

GENERAL CODE OF ORDINANCE

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1.01 **TITLE/PURPOSE/DEFINITIONS.** This Ordinance is entitled the "Town of Cooperstown Town Organization Ordinance." The purpose of this Ordinance is to provide a general guideline for the operation of the Town of Cooperstown according to the powers given to towns by the Wisconsin Statutes. Definitions as used in this chapter:

- A. **PER DIEM** -- means "per ½ day". In connection with compensation, "per diem" means pay for a ½ day's service or a ½ day's work equals 1-4 hours. This includes calls to a town board member by a citizen or police on town matters. A detailed report of the incident will be given to the town board.
- B. **PUBLIC DEPOSITORY** -- means a federal or state credit union, savings and loan association, state bank, savings and trust company, mutual savings bank or national bank in the State of Wisconsin which receives or holds any public deposits or the local government pooled investment fund.

1.02 **AUTHORITY.** The Town Board of the Town of Cooperstown has the specific authority, powers and duties, pursuant to Chapter 60 Wisconsin Statutes and has, with authorization by the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Cooperstown. In addition, the Town Board has additional general specific statutory authority, powers and duties established beyond Chapter 60 Wisconsin Statutes. Village Powers- Pursuant to Section 60.10(2)(c) Wisconsin Statutes, the Town of Cooperstown, Manitowoc County, Wisconsin, is authorized and directed to exercise all powers relating to villages and conferred on village boards by Chapter 61 of the Wisconsin Statutes. Village Powers adopted April 5, 1966.

1.03 **ADOPTION OF ORDINANCE.** The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Board established in Chapter 60 Wisconsin Statutes and has established, pursuant to the above and this ordinance, other statutory authority, powers and duties of the Town Board to manage and direct the affairs of the Town of Cooperstown.

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1.04 COOPERSTOWN TOWN. The town of Cooperstown is all that unincorporated territory located in Town numbered 21 North, Range 22 East; Manitowoc County Board of Supervisors Proceedings Volume , 1856.

1.05 TOWN BOARD.

- A. The legislative and administrative power of the Town of Cooperstown shall be vested in the Town Board.
- B. MEMBERSHIP. Eligibility to serve on the Cooperstown Town Board shall be determined by state law.

1. The Town Board shall consist of 3 members elected from the town at the spring election in odd and the 3 positions shall be as follows:

- a. CHAIRMAN-odd year
- b. SUPERVISOR-odd year
- c. SUPERVISOR-odd year

2.a. Oath: After notification by the Town Clerk, all elected and/or appointed officers of the Town shall take and file the below noted oath within 5 days after notification of election or appointment. The written oath of office, pursuant to Section 19.01 Wisconsin Statutes, may be in the following form:

Written Oath:

STATE OF WISCONSIN,

County of Manitowoc

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 ____ of ___, 20__.
Signature of officer administering oath

2.b. The official bond of the Clerk, Treasurer and Constable shall be filed with the Town Clerk, except that the Town Clerk shall file his/her bond with the Town Treasurer. The elected and appointed officers required to file a bond shall file the required bond before entering upon the duties of the office. If the elected and/or appointed officer(s) fail 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.

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3. Quorum of Town Board: A legal quorum of a Town Board is a majority of the members of the Town Board. The current Town Board consists of 3 members, which 2 members shall be a legal quorum when they are in attendance at any duly called or authorized public meeting of the Town Board.

C. GENERAL DUTIES OF THE TOWN BOARD: The Town Board shall be responsible for road supervision, fiscal management; it shall consult with legal counsel on Town matters; it shall oversee Town officers and employees; and it shall perform other duties prescribed for it by state statute.

D. SPECIFIC DUTIES OF THE TOWN BOARD: The Town Board shall perform those duties and exercise those powers set forth in Sections 60.22 and 60.23 Wisconsin Statutes, including but not limited to the following:

1. Charge of Town Officers. The Town Board of the Town of Cooperstown has charge of affairs of the Town of Cooperstown not committed by law to another body or officer or to a Town employee of the Town of Cooperstown.
2. Charge of Actions. The Town Board of the Town of Cooperstown has charge of any action or legal proceeding to which the Town of Cooperstown is a party.
3. Pursue Claims of Town. The Town Board of the Town of Cooperstown shall demand payment of penalties and forfeitures recoverable by the Town of Cooperstown and damages incurred by the Town of Cooperstown due to breach of any official bond, any injury to property or other injury. If, following demand by the Town Board, payment is then not made, the Town Board shall pursue appropriate legal action to recover the appropriate penalty, forfeiture or damages.
4. Joint Participation Agreements. The Town Board of the Town of Cooperstown may cooperate with state, county or other units of government in Wisconsin pursuant to Section 66.0301 Wisconsin Statutes, including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, building and facilities for regional projects whether or not located in the Town of Cooperstown. The Town of Cooperstown maintains the following joint cooperative arrangements:

