Mistreatment of Prisoners**

The Enforcement Officer shall use no force on a prisoner other than that necessary to restrain said prisoner from doing harm to himself or herself, to others or to property. The Enforcement Officer shall not leave a prisoner unattended.

(22) **The Use of Deadly Force**

Deadly force refers to the use of any weapon or instrument, or any other physical action taken by the Enforcement Officer which when used is likely to cause death or great bodily harm. The use of deadly force is only authorized when the Enforcement Officer reasonably believes a lesser degree of force would be insufficient under any of the following circumstances:

- (a) In the defense of another person who the Enforcement Officer has reasonable cause to believe is in eminent danger of death or great bodily harm.

(b) In the defense of oneself, when there is reasonable cause to believe one is in eminent danger of death or great bodily harm.

(c) To protect oneself or another from an animal which the Enforcement Officer reasonably believes may cause death or great bodily harm if not immediately controlled or, after giving consideration of public view, the safety and all other means of disposition, to end the suffering of an animal gravely injured or diseased.

(d) Before using deadly force, the Enforcement Officer shall, if reasonably possible, identify himself or herself, order the suspect to desist from the unlawful activity, and threaten to use deadly force if the order is not obeyed.

(e) The Enforcement Officer shall not use deadly force when its use unreasonably risks the lives of innocent bystanders.

(23) **The Use of Non-Deadly Force**

Non-deadly force refers to the use of any weapon or instrument, or any other physical action taken by the Enforcement Officer which when used is not likely to cause death or great bodily harm. The use of non-deadly force is only authorized when the Enforcement Officer reasonably believes it is necessary to control a person under any of the following circumstances:

(a) Detaining a person reasonably suspected of violating an ordinance.

(b) Effecting an arrest.

(c) Overcoming resistance.

(d) Preventing escape.

(e) Protecting the officer or another.

(f) Maintaining order.

Force shall never be used when a person has ceased to resist or attempt to escape.

(24) **Pepper Spray - OC (Oleoresin Capsicum)** *(Created May 1995)*

(a) Definition.

Oleoresin Capsicum (OC) - A naturally occurring inflammatory agent found in cayenne peppers.

(b) Applicability.

The provisions of this instant subsection shall apply to enforcement officers and to all Water Safety Patrol officers who are employed by the Town of Randall.

(c) Approved OC.

1. Water Safety Patrol officers shall only carry OC that has been approved by the Chief of the Water Safety Patrol.

2. Enforcement officers shall only carry OC that has been approved by the Town Board, unless said OC is the same OC as that used by the Water Safety Patrol.

(d) Training Requirements.

1. Prior to any officer being allowed to wear/carry the approved OC, said officer shall have completed required OC training requirements, which training requirements shall, at a minimum, equal the training requirements required for Kenosha County Sheriff's Department law enforcement personnel, and as listed in paragraph 2, below.

2. Prior to the use of OC, officers must complete an approved course of instruction. The course shall include, at a minimum:

- a. data on the composition of OC;
- b. the effects of OC on persons and animals;
- c. where OC falls within the Force Options Continuum and Policy/Procedure considerations, as approved by the State of Wisconsin in its Defense and Arrest Tactics curricula;
- d. proper techniques for use of OC;
- e. controlled exposure to OC by volunteer participants;
- f. decontamination procedures;
- g. preparation of incident reports following the use of OC;
- h. make, model, and size of OC authorized to be used by officers.

3. All officers authorized to carry OC shall be recertified on a yearly basis.

(e) Equipment.

1. Officers shall carry the OC spray container in a covered case/holster on their duty belt, or a pocket clip model in their uniform pants pocket.

2. Pocket models shall have some type of protection to prevent accidental discharge.

(f) Use of OC.

1. OC may be used by an officer when it is reasonably apparent that a lesser degree of force would be insufficient to control the situation.

2. An officer shall direct the OC aerosol to the face of the subject. Specific target areas are the eyes, nose, and mouth. The subject should be no closer than two (2) feet.

3. OC chemical restraints are placed in the Force Options Continuum at the level of empty-hand control, under the subcategory, active countermeasures. Where appropriate, lower levels of restraint shall be attempted prior to use. if OC. Officers shall take into consideration the position of other officers and people before using OC, and the possible exposure of alcohol based OC to open flames.

4. Officers shall take into consideration, before the use of OC, what effect OC use will have on persons who are located in watercraft on the open water.

5. Officers may use OC as an effective means of controlling animals when it is necessary. If safely possible, decontaminate the animal by spraying with cold water.

(g) Treatment of Persons Sprayed with OC.

1. After the situation has been stabilized, an officer will decontaminate the person sprayed with OC, or will allow a person that has been sprayed with OC the opportunity to decontaminate themselves. This will be done as soon as possible after exposure, but not until the security of the suspect is established and can be maintained.

2. The suspect shall be monitored for medical conditions requiring attention. If the officer (s) determine that medical attention is required, assistance shall be summoned for those needing it and the officer's supervisor shall be promptly notified.

3. In the event of confinement of the suspect, i.e., jail, hospital, mental health center, etc., the custodian of that facility shall be notified of the use of OC on the suspect. Upon release or transfer of custody to the above listed institutions, the subject and/or custodian of the institution should be advised that contaminated clothing should be removed as soon as possible and laundered before being worn again.

(h) Decontamination Procedures.

The following decontamination procedures shall be followed after the use of OC:

1. Two (2) officers should always be present during the time when the subject is decontaminating himself/herself.

2. The subject should be exposed to fresh air as soon as possible, and should flush contaminated areas with large amounts of cold water.

