

**CHAPTER 2  
GOVERNMENT AND ADMINISTRATION**

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**SECTION 2.11**      **NUMBER OF TOWN SUPERVISORS.**

The membership of the Town Board shall be consist of (5) supervisors, with three (3) supervisors to be elected in odd number years, and two (2) supervisors to be elected in even numbered years.

History Note: Adopted 9/27/77.

**SECTION 2.21**      **BUILDING INSPECTOR.**(a)      **Appointment.**

The Town Board shall retain an individual or firm to serve as Town Building Inspector. The Building Inspector may be a Town employee. The Building Inspector shall serve at the pleasure of the Town Board for an indefinite term.

(b)      **Compensation.**

The Town Board shall, from time to time, establish the compensation basis for the individual or firm serving as Building Inspector.

(c)      **Qualifications.**

The Building Inspector shall be certified by the State Department of Safety and Professional Services. He or she shall possess a thorough working knowledge of the State Uniform Dwelling Code, Plumbing Code, Electrical Code and other building safety Codes, and have the necessary ability to supervise the general construction and other permanent equipment of buildings. It shall be unnecessary for the Building Inspector's certification to cover manufacturing facilities. The Building Inspector shall not be interested, directly or indirectly, in the construction of buildings, in the preparation of plans and specifications therefor, or permanent building equipment in the Town.

(d)      **Records Kept.**

The Building Inspector shall keep a record of all building permit applications and regularly number each permit in the order of its issue. The Building Inspector shall keep a record showing the number, description and size of all buildings erected during the Building Inspector's term of office, indicating the kinds of materials used, the cost of each building and the aggregate cost of all building of the various classes. Records shall also be kept of all inspections made, and of all removal and condemnation of buildings. The Building Inspector shall also keep a record of all fees collected showing the date of their receipt and delivery to the Town Treasurer. Annually, at the Town Meeting, the Building Inspector shall report on the activities on the above matters for the previous year.

(e)      **Powers and Duties.**

The Building Inspector shall be responsible for building inspection and systematic Code enforcement in the Town. The duties of Building Inspector shall include issuance of building permits, inspection of construction for which a building permit has been issued, issuance of plumbing and electrical permits and the inspection of installation related thereto. The Building Inspector shall enforce compliance with the Town Building, Electrical and Plumbing Codes, and shall assist the Town Engineer in enforcement of the Subdivision and Erosion Control Ordinances. In addition, the Building Inspector shall perform such other duties as the Town Board shall from time to time assign. The Building Inspector shall also have the following powers:

- (1) The Building Inspector may enter any building or premises, upon presenting the proper credentials, for the purpose of inspection or to prevent violation of the Building Codes and Ordinances. Application for and acceptance of a building permit shall constitute consent to such entry. Any person interfering with the Building Inspector's performance of the duties prescribed in this Ordinance shall be deemed guilty of violation of this Ordinance and subject to prosecution.
- (2) The Building Inspector shall withhold issuance of building permits for any building or premises on which an Erosion Control Plan is required but not yet approved.
- (3) The Building Inspector shall withhold issuance of building permits for any building or premises in a subdivision which is not serviced by a paved road approved by the Town Engineer or which lacks installation of other improvements required by the Town Board at the time the plat, certified survey map or condominium plat for the subdivision was approved by the Town Board.
- (4) Whenever any construction is being done contrary to a State, County or Town Code or is being done in an unsafe or dangerous manner, the Building Inspector shall order the work stopped by written notice served on any person engaged in doing or causing such work to be done. Such person shall immediately stop such work until authorized by the Building Inspector to proceed with the work.
- (5) Whenever any building or portion thereof is being used or occupied contrary to the provisions of a State, County or Town Code, the Building Inspector may order such use or occupancy discontinued and the building or portion thereof vacated. The Building Inspector shall serve notice on any person using or causing such occupancy to be continued and such person shall vacate the building or portion thereof within ten days of receipt of the notice or shall bring the building or portion into compliance with the applicable Code.
- (6) The Building Inspector shall have the authority to require that all construction, alteration, repair or removal of buildings be performed in accordance with the standard of good workmanship.
- (7) The issuance of a permit upon plans and specifications shall not prevent the Building Inspector from requiring correction of errors in the plans and specifications.
- (8) Pursuant to Wis. Stats. § 66.0413, the Building Inspector shall be the individual designated by the Town Board to enforce the removal or restoration of dilapidated, unsafe or unsanitary structures or the enforcement of orders to remove the buildings substantially out of repair.

History Note: Adopted November 28, 1989, amended through 1994 codification.

**SECTION 2.31      COMBINED OFFICE OF CLERK-TREASURER.****(a)    Duties of Office**

Pursuant to Wis. Stats. §§ 60.10(1)(b)2. and 60.305(1)(a), the Lodi Town Meeting has voted to combine the offices of Clerk and Treasurer. The Town Clerk-Treasurer shall perform the statutory duties of a Town Clerk and a Town Treasurer, as well as the duties set forth in §§ 2.31, 2.32, 2.33 and other provisions of this Code, and such other duties as required by the Town Board Chairperson and Town Board.