Ambulance Protection – County Rescue

Fire Protection – Maribel Fire Department

Menchalville Fire Department Section 30 & 31;

Joint Powers Agreement (911 Service);

Manitowoc County Emergency Government Contract;

Highway Order with municipalities agreements in chapter 15 appendix

Town of Cooperstown and Town of New Denmark

Town of Cooperstown and Town of Gibson

Town of Cooperstown and Town of Franklin

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Town of Cooperstown and Town of Kossuth
Town of Cooperstown and Village of Maribel

5. Removal of obstructions from natural watercourses. See SS 88.90

6. Associations of Towns. The Town Board may appropriate money to purchase membership in any association of town boards for the protection of town interests and improvement of town government. The Town Board of the Town of Cooperstown is presently a member of the Wisconsin Towns Association.

7. Change of Street Names. The Town Board may name or change the name of any street in the Town of Cooperstown under Section 82.03(7) Wisconsin Statutes. Street names should be reviewed with Manitowoc County Planning & Park Commission to avoid street name duplication within the County.

8. Use of Firearms. The Town Board of the Town of Cooperstown may regulate the careless use of firearms and impose forfeitures for violation of the regulations. The firearms are regulated by the Town Board pursuant to Chapter 6, Section 6.04 and 6.05.

9. Disposition of Dead Animals. The Town Board of the Town of Cooperstown may, notwithstanding Section 59.54(2 1) Wisconsin Statutes and Section 95.50(3) Wisconsin Statutes, dispose of any dead animal within the Town of Cooperstown or contract for the removal and disposition with any private disposal facility.

10. Fence Viewers. See Wisconsin Statutes Chapter 90.

11. Town Chairman to head Town Board and their duties as provided under Section 60.24 Wisconsin Statutes.

a. Preside at Town Board Meeting/Town Meeting. The Town Chair shall preside over meetings of the Town Board of the Town of Cooperstown and preside over Town meetings as provided under Section 60.13 Wisconsin Statutes.

b. Sign Documents. The Town Chair shall sign ordinances, resolutions, bylaws, orders, regulations, and commissions adopted or authorized by the Town Board, unless the Town Board, by ordinance, authorizes another officer to sign specific types of documents in lieu of the Town Chair. The Town Chair shall sign all drafts, order checks and transfer orders as provided under Section 66.0607 Wisconsin Statutes. Licenses and permits are to be signed by the appropriate officer handling issuance of license/permit.

c. Assure Administration of Statutes. The Town Chair shall supervise the administration of statutes relating to the Town and Town operations to see they are faithfully executed.

d. Act on Behalf of Town Board.

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- 1) The Town Chair shall see that Town orders and ordinances are obeyed.
- 2) The Town Chair shall see that peace and order are maintained in the Town of Cooperstown and shall act as Constable/Law Enforcement Officer in the absence of said officer.
- 3) The Town Chair shall obtain necessary assistance, if available, in case of emergency, except when services are provided under Chap. 256 Wisconsin Statutes

e. Administer Oaths. The Town Chair may administer oaths and affidavits on all matters pertaining to the affairs of the Town of Cooperstown.

f. Statutory Authority, Powers and Duties of Town Chairperson Pursuant to Section 60.24 Wisconsin Statutes including, but not limited to, the following:

- 1) The Town Chair shall nominate election officials when the Town Board disapproves the nominee of a party committee under Section 7.30(4) Wisconsin Statutes and the names of additional nominees are not available.
- 2) The Town Chair shall sue on official bonds, if any, under Section 19.015 Wisconsin Statutes.
- 3) The Town Chair shall execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan, if any, under Section 24.67 Wisconsin Statutes.
- 4) The Town Chair shall publish annually a notice regarding noxious weeds and appoint one or more commissioners of noxious weeds under Section 66.0407.
- 5) The Town Chair shall approve the bond of the town treasurer delivered to the county treasurer under Section 70.67(1) Wisconsin Statutes.
- 6) Control of expenditures. The Town Chair shall sign orders for payment of work performed and materials furnished on town highways. The town board shall direct when and where all highway funds shall be expended under Section 82.03(4) Wisconsin Statutes.
- 7) The Town Chair shall close county trunk highways when rendered dangerous for travel and notify the highway commissioner under Section 83.09 Wisconsin Statutes.