3. Instruct the subject not to rub his/her eyes. Instruct the subject not to rub his/her face, unless it is with soap and water. Advise the subject that further relief may be experienced by showering and washing the affected area with soap and water.

4. Ask the subject if he/she is wearing contact lenses. If contact lenses are worn, provide the subject an opportunity to remove the contact lenses as soon as possible.

5. Do not apply salves, creams, oils or lotions, which may trap the irritant.

6. All symptoms should disappear within fifteen (15) to forty-five (45) minutes.

7. A physician should be seen if the subject requests to see a physician. If the subject asks to see a physician, the officers are responsible for transport of the subject to an emergency room. If the subject's symptoms do not appear to be improving after approximately forty-five (45) minutes, the subject shall be transported by the officers to an emergency room.

(i) Reports.

1. An incident resulting in the use of DC shall be reported immediately to the officer's supervisor.

2. Any officer using DC shall document the specific details that led to the use of DC and/or any requirement for medical assistance after the use of DC. This need not be a separate report, as sufficient facts should be included in the officer's report on the entire incident. The report will be given to the officer's supervisor for review.

(j) Supervisor Responsibilities.

Supervisors receiving a report of DC usage shall review the incident and ensure that the procedures outlined in this ordinance have been complied with.

(k) Use of Chemical Agents other than DC.

An officer shall only discharge chemical agents, other than DC (such as tear gas), under the direction of the officer's supervisor.

(1) Effective Date.

This ordinance shall take effect upon its passage and publication as provided by law.

1.15 TOWN MANAGEMENT

(Created 5/25/2006)

(1) **Office of Town Administrator**

In order to provide the Town of Randall with more efficient, effective, and responsive government under a system of a part-time Chairperson and part-time Supervisors, at a time when Town Government is becoming increasingly complex and expensive, there is created herewith the Office of Town Administrator for the Town of Randall (hereafter referred to as "Administrator").

(2) **Appointment, Term of Office, and Removal**

The Town Administrator shall be appointed as provided in Section 60.37(3), Wis. State Stats., on the basis of merit with due regard to aptitude, knowledge, administrative ability and general fitness for the office by a majority vote of the Town Board. The Administrator shall hold office for an indefinite term subject to removal at any time with or without cause by a majority vote of the entire Town Board. This section, however, shall not preclude the

Town Board from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the Municipal Code.

(3) **Administrator Hiring**

Prior to hiring an administrator, the Town shall determine whether such employment shall be on a full-time or part-time basis and whether payment will be hourly or by salary and all other terms and conditions of employment. The Town shall prepare a proposed contract for presentation to the administrator who shall agree to the contract terms prior to hiring. Before hiring an administrator, the Town shall engage in such advertising and recruiting for the position as the Town Board deems appropriate and further shall set forth preferred qualifications for the position consistent with the obligations of the Administrator as set forth in this ordinance.

(4) **Functions and Duties of the Administrator**

The Administrator, subject to the limitations defined in resolutions and ordinances of the Town of Randall and Wis. State Stats. shall be the Chief Administrative Officer of the Town, responsible only to the Town Board through the Town Chairperson for the proper administration of the business and affairs of the Town pursuant to the Statutes of the State of Wisconsin, the ordinances of the Town of Randall and the resolutions and direction of the Town Board, with powers and duties as follows:

(a) **General Duties**

1. Carry out all directives of the Town Board that require administrative implementation, reporting promptly to the Town Chairperson and Town Board any difficulties encountered therein.
2. Be responsible for the administration of all day-to-day operations of the Town Government including an understanding of all Town ordinances and Wis. State Stats.
3. Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the Town and submit it to the Town Board for adoption as the official organization and administrative procedures plan.
4. Establish, when necessary, administrative procedures to increase the effectiveness and efficiency of the Town Government according to current practices in

local government, not inconsistent with Town Board directives.

5. If asked, serve as an ex-officio non-voting member of any boards, commissions and committees of the Town as specified by the Town Board.

6. Keep informed concerning current county, state and federal legislation and administrative rules affecting the Town, and submit appropriate reports and recommendations to the Town Board.

7. Keep informed concerning the availability of county, state, and federal funds for local programs. Assist department heads, if any, and the Town Board in obtaining these funds, under the direction of the Town Board.

8. Represent the Town in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the Town Board.

9. Act as the Public Information Officer, if so directed by the Town Chairman, for the Town with the responsibility of assuring that the news media are kept informed about the operations of the Town and that the open meeting and open records regulations are followed.

10. Establish and maintain procedures to facilitate communications between citizens and the Town Government to assure that complaints, grievances, recommendations, and other matters receive prompt attention by a responsible official, and to assure that all such matters are expeditiously resolved.

11. Make such purchases as are necessary for the day to day functioning of the Town, within budget constraints, for items and/or services not exceeding two hundred dollars (\$200.00) in total cost per item.

12. All duties are to be performed within the Town budget, as passed and amended from time to time.

(b) Responsibilities to the Town Board

1. Attend all meetings of the Town Board, unless excused by a majority of the Board or the Town Chairperson, assisting the Chairperson and the Supervisors as required in the performance of their duties.

2. In coordination with the Chairperson prepare the agenda for all meetings of the Town Board, together with such supporting material as may be required. Nothing herein gives the Administrator authority to limit or in any way prevent matters from being considered by the Town Board.