**(b)    Term of Office**

Pursuant to Wis. Stats. § 60.30(1e), the Town Clerk-Treasurer shall be appointed by the Town Board to serve for a term of one year. The Clerk-Treasurer may be reappointed at the end of the initial one year term, or any successive term for a new term not to exceed three years per term. The Clerk-Treasurer may be dismissed by the Town Board during his or her term only for cause.

History Note: Adopted through 1994 codification; adopted 9/21/00; amended by Ord. 2006-07, 3/28/06; Section 2.34 and 2.35 combined and moved through 2015 recodification

**SECTION 2.33**      **PERMANENT BOND FOR CLERK-TREASURER.**(a)      **Purpose.**

- (1) Wis. Stats. § 70.67 requires bonding for the Town Clerk-Treasurer for the benefit of the County Treasurer on taxes to be paid over. The Town Board has determined that cost of such commercial bonding is exorbitant in relation to the risk involved. The Town's risk can be further reduced by requiring a bond for the Town's benefit to be executed by the Treasurer, and the Town may require a number of sureties with Chairperson approval.
- (2) Authorization. Pursuant to authorization under Wis. Stats. § 70.67(2), in case the Town Clerk-Treasurer fails to pay all taxes of any kind required by law to be paid by said Treasurer to the County Treasurer, the Town of Lodi hereby obligates itself to pay such taxes.
- (3) In addition to any other bond required of the Town Clerk-Treasurer by Statute, the Town Clerk-Treasurer is hereby required to issue a bond to the Town, with two sureties acceptable to the Town Chairperson, in an amount equal to the taxes paid over to the County Treasurer in the prior year, or \$500,000.00, whichever is less. Said bond shall be executed as soon as possible following election to office, but in no case longer than 14 days following election, and the Chairperson shall have an additional 14 days to approve or reject sureties offered for said bond, once delivered to the Chairperson by the Treasurer. In the event any surety is rejected, the Town Clerk-Treasurer shall have an additional 14 days to select another surety, the Chairperson another 14 days approval period, with this pattern to continue until two acceptable sureties are obtained.
- (4) Within one week of passage, the Town Clerk-Treasurer shall mail or deliver a certified copy of this Ordinance to the County Treasurer's office.

History Note: Adopted through 1994 codification.

**SECTION 2.34**      **DUTIES OF THE TOWN CLERK-TREASURER.**

- (a) The Town Clerk-Treasurer shall have the following authority, duties and responsibilities:
- (1) Clerk of Town Meeting. The Town Clerk-Treasurer shall serve as Clerk of all Town meetings convened pursuant to Wis. Stats. § 60.15.
  - (2) Clerk of Town Board. The Town Clerk-Treasurer 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. The Clerk-Treasurer shall also file all accounts approved by the Town Board or allowed by the Town Board and enter a statement of the accounts in the record books of the Town. The Town Clerk-Treasurer shall also file with the Town Board all claims approved by the Town Clerk-Treasurer, as required by Wis. Stats. § 60.44(2)(c).
  - (3) Finance Book. The Town Clerk-Treasurer shall maintain a finance book, which shall contain a complete record of the Town's finance, 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 Town finances prescribed by the Town Board.
  - (4) Elections. The Town Clerk-Treasurer shall perform the duties required by Wis. Stats. Chs. 5, 10 and 12 relating to elections and notices. The Town Clerk-Treasurer shall transmit to the Columbia County Clerk, within ten days after election or appointment and qualification of the statutory Town officials, a written notice stating the name and post office address of the elected or appointed official. The Town Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.
  - (5) Attestations. The Town Clerk-Treasurer shall attest conveyances of real property of the Town as executed by the Town Board Chairperson.
  - (6) Notices and Town Board Agendas. The Town Clerk-Treasurer shall publish or post Ordinances and Resolutions, as required by Wis. Stats. § 60.80. The Town Clerk-Treasurer shall also give notice of annual and special Town Meetings, as required by Wis. Stats. §§ 60.11(5) and 60.12(3). The Town Clerk-Treasurer shall prepare the Agenda in consultation with the Town Board Chairperson for regular Town Board meetings, posting the Agenda on the Town website and in at least three (3) locations in the Town likely to give notice to the public no later than the Sunday before each scheduled meeting unless the agenda is amended in which case the Agenda shall be posted not less than twenty-four (24) hours prior to the meeting. The Agenda shall also be

mailed to Town Board members with previously unapproved meeting Minutes, and shall also be submitted to the official Town newspaper as soon as practicable, but no later than the time at which the Agenda is posted under this subsection.”