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- 8) The Town Chair, under Section 167.10(8) Wisconsin Statutes, shall enforce regulation of fireworks under Section 167.10 Wisconsin Statutes.
- 9) The Town Chair shall perform the Town Chair's duties related to stray animals and lost goods under Chapter 170 Wisconsin Statutes; distressed animals under Chapter 172 Wis. Stats; and animals that have caused damage under Chapter 172 Wisconsin Statutes.
- 10) The Town Chair shall approve bonds furnished by contractors for public works under Section 779.14(1m) Wisconsin Statutes.
- 11) The Town Chair shall execute the conveyance of real property of the Town of Cooperstown.
- 12) The Town Chair shall keep townspeople informed through the Town's website and annual newsletter and see to its publication on a timely basis.
- 13) Also see Chapter 3 Fiscal Management.

g. Maintain Road Management Computer System. The Town Chair shall maintain the Road Management Computer System, submit to WISLR and file annual road certification report with DOT. Town Chairman to yearly inspect roads with supervisors making use of the PASER MANUAL.

E. VACANCIES:

1. A vacancy in a Town Board Supervisor position occurs when the incumbent:
 - a. Dies;
 - b. Resigns;
 - d. Is convicted of a felony, unless pardoned;
 - e. Ceases to be a resident of the township;
 - f. Is subject to removal from office by virtue of any reason recognized by state statute.
2. A vacant position shall be filled in the town board, by the remaining supervisors and the town clerk, except when a special election is authorized under Section 17.25 or as provided in Section 9.10 Wisconsin Statutes and except when the vacancy is caused by removal by the circuit judge as provided by law, which latter vacancy shall be filled by appointment by that judge. Persons

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appointed under Section 17.25 (1) to fill vacancies shall hold office for the residue of the unexpired term or, if a special election is ordered to fill a vacancy, until the successor is elected and qualified.

F. COMPENSATION.

1. Chairman of the Town Board shall be paid a yearly salary plus per diems as voted on by the last Town Electors meeting prior to taking office and will take effect after the current election in which ballots were cast for the Town Chairman. See Chapter 15 Appendix A.
2. Supervisors of the Town Board shall be paid a yearly salary plus per diems as voted on by the last Town Electors meeting prior to taking office and will take effect after the current election in which ballots were cast for the Town Supervisor. See Chapter 15 Appendix A.
3. Per Diem: In addition, if an educational class/workshop, monthly meeting or special purpose meeting, the members present shall be paid a per diem of \$50.00. Per diem shall not be paid for meeting for personal information and have not received prior approved by the Town Board.
4. Mileage: The members shall be paid mileage for attending meetings and educational classes/workshops or while performing town duties. A detailed report shall be submitted and mileage payment will be at the current state rate per mile. If personal business is conducted in the same trip, mileage will be paid for one way.
5. Meals, Lodging: Meals, lodging and expenses will be reimbursed only when the costs and expenses are incurred involving work for the Town of Cooperstown that meets the per diem requirements in subsection 3 above and a meal is not included in the cost paid by the Town for the meeting/class/workshop.
6. Expenses: Receipts of expenditures must be provided to the Town Clerk prior to approval for payment. Payment for copies shall be at a rate of \$.10 per page after the following options have been utilized in the order stated: Contact Town Clerk to copy with town equipment, fax or email to Clerk information to be copied, in an emergency copy on personal copier. A written invoice stating the amount of copies and cost per copy to be submitted to the Town Clerk.
7. Any disagreements with compensation or expense payments shall be disputed within 90 days.
8. To be paid \$10.00 per hour for emergency work as determined by town board
9. To be paid \$10.00 per hour for other non officials' duties. Must be pre-approved by town board.

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1.06 TOWN CLERK. Eligibility to serve shall be as determined by state law.

A. The Town Clerk shall be elected at the spring election in odd-numbered years.

1. Oath: As per Section 1.05 B.2.
2. Bond: The Town Clerk is required to execute and file an appropriate bond through the present insurance carrier for the Town in the amount of \$50,000.00 as per Section 632.17(2) Wisconsin Statutes the Town shall provide the bond cost. The official bond shall be filed with the Town Treasurer. The elected/appointed Town Clerk required to file a bond shall file the required bond before entering upon the duties of the office. Failure to file the required bond within the time prescribed by law constitutes refusal to serve in office and the Town Board can declare the office vacant.