3. Assist in the preparation of ordinances and resolutions as directed by the Town Chairman or Town Board.

4. When appropriate, make recommendations to the Town Board to improve the efficiency and effectiveness of Town Government, including changes in organizational structure and utilization of personnel.

5. Keep the Town Board regularly informed about the activities of the Administrator's Office, by oral or written report at regular meetings of the Board.

(c) Personnel

Upon direction of the Town Board, the following:

1. Be responsible for the administrative direction and coordination of all employees of the Town according to established organizational procedures.

2. Recommend to the Town Board the appointment, promotion and, when necessary or desirable for the good of the Town, the suspension, discipline, and/or removal of any non-statutory employees of the Town.

3. Serve as personnel officer for the Town with responsibilities to see that complete and up-to-date personnel records, including special job descriptions for all Town employees, are kept; recommend salary and wage scales for Town employees not covered by collective bargaining agreements; develop and enforce high standards of performance by Town employees; assure that Town employees have proper working conditions; work closely with department heads, if any, to promptly resolve personnel problems or grievances.

4. Assist in labor contract negotiations and all collective bargaining matters, when requested by the Town Board.

5. Work closely with department heads, if any, to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority

for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(d) Budget and Purchasing

1. Assisting the Town Board in the preparation of the annual Town budget.
2. Administer the budget as adopted by the Town.
3. Report regularly, at least quarterly, to the Town Board on the current fiscal position of the Town and the current status of expenditures relative to the Town budget.
4. Supervise the accounting systems of all Town departments and insure that these systems employ methods in accord with current professional accounting practices.
5. Assist in making purchases for the Town and supervising all purchasing and contracting for supplies and services with the approval of the Town Board, subject to the purchasing procedures established by the Town Board and to the limitations contained in Wis. Stats. § 60.37(3).

(e) Cooperation

All officers and employees of the Town shall cooperate with and assist the Town Administrator so that Town government may function effectively and efficiently.

1.30 PUBLIC RECORDS AND PUBLIC PROPERTY ORDINANCE

(1) Title

This ordinance is entitled the "Public Records and Public Property Ordinance."

(2) Authority

The Town Board has the specific authority, powers and duties, pursuant to Chapter 19, Sec. 60.22 and 60.83, (1991-1992) Wis. Stats., to manage and direct certain affairs related to Town public records and to Town public property.

(3) **Adoption of Ordinance**

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties in Chapters 19, and 60, (1991-1992) Wis. Stats., and has established by these chapters and this ordinance the statutory powers and duties of the Town Board related to Town of Randall records and Town of Randall property.

(4) **Public Record and Public Property Responsibilities**

All public records and public properties belonging to the Town, including records and public properties of officers, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town, shall be safely kept, properly maintained and carefully preserved by the legal custodian thereof when:

(a) These officers, employees or agents receive custody of the public records and public property from their predecessor or other persons.

(b) These public records and public properties are required by state law or by Town Ordinance to be filed, deposited or kept in the offices of these officers, employees or agents.

(c) These public records and public properties are in lawful possession of these officers, employees or agents or the possession or control of which these officers, employees or agent may be lawfully entitled by state law or by Town Ordinance.

(5) **Public Records and Public Property Delivery**

All public records and public properties of the Town, including records and properties of officers, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town, shall be delivered by the officer, employee or agent of these Town government units to the successor officer, . employee or agent of these Town government units upon demand by the officer, employee or agent of these Town government units, upon expiration of the officer's term of office, upon the expiration of the employee's term of employment or upon the expiration of the agent's term of agency with the Town, or upon the vacancy of the office. Upon death, the legal representative shall be responsible to deliver such public records or public properties upon demand to the successor of the deceased. The successor officer, successor employee or successor agent of these Town government units shall acknowledge receipt of the public records and public properties and shall provide a receipt to the officer, employee, agent or legal representative. The officer, employee, agent or legal representative shall file a copy of such

receipt with the Town Clerk. If a vacancy occurs before a successor is qualified, employed or retained by the Town, such public records and public properties shall be delivered to the Town Clerk. The Town Clerk shall acknowledge receipt and shall provide a receipt to the officer, employee, agent or legal representative. The Town Clerk shall receipt these public records and public properties on behalf of the successor and these public records and public properties shall be delivered by the Town Clerk to the successor upon the latter's receipt of office, employment or retention with the Town.

(6) **Public Record Access**

(a) **Custodian of Records**

The below noted offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town have designated the below noted as legal custodians of their public records.

1. Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
2. Unless otherwise provided for in this subchapter or provided for by law, the Town Clerk shall act as legal custodian for the Town and for the Municipal Court of the Town.
3. For every authority (i.e., elected official, board, commission, department) not specified in Subs. 1. and 2., the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff or other designee to act as the legal custodian.
4. Each Legal custodian shall designate a person to act as deputy legal custodian in his or her absence or otherwise for purposes of responding to a request under Sec. 19.35, (1991-1992) Wis. Stats.
5. The legal custodian or deputy of the legal custodian acting in his or her absence or otherwise shall have full legal power to render decisions and to carry out the duties of authority under sub-chapter II of .chap. 19, (1991-1992) Wis. Stats., and this subchapter. The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

6. If no offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town have been designated for any particular public records, then legal custodian for those records shall be the Town Clerk or, if by ordinance, another officer of the Town.