- (7) Plan Commission Agendas. The Town Clerk-Treasurer shall, in consultation with the Town Board Chairperson, prepare the Agenda for Plan Commission meetings. The Agenda shall be posted no less than 48 hours prior to the scheduled meeting time in the same locations where Town Board Agendas are posted, with copies of the Agenda mailed to Town Supervisors. In addition, the Agenda shall be mailed to the official Town newspaper no less than two days before the meeting for purposes of compliance with the Open Meetings Law.
  - (8) Other Agendas. The Town Clerk-Treasurer shall prepare the Agenda for all other Town Commissions and Committees, in consultation with the presiding officer thereof.
  - (9) Minutes. The Town Clerk-Treasurer shall prepare the Minutes for meetings of Town governmental bodies as soon as possible after the meetings. A copy of the prepared Minutes shall be forwarded to the official Town newspaper and to Town Board Supervisors.
  - (10) Records. The Town Clerk-Treasurer shall comply with the Wisconsin Public Records Law concerning any record of which the Town Clerk is legal custodian.
  - (11) Licenses. The Town Clerk-Treasurer shall issue any license or permit granted by the Town Board or by any of the Town Inspectors only upon approval of the required approving authority and payment in full of any fees involved with such license or permit.
  - (12) Liaison. The Town Clerk-Treasurer shall be the designated liaison between the Columbia County government and the Town Board.
  - (13) Grant Application. The Town Clerk-Treasurer shall prepare and submit such application for grants and loans as may be necessary and convenient.
  - (14) Reports. The Town Clerk-Treasurer shall prepare all necessary reports required by State agencies of Town government.
  - (15) Other Responsibilities. The Town Clerk-Treasurer shall perform such other duties as directed by the Town Board Chairperson or the Town Board from time to time.
- (b) The Town Clerk-Treasurer shall also have the following responsibilities:

- (1) Budget. The Town Clerk-Treasurer shall annually prepare a proposed budget for the upcoming year in October.
- (2) Taxes. The Town Clerk-Treasurer shall assure that all general property bills of all kinds are properly prepared and delivered to taxpayers, and shall be responsible for receipt of tax payments.
- (3) Financial Report. The Town Clerk-Treasurer shall report monthly to the Town Board concerning the current status of Town finances, and shall present the annual report of same to the Annual Meeting.
- (4) Billings. The Town Clerk-Treasurer shall prepare invoices used by the Town to charge parties for the Town's services.
- (5) Payroll. The Town Clerk-Treasurer shall prepare all necessary payroll records, including payroll tax records.
- (6) Reports. The Town Clerk-Treasurer shall prepare all necessary reports required by State agencies of Town government.
- (7) Other Responsibilities. The Town Clerk-Treasurer shall perform such other duties as directed by the Town Board Chairperson or the Town Board from time to time.

History Note: Adopted through 1994 codification, amended 7/30/96; amended by Ordinance No. 2010-16 July 27, 2010; reorganized through 2015 recodification.

**SECTION 2.36**      **PROPERTY TAX REFUNDS.**(a)      **Purpose.**

It is the declared intent of this Ordinance that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this Ordinance within 15 days of the payment. Further, it is the declared intent of this Ordinance that this policy shall be in full force and effect upon adoption by the Town Board with the purposes of complying with Wis. Stats. § 74.03(2).

(b)      **Authority.**

This Ordinance is adopted pursuant to the authority granted to town boards under Wis. Stats. § 60.44(2) to adopt an alternative claim procedure for approving certain financial claims against the Town which are in the nature of bills and vouchers.

(c)      **Payment of Excess Amount Over Property Tax Bill Amount.**

Pursuant to Wis. Stats. § 60.34, upon receipt of property tax payments in excess of the property tax bills, the Town Clerk-Treasurer shall deposit as soon as practicable all payments in the name of the Town in public depositories designated by the Town Board. Upon verification by the Town Clerk-Treasurer that the payment is deposited, has cleared and not been returned as insufficient funds, but no later than ten days after depositing, the Clerk-Treasurer shall prepare a voucher for the Town Board with the name and mailing address of the taxpayer for whom a refund in excess of the property tax bill amount is due, the amount of the refund in excess of the property tax bill, the date payment was received and a statement that the payment as made has cleared and not been returned as insufficient funds. Refunds shall not be paid except upon request within thirty (30) days of payment for any overpayments of Five Dollars (\$5.00) or less.

(d)      **Refund Procedure.**

The Town Clerk-Treasurer shall issue a voucher for payment of the refund of the excess amount over the property tax bill amount upon finding the following:

- (1) Funds are available to pay the bill, assuming the property tax payment has cleared and not been returned as is evidenced by the Clerk-Treasurer's notice.
- (2) The refund is due in the amount noticed by the Town Clerk-Treasurer as a property tax payment in excess of the amount of the property tax bill.
- (3) The refund is a valid claim against the Town, being a payment in excess of the property tax bill amount.
- (4) The Town Board has authorized the refund of excess property tax payments as established by adoption of this Ordinance.