B DUTIES: Clerk of Town Meeting. The Town Clerk of the Town of Cooperstown shall serve as clerk of the Town of Cooperstown's Town meetings pursuant to Section 60.15 Wisconsin Statutes. At the Annual or Special Town meeting, the Town Clerk shall serve as clerk of the Annual or Special Town meeting. If the Town Clerk is absent, the Deputy Town Clerk shall serve as clerk of the Town meeting. If the Town Clerk and the Deputy Town Clerk are both absent, the presiding officer of the Town meeting shall appoint a temporary clerk as clerk for the Town meeting. The clerk of the Town meeting shall keep the minutes and a poll list of electors of the Town. The minutes of the Town meeting shall be signed by the clerk and these minutes shall be filed in the office of the Town Clerk within five (5) days after said meeting.

1. Clerk of Town Board. The Town Clerk shall serve as Clerk of the Town Board, shall attend meetings of the Town Board and shall keep a full record of its proceedings. Draft minutes of meeting should be available in ten days.
2. The Town Clerk shall file accounts approved by the Town Board or allowed at the 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 reviewed and approved by the Town Clerk, as required under Section 60.44(2)(c) Wisconsin Statutes
4. Finance Book. The Town Clerk shall maintain the computer system and print out a finance book, which shall contain a complete record of the finances of the Town, showing receipts, with the date and 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.
5. Elections, Appointments and Notices. The Town Clerk shall perform the duties required by Chapters 5, 10 and 12 Wisconsin Statutes relating to elections and notices. (See Section 1.12 Election Procedures.)

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6. 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.
7. 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.
8. Sale of Real Property. The Town Clerk shall execute the conveyance of real property of the Town.
9. Notices. The Town Clerk shall publish or post ordinances and resolutions as required under Section 60.80 Wis. Stats and shall give notice of annual and special Town meetings as required under Section 60.11(5) and 60.12(3) Wisconsin Statutes and regular and special Town Board meetings. The Town Clerk shall be responsible for posting/communicating Public Hearings.
10. Records. The Town Clerk shall comply with Subchapter II of Chapter 19 Wisconsin Statutes concerning any record of which the Town Clerk is legal custodian. The Town Clerk shall dispose of the books and papers as required by law, after Town Board notification.
11. 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.
12. Schools. The Town Clerk shall perform the Town Clerk's duties under Chaps. 115 and 121 Wisconsin Statutes relating to public instruction and 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. 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. The Town Clerk shall make and keep in the Town Clerk's office a map of the Town of Cooperstown, showing the exact boundaries of school districts within the Town. The Town Clerk shall apportion, as provided by law, tax revenues collected by the Town for schools.
13. Highways and Bridges. The Town Clerk shall perform the duties specified in Chapters 82 and 92 Wisconsin Statutes relating to highways, bridges and drains.
14. Fire Fighter Association. The Town Clerk, if a fire fighter association exists in the Town, shall receive the annual report pursuant to Section 213.07 Wisconsin Statutes.

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15. Managed Forest Act. The Town Clerk shall receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town pursuant to Section 77.82(5) Wisconsin Statutes. The Town Clerk shall receive copies of notice of hearings established pursuant to Section 77.82(6) Wisconsin Statutes and copies of any orders issued pursuant to Section 77.82(8) Wisconsin Statutes

16. Release and Publication of Assessment Roll. The Town Clerk shall receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chap. 985 Wisconsin Statutes. The notice will provide that on the noted days the assessment roll will be open for examination by the taxable inhabitants.

17. 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 who 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 Section 77.61 Wisconsin Statutes

18. Make Tax Roll/Annual Statement of Taxes. The Town Clerk shall annually prepare a tax roll. The clerk shall begin preparation of the tax roll at a time sufficient to permit timely delivery of the tax roll to the Town Treasurer by December 8, make and transmit to the County Treasurer, on forms furnished by DOR, a statement showing the total amount of taxes levied by the Town for the current year.

19. Correct Tax Roll. The Town Clerk, after receiving the Tax Roll from the County Treasurer and before delivering the Tax Roll to the Town Treasurer, shall correct the errors in the Tax Roll required in Section 70.73 Wisconsin Statutes.

20. 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 Section 70.50 Wisconsin Statutes.