(b) Notice of Access to Public Records

The above noted offices, special offices, committees, commissions, agencies, authorities, boards and other special government units of the Town shall adopt and display a public notice related to the custody of the public records under their custody. The public notice noted above shall be designed and published as noted below:

NOTICE OF ACCESS
TO PUBLIC RECORDS

PLEASE TAKE NOTICE, that pursuant to Sec. 19.34, (1991-1992) Wis. Stats., the Town of Randall is an authority having custody of records pertaining to the matters of the Town.

The Town Board has designated the Town Clerk as the legal custodian for all records of the Town and the Municipal Court. Information about access to records of these entities and information as to the procedure for making requests for records and the cost thereof is available by contacting the Town Clerk. Access to these records will be available by giving the legal custodian at least forty-eight (48) hours written or oral notice of intent to inspect or copy a record. This notice may be given to the Town Clerk at the Town Hall during the hours declared in Chapter 1.50 of the Municipal Code of Ordinances.

The Town Board has designated the chief administrative officers of the legal custodians for all records of the Plan Commission and the Park Commission. The legal custodian, or its designee, will be available for obtaining information about access to said records and about making requests for records and the costs thereof by contacting the legal custodian through the Town Clerk. Access to these records will be available by giving the legal custodian at least forty-eight (48) hours written or oral notice of intent to inspect or copy a record. This notice may be given to the Town Clerk, at the Town Hall, during the hours of operation as designated in Chapter 1.50 of the Municipal Code of Ordinances, and the Town Clerk shall deliver it to the legal custodian.

Dated this ____ day of _____, 20__.

Chairman

Attested:

Town Clerk

(c) Access to Records

The legal custodian of any public record of the above noted offices, special offices, committees, commissions, agencies, authorities, boards or any other special government units of the Town of Randall shall provide to any person the right to inspect any public record except if, as indicated by specific statute, this ordinance or where the similar public policy based on the exemptions in Sec. 19.85, (1991-1992) Wis. Stats., should allow the legal custodian to restrict public access to these records. The legal custodian, when claiming a specific exemption for denying access to public record, must make a specific demonstration to the person demanding access that there is a need to restrict public access at the time-of the request for access to the public record.

If and when the need to restrict the public record from public access has been eliminated, then the legal custodian must provide access to the record. The legal custodian shall provide adequate security and restrictions for the public record when and if the legal custodian determined the record must be restricted from public access.

Prior to any public release, the legal custodian shall separate specific information and material from the public record that should not be released to the public if the release of the information or material would be prejudicial to the public interest. Specifically, certain records are exempt pursuant to Sec. 19.36, (1991-1992) Wis. Stats., from public release and may be withheld by the Town of Randall from disclosure:

1. Records which are specifically exempted from disclosure by federal or state law.

2. Law enforcement records relating to investigations, information obtained by law enforcement purposes that are required by federal law or regulation to be withheld as a condition to receipt of aid by the state.

3. Records produced or collected under a contract entered into with a private person.

4. 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.

5. Any record or a portion of a record containing information qualifying as a common law trade secret.

6. Any record not to be disclosed as a public record under the public policy provision of Sec. 19.85, (1991-1992) Wis. Stats., related to open meetings.

7. As provided by Sec. 43.30 (1991-1992) Wis. Stats., public library circulation records are exempt from inspection under this subchapter.

8. 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 Town Attorney, may deny the request in whole or in part only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to the following:

a. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

b. Records of current deliberations after a quasi-judicial hearing.

c. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any Town officer or employee or the investigation of charges against a Town officer or employee, unless the officer or employee consents to such disclosure.

d. Records concerning current strategy for crime detection or prevention.

e. Records of current deliberations or negotiations on the purchase of Town

property, investing of Town funds or other Town business whenever competitive or bargaining reasons require nondisclosure.

f. Financial, medical, social or personal histories or disciplinary data on 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.

g. Communications between legal counsel for the Town and any office, agent or employee of the Town when advice is being rendered concerning strategy with respect to current litigation in which the Town or any of its officers, agents or employees is or is likely to become involved or communications which are privileged under Sec. 905.03, (1991-1992) Wis. Stats.

(d) Copying/Photographing Public Records

1. The legal custodian shall comply with the provisions of Sec. 19.35, (1991-1992) Wis. Stats., relating to allowing a person access to a public record to allow copying or photographing of a written public record, an audio tape, a video tape or a record to be published for later sale and distribution. The legal custodian may demand a specific written request of the person requesting" the public record wherein the request will reasonably describe for the legal custodian the requested record. The request must be a reasonable limitation as to the subject matter or to the length of time represented by the record. If the legal custodian does not believe the request for the public record is sufficiently limited, the legal custodian shall notice or attempt to notice the requesting person that further subject matter or the limitations must be provided before the public record request can be fully met. The legal custodian can not request the name of the requesting person or the reasons for the need to access the public record except if the legal custodian keeps the public record at a private residence, or if the legal custodian, for security reasons, believes identification is necessary and appropriate or except if federal law and regulations requires identification.

2. The Legal custodian may require supervision during the inspection and copying of any public record and may impose reasonable restrictions in the manner of access

to certain records if the records are irreplaceable or easily damaged.

3. The Town Board is not required to purchase or lease for any requesting person any equipment or facilities for photocopying, photographing or other copying.

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

(e) **Fees**

1. The Town of Randall may charge the actual, necessary and direct reproduction costs for a copy of a record. The Town Board has declared these costs to be as follows:

a. The cost of photocopying shall be \$.20 per page.

b. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

c. 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 video tapes, shall be charged.