- (5) Further, the Town Clerk-Treasurer shall prepare monthly, to be submitted to the Town Board at each monthly Board meeting, a list of claims paid under this procedure, listing the amount the claims, the date paid, the name of the taxpayer/claimant, and that the payment was a refund of excess payment or a claim due prior to the monthly Town Board meeting.
- (e) **Issuance of Disbursement From the Local Treasury.**  
Under Section (d) of this Ordinance, upon approval of a voucher (or proper authorization), a refund check payable to the taxpayer/claimant named in the voucher or authorization and in the amount approved shall be written by the Town Clerk-Treasurer and countersigned by the Town Chairperson, pursuant to Wis. Stats. § 60.24(1)(c)2. Said refund shall be issued not later than 15 business days from the date the property tax payment was received by the Clerk-Treasurer or prior to the due date of the claim.
- (f) **Mailing or Delivery of Refund Check to Taxpayer/Claimant.**  
Upon issuance of the property countersigned refund check or payment check, the refund or payment check shall be mailed to the taxpayer/claimant at the last known mailing address by the Town Clerk-Treasurer.

History Note: Adopted 9/13/01; amended by Ord. 2007-08 on 9/25/07

**SECTION 2.37**      **CONFIDENTIALITY OF INCOME AND EXPENSES**  
**PROVIDED TO ASSESSOR FOR ASSESSMENT**  
**PURPOSES.**

(a)    **Adoption.**

This ordinance adopts by reference Wis. Stats. § 70.47(7)(af). Income and expense information provided by property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Wis. Stats. § 19.35(1).

(b)    **Exceptions.**

An officer may make disclosure of such information under the following circumstances:

- (1)    The assessor has access to such information in the performance of his or her duties;
- (2)    The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
- (3)    Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- (4)    The officer is complying with a court order;
- (5)    The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Wis. Stats. § 74.37, in which case the base records are open and public.

(c)    **Severability.**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

History Note: Created and adopted April 25, 2000; Section 3.22 moved and renumbered Section 2.37 through 2015 recodification.

**SECTION 2.40      PLAN COMMISSION.****(a)      How Constituted.**

There is hereby created the Town of Lodi Plan Commission. The Plan Commission shall consist of seven members: two Supervisors and five citizens. The citizen members shall be persons of recognized experience and qualifications in land use planning issues. During its first year, one of the two Supervisor members shall be the Town Board Chairperson, who shall be its presiding officer. Thereafter, the Plan Commission shall elect its own officers.

**(b)      Appointment.**

The citizen members shall be appointed by the Town Board Chairperson, subject to confirmation by the Town Board. The initial citizen members appointed shall serve the following terms: two citizens serve one year terms, two citizens serve two year terms, and one citizen serves for a three year term. Thereafter, as terms expire, the citizen members shall serve staggered three year terms.

**(c)      Meetings.**

The Commission shall meet at least quarterly, upon the call of at least two members. The Town Clerk-Treasurer shall attend all meetings and prepare the Minutes of such meetings.

**(d)      Quorum and Voting.**

Four members shall constitute a quorum. Nonetheless, all actions of the Commission shall require the affirmative vote of a majority of all of the members of the Commission.

**(e)      Powers and Duties.**

The Plan Commission shall have the powers and duties of a village plan commission under Wis. Stats. § 61.35, except for the powers relating to adoption of Town Zoning Ordinances. The Plan Commission shall be the primary reviewing body for applications under the Subdivision Ordinance and the Erosion Control Ordinance. In addition, the Town Board may, from time to time, delegate additional responsibilities to the Plan Commission.

**(f)      Records.**

The Plan Commission shall comply with the Wisconsin Open Meetings Law regarding notice of meetings, agendas, Minutes of meetings and records of votes cast. All such records shall be filed with the Town Clerk-Treasurer.

History Note: Adopted May 30, 1989.

**SECTION 2.45**      **APPOINTMENT OF ALTERNATE BOARD OF REVIEW MEMBERS**

(a)      **Adoption.**

Pursuant to Wis. Stats. §§ 70.47(6m)(c) and 70.46(1), the Town Board hereby provides for the appointment of alternates to serve on the Town Board of Review in the event a standing board member of the Board of Review is removed or unable to serve for any reason.

(b)      **Appointments.**

The Town Board may name as many alternates as they deem necessary to meet the statutory requirement that no less than three Board of Review members are needed to make a final determination of an objection to the property assessment. When appointment of an alternate is necessary, the appointment must be made no less than 48 hours prior to a meeting of the Board of Review.