21. By July 1 of each even-numbered year, the Town Clerk must complete and deliver a Taxation District Summary Report (PC-226 at time of passage) to the Wisconsin Department of Revenue. This report should summarize information provided by the tax-exempt property owners, with their report due March 31 each even-numbered year. The Clerk will make a reasonably diligent effort to ensure that tax exempt property owners are sent the registration form and have returned the same. When the form has not been received by the Clerk by March 31, the Clerk shall send the property owner(s) a notice, by certified mail, return receipt requested, stating the property for which the form is required will be appraised at the owner's expense, and a forfeiture imposed, if a completed form is not received by the Clerk within 30 days after the notice is sent. The Clerk shall be responsible for form distribution and review. Fees shall be:

If paid by March 31 of the registration year, a \$10.00 filing fee.

LICENSING: Prompt payment of fees shall be a condition of receiving or renewing any license issued by the Town to the tax-exempt property owner, when applicable. Timely submission of the required report

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is likewise a licensing condition and requires accurate information.

FORFEITURE: As per Section 13.09.

22. Deputy Clerk. The Town Clerk may, pursuant to Section 60.331 Wisconsin Statutes, appoint a Deputy Clerk. The Deputy Clerk shall take and file the oath and bond as required by Section 60.31 Wisconsin Statutes.

23. Additional Duties. The Town Clerk shall maintain a mailing list of town residents and property owners and shall be able to operate the computer equipment presently in the Town of Cooperstown's possession, including any programs currently being maintained. The Town Clerk shall make regular use of the Town's website and newsletter and is responsible for the editing, copying and mailing of the newsletter. See also Chapter 3 Fiscal Management.

C. VACANCIES. As per Section 1.05 E.

D. COMPENSATION.

1. The Town Clerk shall be paid a yearly salary plus per diems as voted on by the last Town Electors meeting prior to taking office and will take effect after the current election in which ballots were cast for the Town Clerk. See Chapter 15 Appendix A.
2. Per Diem: As per Section 1.05 F.3.
3. Mileage: As per Section 1.05 F.4.
4. Meals, Lodging, Expenses: As per Section 1.05 F.5.
5. Clerk to be paid \$10.00 per hour for other non clerk duties. Must be pre-approved by the town board.

1.07 TOWN TREASURER. Eligibility to serve shall be as determined by state law.

A. The Town Treasurer shall be elected at the spring election in odd-numbered years.

1. Oath: As per Section 1.05 B.2.
2. Bond: As per Section 1.06 A.2., except Town Treasurer shall be required to carry a bond of \$50,000.00 and the bond shall be kept on file in the Town Clerk's office.
3. Bond: The Treasurer of the Town of Cooperstown is exempt from giving the bond specified in s. 70.67(2), Wis Stats. The Town hereby obligates itself to pay, in case the Town Treasurer fails so to do, all state and county taxes that the Town Treasurer is required to pay to the County Treasurer.

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B. DUTIES: General Statutory Authority, Powers and Duties of Town Treasurer in Chapter 60 Wisconsin Statutes:

1. Receive and Disburse Town Money. The Town Treasurer shall receive and take charge of money belonging to the Town, or money which is required by law to be paid into the Town Treasury, and shall disburse the money pursuant to Section 6.0607 Wisconsin Statutes. The Town Treasurer shall keep an itemized account of all moneys 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 and transmit a copy of each to the Town Clerk. At the monthly Town Board meeting, the Town Treasurer shall present the account books and any supporting documents requested to the Town Board.
2. Deposit of Town Money. 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. The Town Board has designated the Denmark State Bank as the public depositories.
 - a When money is deposited under paragraph 2, the Town Treasurer and treasurer's sureties are not liable for any loss as defined in Section 34.01(2) Wisconsin Statutes. The interest arising from the money deposited shall be paid into the treasury of the Town.
3. Records. The Town Treasurer shall comply with Subchapter II of Chapter 19 Wisconsin Statutes concerning records of which the Town Treasurer is legal custodian.
4. Taxes. The Town Treasurer shall perform the duties relating to taxation required of the Town Treasurer under Chaps. 70 through 79 Wisconsin Statutes.
5. Deputy Town Treasurer. The Town Treasurer may appoint a Deputy Treasurer. The Deputy Treasurer shall take and file the oath and bond as required by Section 60.31 Wisconsin Statutes.
6. Additional Duties. The Town Treasurer shall make regular use of the Town's newsletter. Also see Chapter 3 Fiscal Management.