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

e. There shall be no charge for locating a record, unless the actual cost exceeds fifty dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester.

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

g. The Town Board declares offices, special offices, committees, commissions, agencies, authorities, boards, and other special government units of the Town of Randall need not pay for copying cost for public records if required for the proper performance of their official duties.

h. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she

determines that waiver or reduction of the fee is in the public interest.

(f) **Formal Request**

1. If the above noted Town Board, any offices, any special offices, any committees, any commissions, any agencies, any authorities, any boards or any other special government units of the Town receives a request for a record, they shall as soon as practicable and without delay either fulfill the request or notify the requesting person to deny the request, in whole or in part, and reason for the denial.

2. If the requesting person makes the request orally, the previously noted offices, committees, commissions, boards or other special government units of the Town may deny the request orally unless a demand for a written statement of the reason denying the request is made by the requesting person within five (5) business days of the oral denial. If the above noted government bodies deny a written request, in whole or in part, the requesting person shall receive from the denying government body a written statement of the reason for denying the request. The written denial by these government bodies shall include a notice that this determination for denial is reviewable by mandamus under Sec. 19.37(1), (1991-1992) Wis. Stats., or upon application to the attorney general or the district attorney of the County of Kenosha.

(g) **Record Destruction**

The Town Board, any officer, any office, any special office, any committee, any commission, any agency, any authority, any board or other special government units of the Town or any officer, employee or agent of the above noted may not destroy any public record at any time after any of the above noted receive a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date the request is denied. If an action is commenced under Sec. 19.37, (1991-1992) Wis. Stats., within one hundred and fifty (150) days after the request is denied or after the decision of the trial court, whichever is later, the requested record may not be destroyed until after the final order of the trial court and after any final appellate court. Upon order to produce the record and the order is not appealed, the requested record may not be destroyed until after the request for inspection or copying is granted.

(7) **Notice to Historical Society**

The Town Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town and their officers, their employees and their agents of the aforesaid, prior to the destruction of any public records belonging to the Town, noted below in Sec. (2), shall provide at least sixty (60) days notice, in writing, to the State Historical Society of Wisconsin. The Town Board shall not be requested, pursuant to Sec. 19.21, (1991-1992) Wis. Stats., to provide notice to the State Historical Society of Wisconsin if the Town Board previously, by application, has received a waiver.

(8) **Conditions and Terms for Destruction of Public Records**

(a) **Types of Records Destroyed**

The Town Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town and their officers, their employees and their agents of the aforesaid shall destroy the following public records of the Town only upon the conditions noted below and at the time noted below:

1. **Obsolete Utility Records**

The Town Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town and their officers, their employees and their agents of the aforesaid are the legal custodians of the public utility records of the Town of Randall. If the public utility records are considered obsolete, the above noted, as custodians, may destroy the following public utility records of the Town at anytime two (2) years after the record was effective:

- a. Water Stubs
- b. Receipts of Current Billings
- c. Customers Ledger

All other public utility records of the Town, the above noted custodians may destroy at anytime seven (7) years after the record was effective, unless a shorter time period has been fixed by the State Public Records and Forms Board pursuant to Sec. 16.61(3)(e), (1991-1992) Wis. Stats., and then only after that shorter time period.

2. Obsolete Financial Records

All financial records of the Town that are not utility records, the Town Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town and their officers, their employees and their agents of the aforesaid, who are the legal custodians of these financial records of the Town, if these financial records are considered obsolete, the above noted legal custodians may destroy these financial records at anytime seven (7) years after the record was effective, unless a shorter time period has been fixed by the State Public Records and Forms Board pursuant to Sec. 16.61(3)(e), (1991-1992) Wis. Stats., and then only after that shorter time period.

3. Other Obsolete Records

All other public records of the Town that are not utility or financial records, the Town Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town and their officers, their employees and their agents of the aforesaid who are the legal custodians of these records of the Town, if these records are considered obsolete, the above noted legal custodians may destroy these records at anytime seven (7) years after the record was effective unless another period has been set by statute and then only after such a period, or unless a shorter time period has been fixed by the State Public Records and Forms Board pursuant to Sec. 16.61(3)(e), (1991-1992) Wis. Stats., and then only after that shorter time period. No assessment roll containing forest crop acreage in the Town of Randall may be destroyed without prior approval of the Department of Revenue.

(9) **Specific Date of Destruction for Specific Public Records**

The Town Board desires specifically that the following public records of the Town Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town of Randall not be destroyed until after the years listed below:

- (a) Tax Receipts for the Town of Randall -- seven (7) years after the receipt was issued by the Town of Randall.

(b) Contracts and Insurance Policies Issued to the Town of Randall -- five (5) years after the policy was issued to the Town of Randall.

(c) Legal claims against the Town of Randall -- seven (7) years after the claim was notice to the Town of Randall.

(10) **Taped Records of Meetings**

The Town Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town and their officers, their employees and their agents of the aforesaid may destroy any taped records of any public meeting of the aforesaid no sooner than ninety (90) days after the public meeting minutes have been approved by the appropriate government unit if the purpose of the tape recording was to make and maintain minutes of the public meeting.

(11) **Microfilm Records**

The Town Board authorizes that the following public records of the Town Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town shall be kept and preserved on microfilm. The microfilm records shall be under the custody of the Town Clerk of the Town of Randall. These records shall be stored for safekeeping and shall be conveniently accessible to the general public at the Town Hall. The Town Clerk shall comply with the applicable standards established in Sec. 16.61(7), (1991-1992) Wis. Stats., in order that these public records of the Town of Randall may be deemed original records. The Town Board or its designee shall at least annually review the reproduction of the microfilm and storage of the microfilm in order to assure proper micrographic protection and in order to assure legibility and permanence of the microfilm copy.