History Note: Created and adopted April 25, 2000

**SECTION 2.51**      **ETHICAL CONDUCT OF MEMBERS OF ALL  
BOARDS AND COMMISSIONS.**

(a)      **Policy.**

The proper operation of Town government demands that:

- (1)      Town officials and employees be independent, impartial and responsible to the people;
- (2)      Decisions be made in the proper channels of the Town governmental structure;
- (3)      Town offices should not be used for personal gain;
- (4)      Town business should be conducted in such a way so as to reinforce the public's confidence in its integrity. In recognition of these fundamental principles, there is hereby created a Code of Ethics.

(b)      **Purpose.**

- (1)      The purpose of this Ordinance is to establish ethical standards of conduct for all Town officials, elected or appointed, and its employees by identifying those acts or actions that are not compatible with the best interests of the Town. Because representatives of the Town are drawn from society, they cannot and should not be without personal and economic interest in the decisions and policies of government. Citizens who serve as Town officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for Town officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material. Town officials and employees have a right to:
  - (2)      Engage in employment and professional business activities, other than official duties, in order to support themselves and their families;
  - (3)      Maintain continuity in their professional and business activities;
  - (4)      Maintain investments or activities which do not conflict with specific provisions of this Ordinance.
- (5)      The provisions of this Ordinance, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

(c)      **Responsibility of Public Office.**

Town officials and employees are agents of public purpose and hold office to

serve the public interest. They are bound to uphold the constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, Columbia County, and the Town of Lodi. Further, they are bound to observe in their official acts, the standard of ethics set forth in this code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

(d) **Coverage.**

- (1) This Ordinance governs all Town officials, whether elected or appointed, paid or unpaid, including members of Boards, Committees and Commissions. This Ordinance also covers the following employment positions:
- (2) Constables;
- (3) Animal Control Officer;
- (4) Transfer site employees;
- (5) Building Inspectors;
- (6) Any other positions that may be considered for employment.

(e) **Exemptions.**

Political contributions which are reported under Wis. Stats. Chap. 11 are exempt from the provisions of this Ordinance.

(f) **Definitions.**

- (1) **Person.** Any individual, corporation, partnership, limited liability company, joint venture, association or organization.
- (2) **Financial Interest.** Any interest which yields, directly or indirectly, a monetary or other material benefit to the Town officer or employee or to any person employing or retaining services of the Town officer or employee.
- (3) **Anything of Value.** Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the State or Town, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, informational or educational materials of exceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this Ordinance.

- (4) Privileged Information. Any oral or written material related to the Town government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, Ordinances, Resolution or custom as privileged.
  - (5) Official. All Town Board members, and any other Town elected officers.
  - (6) Employee. All persons filling an allocated position of Town employment and all members of Boards, Committees and Commissions except those individuals included in Section (f)(5).
  - (7) Immediate Family. An official's or employee's spouse or family member who contributes more than one-half of the support of the official or receives that level of support from the official or employee.
- (g) **Fair and Equal Treatment.**
- (1) Use of Public Property. An official or employee shall not use or knowingly permit the use of Town services, equipment or materials for unauthorized non-governmental purposes or for the authorized personal convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the Town.
  - (2) Obligations to Citizens. An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not affect the duty of Town Board members to diligently represent their constituency.
- (h) **Conflict of Interest.**
- (1) Receipt of Gifts and Gratuities Prohibited. An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair his or her independence or judgment or action in the performance of his or her official duties.
  - (2) Exception. It is not a conflict of interest for an official or employee to receive a gift of gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.
  - (3) Business Interest. An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:
    - (A) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;
    - (B) Is contrary to the provisions of this Code; or

- (C) May impair his or her independence of judgment or action in the performance of his or her official duties.
- (4) Employment. An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereafter provided.
- (5) Contracting. An official or an employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the Town involving a payment or payments of more than \$2,000 amount within a twelve month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest of the nature and extent of such relationship or interest to the Town Clerk-Treasurer and reported such interest to the Town Board. Further, pursuant to Wis. Stats. § 946.13, an official or employee is prohibited from participating in the formation of a contract with the Town involving the receipts or disbursements of more than \$7,500 in any year.
- (6) Financial Interest of Legislation. A member of the Town Board who has a financial interest in any proposed action before the Town Board shall disclose the nature and extent of such interest to the Town Clerk-Treasurer and the Town Board prior to or during the initial discussion of such action. Any other official or employee who has a financial interest in any proposed action before the Town Board and who participates in discussion with or gives an official opinion or recommendation to the Town Board shall first disclose the nature and extent of such interest to the Town Board.
- (7) Disclosure of Privileged Information. An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information to advance his or her personal financial interest or that of his or her immediate family.
- (8) Gifts and Favors. An official or employee shall not accept, from any person or organization directly or indirectly, anything of value without full payment, if it could be reasonably be expected to influence his or her vote, governmental actions or judgments or could reasonably be considered as a reward for any governmental action or inaction.