C. VACANCIES: As per Section 1.05 E.

D. COMPENSATION.

1. The Town Treasurer shall be paid a yearly salary plus per diems as voted on by the

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last Town Electors meeting prior to taking office and will take effect after the current election in which ballots were cast for the Town Treasurer. See Chapter 15 Appendix A.

2. Per Diem: As per Section 1.05 F.3.
3. Mileage: As per Section 1.05 F.4.
4. Meals, Lodging, Expenses: As per Section 1.05 F.5.
5. To be paid \$10.00 an hour for non Treasure duties. Must be pre-approved by the town board.

1.08 TOWN BOARD APPOINTED POSITIONS/COMMITTEES. The following shall constitute the standing position/committee structure and the duties of each named with the following qualifications essential:

A. GENERAL QUALIFICATIONS:

1. Have a general knowledge of the township and of town, county and state government.
2. Ability to meet, work effectively and get along with people, in the best interest of the township.
3. Be of a nature that can maintain favorable rapport with the Town Board members, town officials and townspeople.
4. Have available the necessary time for duties required to fulfill the responsibilities of the job.
5. Town resident.

B. ASSESSOR. The Town of Cooperstown's Town Board has the authority, to select and retain a Town Assessor for the Town. The Town Board has selected by appointment a Town Assessor with appointment made for a set period of time by the Chairman, subject to approval of the entire Town Board.

1. Qualifications: In addition to the general qualifications of this section, Assessor shall also have State Certification. The Assessor shall not be required to be a town resident.
2. Duties: The Town Assessor of the Town of Cooperstown shall have the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chapters 60, 66, 70 and 79 Wisconsin Statutes. The

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Town Assessor shall have the additional duties of submitting an annual list of real estate transfers to the Town Clerk to help maintain the Town's mailing list and also make use of the Town's building permits yearly to update assessment records.

3. Compensation: The Assessor shall be paid as set yearly by Town Board and Assessor's contractual agreement to include payment for his/her regular duties and attendance at requested and required meetings. The Assessor shall be paid an additional fee for reassessment with prior Town Board approval.

C. LAW ENFORCEMENT OFFICER. Eligibility to serve shall be as determined by state law.

A. The Town Constable shall be elected at the spring election in odd-numbered years.

1. Oath: As per Section 1.05 B.2.

Bond: As per Section 1.06 A.2., except Town Constable shall be required to carry a bond of \$5,000.00 and the bond shall be kept on file in the Town Clerk's office.

1 Qualifications: Shall meet General Qualifications of this section as set forth effective July 9, 1997.

2. Jurisdiction and Duties:

- a. Suppress unlawful assemblies within the Town of Cooperstown pursuant to Sec. 947.06 of Wisconsin Statutes.
- b. Serve within his county any writ, process, order or notice, and execute any order, warrant or execution lawfully directed to or required to be executed by him/her by any court or officer.
- c. Attend sessions of the Circuit Court in his county when required by the sheriff.
- d. Inform the District Attorney of all trespasses on public lands on which he/she has knowledge or information.
- e. Impound cattle, horses, sheep, swine and other animals at large on the highways in violation of any duly published order or ordinance adopted by the Town Board.
- f. Cause to be prosecuted all violations of law of which he/she has knowledge or information.

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- g. Perform all other duties required by any law.
- h. Cause to be enforced and prosecuted all violations of town ordinances of which he/she has knowledge or information.
- i. Act on behalf of the Town Board as directed to:
 - 1. See that town orders and ordinances are obeyed.
 - 2. See that peace and order are maintained in the town.
 - 3. Obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166 of Wisconsin Statues for emergency government.
- j. Attend Annual and Regular Monthly Meetings to give a report to the Town Board.

2. **COMPENSATION** : The Town Constable shall be paid a yearly salary plus per diems as voted on by the last Town Electors meeting prior to taking office and will take effect after the current election in which ballots were cast for the Town Constable. The Town Constable shall be paid \$50 per complaint or animal pickup after receipt of a detailed report on each incident. See Chapter 15 Appendix A.

- a. Per Diem: As per Section 1.05 F.3.
- b. Mileage: As per Section 1.05 F.4.
- c. Meals, Lodging, Expenses: As per Section 1.05 F.5.