1.50 PUBLIC BUILDING AND PUBLIC LAND ORDINANCE

(1) **Title**

This Ordinance is entitled the "Town of Randall Public Building and Public Land Ordinance."

(2) **Authority**

The Town Board has the specific authority, powers and duties pursuant to Sec. 60.10, 60.22, and 101.13 (1991-1992) Wis. Stats., and specific statutory authority, powers and duties with authorization of the Town meeting, to purchase, lease, construct and dispose of buildings and property for the Town and to manage

and direct certain affairs related to Town buildings and Town lands.

(3) **Adoption of Ordinance**

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted above in Chapters 60 and 101, (1991-1992) Wis. Stats., and has established pursuant to these chapters and this ordinance the powers and duties of the Town Board relating to the control, construction, operation and maintenance of Town of Randall public buildings and the control, operations and maintenance of Town of Randall public lands.

(4) **Handicap Access**

(a) **New Buildings**

The Town Board shall design and construct any new Town of Randall public buildings to allow physically disabled persons reasonable means of access including access from parking lots, if any, ancillary to the public building.

(b) **Minimum Requirements for Use of Public Buildings**

The Town Board shall comply with minimum requirements established by the State of Wisconsin Department of Industry, Labor and Human Resources and all other applicable state and federal law to facilitate the use of Town of Randall public buildings by physically disabled persons where traffic might reasonably be expected by such physically disabled persons. The Town Board shall comply with the minimum requirements established by the State of Wisconsin Department of Industry, Labor and Human Resources and all other applicable state and federal law to ensure access to and use of the Town of Randall public buildings.

(c) **Parking Space Compliance**

The Town Board shall not issue any authorizations to occupy any public building or private or public place of employment-unless the owner thereof files with the Town Clerk a true certificate of compliance with state law, state regulations and rules, federal law, and federal regulations and rules, related to ensuring the access to and use of public buildings or places of employment relating specifically to the reservations and marking of parking spaces for use by a motor vehicle used by a physically disabled persons.

(d) Remodeling

The Town Board shall meet the minimum regulations of the State of Wisconsin Department of Industry, Labor and Human Resources and Sec. 101.13, (1991-1992) Wis. Stats., and all other applicable state and federal law, for remodeling of Town of Randall public buildings to ensure the access to and use of the public buildings by physically disabled persons. Any Town of Randall public buildings that are remodeled, unless excepted by rules of the State of Wisconsin Department of Industry, Labor and Human Resources or by Sec. 101.13, (1991-1992) Wis. Stats., or by any other applicable state and federal law, shall be designed and constructed so as to provide reasonable means of access for physically disabled persons.

(e) Handicapped Access Grievance

The Town Clerk shall receive any and all grievances related to handicapped access to the Town of Randall buildings. Whenever possible, the grieving party shall place the grievance in writing. The Town Clerk shall refer such grievance to the Town Board at the next regularly scheduled meeting of the Town . Board. The Town Chairperson, upon receipt of the grievance, shall appoint a member of this Town Board .to investigate the grievance and to file a report with the Town Board. The Town Board will comply with federal and statutory regulations, including the federal requirements under 31 CFR 51.55(a) 1-6, in investigating and acting upon such grievance.

(5) **Public Building and Public Land Access**

(a) Authority for Public Access

The Town Board has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Town. In addition, the Town Board has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Town.

(b) Town Hall

The Town Hall shall be open to the public at the following times and dates unless written notice to the contrary is posted at the usual and customary locations in the Town.

| | |
|-----------------------|---|
| Monday through Friday | 8:00 a.m. - 12:00 p.m. hours 1:00 p.m. - 5:00 p.m. hours |
|-----------------------|---|

The Town Hall shall be open to the public at other times with the approval of the Town Board. The use of the Town Hall may be allowed for non-governmental functions and events. These functions and events shall be private non-profit group meetings or social meetings upon which the meeting and the responsible party for the meeting are approved by the Town Board. The Town Board may charge to the responsible party a daily rental fee for such use to the responsible party. The daily rental fee shall be at minimum fifteen dollars (\$15.00). In addition to the rental fee, the Town Board may require that the responsible party provide a written indemnification and/or a policy of insurance to indemnify and hold harmless the Town of Randall from any costs, damages or expenses the Town of Randall may incur as a result of any injury to any person or property at or near the Town Hall.

The Town Board shall be responsible for maintenance and control of the Town Hall. The Town Board may delegate authority for the daily maintenance and control of the Town Hall to the Town Clerk. The following Town officers shall have keys to the Town Hall and shall have the right to access of the Town Hall at all reasonable times.

1. Town Chairperson
2. Town Supervisors
3. Town Clerk
4. Town Treasurer
5. Town Building Inspector
6. Town Enforcement Officer

No person shall enter the Town Hall, except as noted above, unless authorized by the Town Board. Any person who violates the above noted provision shall immediately leave the Town Hall.