(i) **Compliance with State Statutes.**

- (1) Statutes Incorporated by Reference. The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Ethics Ordinance: § 19.01 (Oaths and Bonds), § 19.21 (Custody and Delivery of Official Property and Records), §§ 19.81-19.89 (Open Meetings of Governmental Bodies), § 19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates).
- (2) Violation of Incorporated Statutes. Officials shall comply with the sections of the Wisconsin Statutes incorporated in this Code and failure to do so shall constitute a breach of this Ordinance.

(j) **Investigations and Enforcement.**

- (1) Advisory Opinions. Any person governed by this Ordinance may apply in writing to the Town Attorney for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before the advisory opinion is rendered. All opinions shall be in writing.
- (2) Complaints. The Town Attorney shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The Town Attorney shall forward a copy of the complaint to the accused officer or employee within ten (10) days. If no action on the verified complaint is taken by the Town Attorney within thirty (30) days, the complaint shall be dismissed.
- (3) Preliminary Investigations. Following the receipt of a verified complaint, the Town Attorney may make a preliminary investigations with respect to the alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights.
- (4) Limitations. The Town Attorney shall investigate any complaint properly filed with him or her. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.
- (5) Enforcement. If the Town Attorney finds that probable cause exists for believing the allegations of the complaint, the Town Attorney may:
  - (A) Request the officer or employee to conform his or her conduct to the Ethics Code.

- (k) Recommend that the Town Board order the officer or employee to conform his or her conduct to the Ethics Code or recommend that the official or employee be censured, suspended or removed from office.
- (l) Refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of Wis. Stats. § 19.59.

History Note: Adopted through 1994 codification.

**SECTION 2.61**      **VOLUNTEER FUNDS HELD BY FIRE AND EMS**  
**DEPARTMENTS.**

(a)      **Purpose and Authority.**

This ordinance is enacted pursuant to the authority of Wis. Stat. § 66.0608 for the purpose of authorizing volunteer funds to be held in the name of the Lodi Area Fire District Fire Department and the Lodi Area Emergency Medical Service respectively. This ordinance and its terms shall be interpreted in accordance with Wis. Stats. § 66.0608.

(b)      **Authorization to Deposit Funds.**

The Town Board of the Town of Lodi hereby authorizes the Lodi Area Fire District Fire Chief and the Lodi Area Emergency Medical Service (EMS) Director to deposit volunteer funds of their respective departments in an account in the name of their department in any public depository designated by the Town of Lodi, Town of West Point and City of Lodi under Wis. Stats. § 34.05.

(c)      **Control of Funds.**

The Fire Department membership and EMS membership through the Fire Chief and EMS Director respectively, are granted exclusive control over the expenditure of the volunteer funds of the respective departments. This authority is granted without limitation as to amount or type of funds but shall be subject to the limitations of sub. (d) below.

(d)      **Limitations and Requirements.**

The following limitations and requirements shall apply to the handling and disbursement of all volunteer funds:

(1)      **Expenditures.** Expenditures withdrawn from the accounts may be made only upon majority vote of the Fire Department or EMS members present at a regularly scheduled or duly noticed meeting of their department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the Fire Department or EMS to provide services for which it is organized.

(2)      **Accounting.** The Fire Chief and the EMS Director shall provide the Fire District Board and the EMS Commission with annual statements at the end of their respective fiscal years. The statements shall be provided within thirty (30) days after the end of the fiscal year. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the year. The source of all funds and the identity of the payee for each disbursement shall be set forth.

(3)      **Audit.** Fire Department and EMS accounts shall be included in an independent audit scheduled by the Fire District Board or EMS Commission for their respective departments. In addition, each department shall appoint an internal audit committee from the membership

Section 2.61 Volunteer Funds Held by Fire and  
EMS Departments

Government and Administration

after the close of each fiscal year to review all transactions to ensure compliance with this ordinance and any internal policies of the departments. These audit committees will issue a report of their findings to their respective memberships and to the Fire District Board/EMS Commission.

History Note: Adopted 5/25/04

**SECTION 2.71      FEES**

Except as elsewhere established in this Code of Ordinances, the following fees are hereby imposed to recover costs associated with exercising Town regulatory and review authority:

		<b>APPLICATION</b>	<b>FEE</b>
		Zoning Change Application	\$150.00
		Variance Application	\$150.00
		Conditional Use Permit Application	\$150.00
<b>ORDINANCE SECTION</b>	<b>ORDINANCE NAME</b>		
2.81	Worthless Payments		\$25.00
2.91(d)(1)	Public Records		\$0.25/page photocopying
2.91(d)(8)	Certification of Copies		\$15.00
2.91(d)(9)	Title Forms		\$25.00 per request
4.01(e)(5)(l)	Boating Regulation & Water Sports		\$100.00
4.03(i)(4)(A)	Airport Height Limitations - permit for nonconforming structure		\$50.00 fee (building inspector)
4.03(i)(4)(B)	Airport Height Limitations - permit for nonconforming structure		\$100.00 fee (Town of Lodi)
5.11(p)	Road Opening Permit		\$25.00
	Driveway Permit: Road or Type "C" access		\$50.00
	Driveway Permit: Type "B" access		\$50.00
	Driveway Permit: Type "A" access		\$25.00
	Driveway Permit: Agricultural Field access		\$25.00
6.01(d)(3)	Mobile Homes (outside of licensed park)		\$100/year/home
6.21	Dogs Registered		
	Dog License – spayed/neutered		\$5.00
	Dog License – non-spayed/non-neutered		\$10.00
	12 or fewer dogs		\$35.00
	Additional dogs about 12		\$3.00 per dog
	Late Application (30 days or more late)		Double fee
<b>6.31</b>	<b>ALCOHOL BEVERAGE LICENSES:</b>		
	Class "A" Fermented Beverage license		\$50.00/year
	Class "B" Fermented Beverage license		\$100.00/year
	Temporary Class "B" Fermented Malt Beverage license		No Fee
	Class "B" Fermented Malt Beverage license for 6 months		\$50.00
	Wholesaler's Fermented Malt Beverage license		\$25.00/year
	Special Wholesaler's Fermented Malt Beverage license		\$25.00/year
	Beverage Operator's license		\$25.00/year
	Temporary Beverage Operator's license (1-14 days)		\$10.00
	Provisional Beverage Operator's license		\$10.00/60 days
	Manager's license		\$25.00/year
	"Class A" Intoxicating Liquor license		\$150.00/year
	"Class B" Intoxicating Liquor license		350.00/year
	"Class B" Intoxicating Liquor license for 6 month period		\$175.00
	Reserve "Class B" license		\$10,000 initial fee
	"Class B" License for Full-Service Restaurants & Hotels		\$405.00/year
	"Class C" Wine license		\$100.00/year
6.41(e)(7)	Live Adult Entertainment		\$2,500.00
6.42(f)	Adult Oriented Establishments		\$1,000.00
7.01(h)	Solid Waste Facility		\$5,000 initial application fee/\$20,000 maximum (see 7.01(h))
7.05(e)(2)(A)	Manure Management Plan		\$50.00
10.05(e)	Land Divisions		See Section 10.05(e)

<b>11.21</b>	<b>BUILDING PERMITS:</b>		
	Residential Early Start		\$72.00
	New Residential (includes garage, decks and basements (mechanicals included)		\$0.222 per sq. ft.; minimum \$600.00
	Manufactured and HUD Dwellings		\$360.00, plus \$0.222 per sq. ft. for attached garage and decks
	State Seal (at state cost plus \$2 administrative fee)		\$35.00
	Residential Additions		\$0.222 per sq. ft.; minimum \$120.00
	Electrical Only		\$72.00
	Plumbing Only		\$72.00
	HVAC Only		\$72.00
	Driveways		Based on ordinance requirements
	In Ground Pools (where applicable)		\$72.00
	Detached Garage		\$90.00
	Other (sheds, decks, fences, signs)		\$72.00
	New One and Two Family Erosion Control		\$90.00
	Residential Additions Erosion Control		\$60.00
	Raze/Demo		\$30.00
	Preliminary Inspection for Relocation of Structure		\$240.00
	Commercial Early Start		\$120.00
	Commercial New Construction and Additions		\$0.14 per sq. ft.; minimum fee \$90.00
	Multi-Family (3family or more)	Electrical	\$0.05 per sq. ft.
	Restaurants, Motels, Offices, CBRF, Taverns Mercantile, Assembly Halls, Manufacturing and Industrial Schools, Hospitals, Schools, Institutional and Vehicle Repair, Storage, etc.	Plumbing	\$0.05 per sq. ft.
		HVAC	\$0.04 per sq. ft.
	Minimum Commercial Plumbing and HVAC Fee		\$72.00
	Minimum Commercial Electrical Fee		\$120.00
	Commercial Remodel (mechanicals needed)		\$0.10 per sq. ft., minimum fee \$90.00
	Commercial New Construction-Additions-Remodel for Storage Buildings or Shell Buildings (mechanicals needed)		\$0.08 per sq. ft.; minimum fee \$90.00
	Commercial Erosion Control		\$180.00 for the first acre and \$60 per acre thereafter
11.41	Site Plan Review		\$125 paid at time of application
12.21(d)	Residential Parking Permit		\$5.00/year annual permit
	Residential Parking Permit		\$1.00/week temporary permit
Wis. Stats. § 134.65	Tobacco Products License		\$10.00

History Note: Recreated by Ord. 2010-19 on 11/30/10; amended through 2015 recodification.