D. PLANNING & ZONING COMMISSION.

- 1. The Town Plan Commission shall consist of five (5) members who shall serve with compensation. The Town Chairperson may appointment to the Commission town elected or appointed officials, including him or herself, but there shall always be (3) citizen members who are not otherwise town elected or appointed officials. At least one member of the Town Plan Commission shall be a Town Board member.
- 2. see chapter 4 sec 4.22

E. ELECTION OFFICIALS. Not later than December 31 of odd-numbered years, the Town Chairman shall nominate to the Town Board the necessary election officials and appointment shall be made for a 2-year term with entire Town Board approval. (If political parties provide list in compliance with state law, the nominations must be made from list.)

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1. Qualifications: As per General Qualifications.
2. Duties: As per state statutes.
3. Compensation. Officials shall be paid \$8.00 per hour effective 1/14/2003. Mileage: As per Section 1.05 F.4.
4. The number of election officials required at the Town of Cooperstown Polling Location shall be reduced to three (3) due to the small number of eligible voters in the town, except for Elections which more election officials are needed due to larger voter turnout.
5. Split Shifts. The Town of Cooperstown shall have a selection of alternate officials and shall have two shifts, first shift from 7:00 a.m. to 3:00 p.m. and the second shift from 3:00 p.m. to 8:00 p.m. and to include tabulations of election results. Alternate officials may be appointed to maintain adequate staffing of polling place and adequate coverage.

F. ROAD MAINTENANCE & CONSTRUCTION. see chapter 6

G. COMMITTEES/BOARDS. In order to investigate or analyze an issue or issues of concern to the township, special committees/boards may be formed by the Town Board and shall perform duties as outlined by Town Board.

1. Qualifications: As per General Qualifications.
2. Membership. A special committee/board may include town board members and citizen member.
3. Compensation. Committee members shall with paid
 - a. Per Diem: As per Section 1.05 F.3.
 - b. Mileage: As per Section 1.05 F.4.
 - c. Meals, Lodging, Expenses: As per Section 1.05 F.5.
 - d. secretary of committee/board to receive an additional \$30.00 per meeting.
4. Special committees shall be appointed for a limited purpose and/or term, and shall expire automatically at the end of their purpose/term.
5. Minutes of the meetings of all special committees/boards shall be kept by their secretary and an approved copy submitted to town clerk.
6. Special committees/boards shall report during their term or upon the conclusion of their work. Special committees/boards may offer resolutions for consideration by the Town Board if a majority of the members recommend such resolutions to the Town Board.

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1.09 ACCESS TO PUBLIC RECORDS.

A. DEFINITIONS: As used in this section:

1. Authority means any of the following having custody of a record; a local office, elected official, agency, board, commission, committee, council, department or public body corporate and political created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

2. Record means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes) and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

B. LEGAL CUSTODIANS.

1. An 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 prohibited by law, the Town Clerk or the Clerk's designees shall act as legal custodian for the Town Board and for any committees, commissions, boards or authorities created by ordinance or resolution of the Town Board except:
 - a. The Zoning Administrator is legal custodian for Town Zoning records and Committees/Boards.
 - b. The Law Enforcement Officer is legal custodian for his/her records.
 - c. The Assessor is legal custodian for Town Assessing records.
 - d. For every authority not specified in 1.09 B., the authority's chief administrative office is the legal custodian for the authority, but the officers may designate an employee of his or her staff to act as the legal custodian.
 - e. Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designate.

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f. The designation of a legal custodian does not affect the powers and duties of an authority under this sub-chapter.

C. PROCEDURAL INFORMATION. Pursuant to Section 19.34 Wisconsin Statutes, and the guidelines therein listed, each authority shall permit access to its records upon at least 48 hours' written or oral notice of intent to inspect or copy a record or establish a period of at least two (2) consecutive hours per week during which access to the records of the authority is permitted. In such case, the authority may require 24 hours' advanced written or oral notice of intent to inspect or copy a record.

D. ACCESS TO RECORDS; FEES.

1. The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of Section 19.35(1) Wisconsin Statutes.
2. Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form pursuant to Section 19.35(1) (b) Wisconsin Statutes, or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to Section 19.35(1) (f) Wisconsin Statutes, with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, and photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.
3. Fees:
 - a. Each authority shall impose a fee upon the requestor of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record unless a fee is otherwise specifically established or authorized to be established by law.
 - b. Each authority shall impose a fee upon the requestor of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.
 - c. In addition to the copying cost charge, a fee for locating a record will be charged if the cost is more than Fifty Dollars (\$50.00).
 - d. Each authority shall impose a fee upon a requestor for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requestor.
 - e. An authority may provide copies of a record without charge or at a reduced