(c) Other Town Buildings

Other Town buildings in the Town of Randall are:

1. Town Fire Station - Bassett
2. Town Fire Station - Powers Lake
3. Town Storage Facility - Bassett

(d) General Regulations for Access to and from Public Buildings and Public Land

1. Cats and Dogs

No person is allowed to permit access to or use of any Town of Randall public buildings and Town of Randall public lands by any cat, dog or other domestic animal except as follows:

a. Seeing Eye dog or other animal used to assist the visually handicapped.

b. A dog, cat or other domestic animal within a motor vehicle where the animal is in the motor vehicle by consent of the owner of the motor vehicle.

c. A dog, cat or other domestic animal is permitted and authorized by the Town Board as an authorized animal of a fair, circus or other social event that has been authorized to be held on land owned or leased by the Town Board.

2. Person Under the Influence of Alcohol or Drugs

The Town Board does not permit access to or use of Town of Randall public buildings and Town of Randall public lands by any person who is intoxicated or impaired due to the use of alcohol or drugs. Any person so intoxicated or impaired shall leave the Town of Randall public building and public land immediately. No formal request to leave by any Town Enforcement Officer or other law enforcement officer shall be required for violation of this provision to occur. Any person who is intoxicated or impaired due to the use of alcohol or drugs, may be arrested. Any person who fails to immediately leave any Town of Randall public building and-public land after formal request by the Town Enforcement Officer or other law enforcement officer shall be immediately arrested by the Town Enforcement Officer or other law enforcement officer and shall immediately be removed from the Town of Randall public building and Town of Randall public land.

3. Possession of Alcohol and Drugs

The Town Board does not permit use or possession, by any person, of open containers of alcoholic beverages or controlled substance in or on the premises of any Town of Randall public buildings and any Town of Randall public lands, except as follows:

Town Fire Stations with approval of the Town Board

Any person violating this provision shall immediately leave the Town of Randall public building and the Town of Randall public land. No formal request to leave by any Town Enforcement Officer or other law enforcement officer shall be required for violation of this provision to occur. Any person violating this section may be arrested. Any person who fails to leave any Town of Randall public building and Town of Randall public land immediately after the formal request by the Town Enforcement Officer or other law enforcement officer shall be immediately arrested by the Town Enforcement Officer or other law enforcement officer and shall be removed from the Town of Randall public building and Town of Randall public land.

4. Motor Vehicle Use

The Town Board does not permit operation, parking or use of any automobile, truck, motorcycle, mini-bike, go cart, golf cart, or any other motorized vehicle or motorized boat or watercraft in the following areas without a permit issued by the Town Board.

- a. Town Parks - other than authorized parking areas
- b. Town Hall - other than authorized parking areas
- c. Town Fire Stations - other than authorized parking areas
- d. Town Storage Facility - other than authorized vehicles

No person shall operate, park or use a motor vehicle in violation of this provision as noted above except as authorized by the Town Board. Any person violating this provision shall immediately leave the Town of Randall public areas described above. No formal request to leave by any Town Enforcement Officer or other law enforcement officer shall be required for violation of this provision to occur. Any person violating this section may be arrested. Any person who fails to immediately leave the described public area after formal request by the Town Enforcement Officer or other law enforcement officer shall be immediately arrested by the Town Enforcement Officer or other law enforcement officer and the person shall be immediately

removed from the Town of Randall public area noted above.

5. Litter and Discharge

The Town Board does not permit the disposal, discharge or leaving of any litter, solid waste, hazardous waste, garbage or any other refuse in any Town of Randall public building or on the premises of any Town of Randall public land except in disposal containers authorized by the Town Board or except when a permit has been issued by the Town Board.

No person shall dispose, discharge or leave the above noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed, discharged or left waste from the Town of Randall public building and the Town of Randall public lands. No formal request to reclaim and remove the above noted waste by any Town Enforcement Officer or other law enforcement officer shall be required for violation of this provision to occur. Any person violating this section may be arrested. Any person who fails to reclaim and remove the above noted waste immediately from any Town of Randall public building and Town of Randall public land after formal request to reclaim and remove by the Town Enforcement officer or other law enforcement officer shall be immediately arrested and removed from the Town of Randall public building and Town of Randall public land.

(d) Bottles/Glass Containers (Recreated 5/9/2002)

The Town Board does not permit the possession or use of glass containers or glass bottles in the below noted public parks in the Town of Randall, unless the glass container or glass bottle is located legally inside the interior of a motor vehicle or a motorized watercraft/boat:

- a. Town Park commonly known as Bassett Park.
- b. Town Park commonly known as Bayview Park.
- c. Town Park commonly known as Fox Park
- d. Town Park commonly known as Richard F. Heigl Memorial Park.
- e. Town Park commonly known as Lakeside Park.
- f. Town Park commonly known as Randale Park.

No person shall possess or use a glass container or glass bottle in violation of this section. No formal request to remove and/or not use the glass container or glass bottle in the above noted posted areas shall be a defense to a violation of this section. Any person violating this section may be arrested. Any person who continues to possess and use a glass container or glass bottle. except as permitted in this section. in the above noted areas subsequent to a request from the Town Enforcement Officer or a law enforcement officer to cease possession or use of the glass container or glass bottle. shall immediately be arrested and removed from the above noted public area.

7. Grills and Gridirons *(Recreated 8 July 1999)*

a. The Town Board does not permit the possession or use of any grill or gridiron, irrespective of its method of producing heat, in any Town Park, except that grilling is allowed in Bassett and Randale Parks, but only if a gas grill is used and only if a permit is first obtained from the Town. No grills or gridirons are allowed to be used in or on any Town of Randall parking lot, parking area or public street. No grill or gridiron is allowed to be used within or on a motor vehicle.

b. No person shall possess or use a grill or gridiron in violation of this provision. No formal request to remove and not use the grill or gridiron in the above noted posted areas shall be required to violate this provision. Any person violating this section may be arrested. Any person who continues to possess and use a grill or gridiron in the above noted areas after formal request to cease possession or use by a Town Enforcement Officer or law enforcement officer shall be immediately arrested and removed from the above noted public area.