**SECTION 2.81**      **PAYMENTS TO TOWN DUE TO INSUFFICIENT FUNDS.**

Any person who issues a check or other payment to the Town of Lodi that is returned due to insufficient funds, closed account or is otherwise worthless shall be charged a fee of Twenty-Five Dollars (\$25.00) per incident. The fee may be collected by any lawful means available and may be grounds for suspension, revocation or refusal to issue any permit, license or approval related to the payment being made.

History Note: Adopted by Ord. 2006-07, 4/24/07

**SECTION 2.91**      **PUBLIC RECORDS**(a)      **Definitions.**

- (1)      **Record.** 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, Ordinances, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts.
- (2)      **Authority.** Any of the following Town entities having custody of a Town record: an office, elected official, agency, Board, Commission, Committee, Council, Department or public body corporate and politic created by constitution, law, Ordinance, rule or order; or a formally constituted sub-unit of the foregoing.

(b)      **Legal Custodian.**

- (1)      The Town Clerk-Treasurer, or in his or her absence or disability the Clerk-Treasurer's designee, is hereby designated the legal custodian of all Town records.
- (2)      The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subch. II of Ch. 19, Wis. Stats., and this Ordinance. The designation of a legal custodian does not affect the powers and duties of an authority under this Ordinance.

(c)      **Public Access to Records.**

- (1)      Except as provided in Sub. (e)(2), any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. § 19.35(1).
- (2)      Records will be available for inspection and copying during all regular office hours.
- (3)      If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (4)      A requester shall be permitted to use facilities comparable to those available to Town employees to inspect, copy or abstract a record.
- (5)      The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(d) **Fees for Locating and Copying Records.**

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

- (1) Fees for photocopies shall be as established under Section 2.71.
- (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
- (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
- (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
- (5) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
- (6) The legal custodian shall require prepayment of the estimated cost of applicable fees and charges if such estimate exceeds \$5.00.
- (7) Elected and appointed officials of the Town of Lodi shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
- (8) The fee for certification of records shall be as established under Section 2.71.
- (9) The Town of Lodi and its officers and employees have no obligation to create records upon request. The Town Clerk-Treasurer may, if it does not unduly interfere with the duties of his or her office, respond to requests from title or mortgage companies to complete forms to verify property information contained in public records including, but not limited to, special assessments, charges, delinquencies, and property taxes. Any such request, before it is fulfilled, shall be accompanied by payment of a fee established under Section 2.17. Compliance with any such request is discretionary and the Town of Lodi shall not assume any liability for any inaccuracies in the information given pursuant to this section.

(e) **Access Procedures.**

- (1) A request to inspect or receive a copy of a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. A request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is permissible under Wis. Stats. § 19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Sub. (d)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (2) The legal custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Town Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (3) A request for a record may be denied as provided in Sub. (e)(2). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the Attorney General or District Attorney.

(f) **Destruction of Records.**

- (1) Town officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Department of Revenue or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Wis. Stats. § 16.61(3)(e) and then after such shorter period:

- (A) Bank statements, deposit books, slips and stubs;
  - (B) Bonds and coupons after maturity;
  - (C) Canceled checks, duplicates and check stubs;
  - (D) License and permit applications, stubs and duplicates;
  - (E) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund;
  - (F) Receipt forms;
  - (G) Special assessment records;
  - (H) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (2) Town officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such period, or unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), and then after such shorter period:
- (A) Contracts and papers relating thereto;
  - (B) Correspondence and communications;
  - (C) Financial reports other than annual financial reports;
  - (D) Oaths of office;
  - (E) Reports of Boards, Commissions, Committees and officials duplicated in the Town Board proceedings;
  - (F) Election notices and proofs of publication;
  - (G) Canceled voter registration cards;
  - (H) Official bonds;
  - (I) Resolutions and petitions, providing the text of the same appears in the official Town Minutes;

- (3) Notwithstanding the above provisions appearing in this Section, it is intended hereby that election materials may be destroyed according to shorter time schedules as provided by Wis. Stats. § 7.23.
  - (4) Unless notice is waived by the State Historical Society, at least sixty days' notice shall be given the State Historical Society prior to the destruction of any records as provided by Wis. Stats. § 19.21(4)(a).
  - (5) Any tape recordings of a governmental meeting of the Town may be destroyed, erased or reused no sooner than ninety days after the Minutes of the meeting have been approved and posted/published, if the purpose of the recording was to make minutes of the meeting.
- (g) **Severability.**  
The provisions of this Ordinance are severable. If a section, subsection paragraph, sentence, clause or phrase shall be adjudged by a Court of competent jurisdiction to be invalid, the decision shall not affect the validity of this Ordinance.

History Note: Adopted November 28, 1989; amended to create sub(f) March 30, 1993; amended 2-26-96; amended by Ord. 2006-11 and Ord. 2006-12, 4/25/06.; amended by Ord. 2010-19, 11/30/10; Section 3.21 moved and renumbered Section 2.91 through 2015 recodification.

4825-0500-6598, v. 2