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

- f. Each authority shall require prepayment by a requestor of any fee or fees imposed under this subsection if the total amount exceeds Five Dollars (\$5.00).
4. Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in Section 19.35 (4) Wisconsin Statutes.
5. Specific Fees:
 - a. Comprehensive Plan: \$25.00 fee.
 - b. copy charge: \$0.25 per page

E. SEPARATION OF INFORMATION. If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release.

1.10 VILLAGE POWERS. The following are the Village Powers granted to the Town Board as voted on and passed at Annual Meeting, dated April 5, 1966. Whereas Sec. 60.18 (12) of the Wis. Statutes provided that the Annual town meeting has the power to direct by resolution that the Town Board exercise all powers relating to village and conferred on a village board by Chapter 61 except such power, the exercise of which would conflict with the statutes relating to terms of town boards. Now therefore be said it is resolved by the Town of Cooperstown at its Annual Meeting that the Town Board exercise all powers relating to villages and conferred on village boards by Chapter 61, except such powers, the exercise of which would conflict with the statutes relating to the towns and town boards. The power granted by this resolution is in addition to the powers now granted to towns by statutes as of May 5, 1966.

1.11 ELECTION PROCEDURES. The Town of Cooperstown does require voter registration. The Town of Cooperstown shall have the election polls open on Election Day from 7:00 A.M. to 8:00 P.M. The polling location for the Town shall be the Town Hall. The Town shall require the use of optical scan ballots for elections in the Town and does have an ADA approved handicapped accessible machine. SVRS reports shall be charged a fee based on the fee set by the State Elections Board.

1.12 NONDISCRIMINATION. No Town of Cooperstown Official, Commission, Board or Committee may discriminate against any person in determining eligibility for Town services, providing services, granting accommodations to any person or awarding any permit, license, authority or privilege, on the basis of race, religion, color, creed, marital status, sex, handicapped condition, sexual orientation or national origin, unless some specific provision of law makes one of these factors a permissible consideration in the decision by the town.

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1.13 DESTRUCTION OF OBSOLETE RECORDS.

A. TITLE AND PURPOSE. This ordinance is entitled the Town of Cooperstown Destruction of Obsolete Records Ordinance. The purpose of this ordinance is to provide the town officers of the Town of Cooperstown with the authority to destroy certain obsolete public records in possession of the Town of Cooperstown.

B. AUTHORITY. The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, has the specific authority under [s. 19.21 \(4\)](#), Wis. stats., to manage and destroy obsolete public records in the possession of the Town of Cooperstown.

C. ADOPTION OF ORDINANCE. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, authorizes the powers and establishes the duties of the town officers of the Town of Cooperstown to manage and destroy obsolete public records in the possession of the Town of Cooperstown.

D. FINANCIAL AND OTHER RECORDS. The following Town of Cooperstown town officers, pursuant to [s. 19.21 \(5\)](#), Wis. stats., may destroy the financial and other records of which they are the legal custodians and that are considered obsolete as provided in *Appendix A: Record Retention Schedule* of this Ordinance. Records maintained and subject to retention include the records of elected officials and departments as follows: Clerk's, Treasurer's, Public Works, Constable, Assessment, Building Inspection, Planning Commission, Ordinance Committee, Elections, and Elected Officials; and any records of departments or elected positions that may be created by the Town of Cooperstown in the future. Prior to the destruction of any public record described in this Section, a notice in writing shall be given to the Town Board prior to sending a notice in writing to the Wisconsin Historical Society. See Chapter 15 DESTRUCTION OF OBSOLETE RECORDS.

E. HISTORICAL SOCIETY NOTIFICATION. Prior to the destruction of any public record described in Sections IV, at least 60 days notice in writing shall be given to the Wisconsin Historical Society unless waived. See *Appendix B: for Letter of Notification of Intent to Destroy Records*.

F. WHEN AUTHORIZED. This section shall not be construed to authorize the destruction of any public record in advance of the retention period prescribed by statute, state administration regulations, and the *Wisconsin Municipal Records Manual*.

G. PENALTY PROVISIONS. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100 nor more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

H. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications

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of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Adopted 08/06/2013

Amended 030816 Posted 032716 Ordinance 2016-1

Amended 021417 Posted 031517 Ordinance 2017-1

Amended 021318 Posted 021418 Ordinance 2018-1

Amended 050818 Posted 051218 Ordinance 2018-3

Amended 081122 Posted 082022 Ordinance 2022-3

Amended 091223 Posted Ordinance 2023-02