8. Disorderly Conduct

The Town Board does not permit disorderly conduct, as defined in Sec. 947.01, (1991-1992) Wis. Stats., in any public building or on any public land, or contemptuous behavior or insolent behavior to any Town official, employee or agent in any Town of Randall public building and on any Town of Randall public land when the official, employee or agent are on duty or working for the Town. Contemptuous or insolent behavior is meant to be defined pursuant to Sec. 947.01, (1991-1992) Wis. Stats.

No person shall commit or cause disorderly conduct, as defined in Sec. 947.01, (1991-1992) Wis. Stats., to the public nor commit or cause contemptuous behavior or insolent behavior as defined in Sec. 947.01, (1991-1992) Wis. Stats., to a Town official, employee or agent in a Town of Randall public building or on any Town of Randall public land when the officer, employee or agent are on duty or working for the Town. Loitering in a Town of Randall public building or on any Town of Randall public land including Town roads and interfering with the use of the public building or public land by Town officials, employees, or agents, or the public, after being formally requested to leave the Town of Randall public building or Town of Randall public land by the chief presiding officer of any public meeting or by the Town Enforcement Officer or other law enforcement officer shall be considered disorderly conduct under this provision. Any person who continues to violate this provision after a formal request to cease the disorderly conduct or cease the contemptuous or insolent behavior as defined in Sec. 947.01, (1991-1992) Wis. Stats., by the Town Enforcement Officer or other law enforcement officer shall be arrested and removed from the Town of Randall public building and Town of Randall public land.

9. Hours/Days of Operations

The following will be the normal hours and days the following public buildings and public facilities will be open to the general public:

| <u>Building or Facility</u> | <u>Days</u> | <u>Hours</u> |
|--------------------------------|----------------------|-------------------------|
| Bassett Park | Sunday thru Saturday | 6:00 a.m. to 10:00 p.m. |
| Bayview Park | Sunday thru Saturday | 4:00 a.m. to 11:00 p.m. |
| Fox Park | Sunday thru Saturday | 6:00 a.m. to 10:00 p.m. |
| Richard F. Heigl Memorial Park | Sunday thru Saturday | 6:00 a.m. to 9:00 p.m. |
| Lakeside Park | Sunday thru Saturday | 4:00 a.m. to 11:00 p.m. |
| Randale Park | Sunday thru Saturday | 6:00 a.m. to 10:00 p.m. |

The Town Board may provide other times and dates by written order. The above noted days and hours do not limit access for authorized Town officers or Town employees to public buildings and facilities. Authorized Town officers and Town employees may gain access for

work or emergency reasons to public buildings or facilities at anylime except to areas established by the Town Board as limited or non-access areas. These limited or non-access areas shall be specifically described by the Town Board and the reason for access limitations shall be so stated if security reasons permit.

(6) **Boat Launch Permits** (Created 11 February 1999)

(a) Definitions and Terms

1. The term "boat launch" shall include the grounds, buildings thereon, waters therein and any other property or facility which is under the jurisdiction of the Town Board of the Town of Randall whereon watercraft are launched.

2. The term "permit" shall mean written authorization for the use of boat launch facilities.

(b) Permits:

Written permits from the Town of Randall shall be required for the following:

For the launching of any watercraft from any part of any boat launch where the Town Board has established a fee for such act.

(c) Prohibited Items or Uses:

The following shall be prohibited within the boundaries of a boat launch facilities:

1. Engage in an activity which a permit is required without obtaining a permit.

2. Failure to obtain and visibly display in or on the accompanying motor vehicle from which the watercraft is launched a required permit for the launching of any watercraft from any boat launch. The required permit shall be displayed in such locations in or on the motor vehicle as are directed by the Town Board. There shall be a violation of this subsection if the boat launch permit is not properly purchased, filled out or displayed.

(d) Fees and Charges:

1. The Town Board shall have the authority to establish such fees as are deemed necessary for use of any boat launch.

2. Fees schedules shall be available upon request.

3. It shall be unlawful to use a boat launch without payment of such fee or charge.

(e) Town Board's Rule Making Authority:

The Town Board is authorized to adopt additional or revised rules and regulations for the proper conduct and administration of boat launch facilities in the Town of Randall not inconsistent with this ordinance; to grant permits in conformity with the provisions hereof and to perform such other acts with reference to the management of said boat launch facilities as are lawful and as the Town Board may deem expedient; to promote beauty and usefulness of said boat launch facilities; and to increase the comfort, safety, convenience and public welfare of the citizens of the Town of Randall and of visitors to said boat launch facilities in their use of the same.

(f) Penalties:

Any person who shall violate any of the provisions of this instant ordinance shall, for each offense, forfeit to the Town of Randall not less than \$25.00 or more than \$500.00, together with the costs of prosecution and court costs. The judgment so obtained may be enforced in the same manner as any civil judgment.

(g) Enforcement:

Any law enforcement officer may arrest any offender whom he or she may detect in the violation of any of the provisions of this ordinance. The officer shall have at all times the right to enter the premises of any building, structure or enclosure in/on any boat launch for the purpose of inspecting or investigating disturbances or suspected violations.