

ORDINANCE NO. 24 – 09

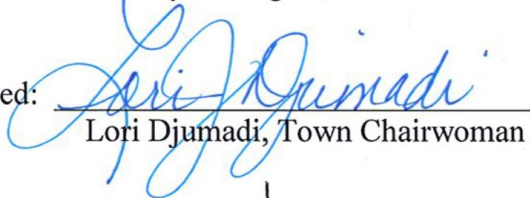
**AMENDMENT TO THE TOWN OF ROME CODE
PART 1: ADMINISTRATIVE LEGISLATION**

- CHAPTER 1 – GENERAL PROVISIONS**
- CHAPTER 20 – BOARDS, COMMISSIONS AND COMMITTEES**
- CHAPTER 34 – ELECTIONS**
- CHAPTER 39 – ETHICS**
- CHAPTER 45 – FINANCE AND TAXATION**
- CHAPTER 57 – GRIEVANCE PROCEDURE**
- CHAPTER 72 – OFFICERS AND EMPLOYEES**
- CHAPTER 86 – RECORDS**
- CHAPTER 95 – TOWN BOARD**

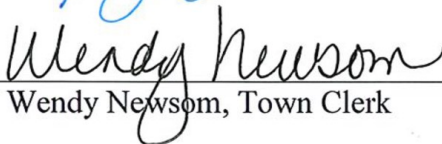
The Town Board of the Town of Rome, Adams County, Wisconsin, hereby amends the Town of Rome Code of Ordinances as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. The amendment shall be published or posted pursuant to section 60.80 Wis. Stats. and shall take effect the day after such posting or publication.

Adopted this 15th day of August, 2024.

Approved: _____


Lori Djumadi, Town Chairwoman

Attested: _____


Wendy Newsom, Town Clerk

Chapter 1, General Provisions

Article I Construction and Penalties

§ 1-4. Documents incorporated by reference.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and any amendments thereto shall likewise be incorporated. The Town Clerk shall maintain in his or her office a copy of any such material as adopted and as amended from time to time.

Article II Adoption of Code

§ 1-10. Copy of Code on file.

A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect

§ 1-12. Publication; filing.

The Clerk of the Town of Rome, pursuant to law, shall cause to be published, in the manner required by law, a notice of the adoption of this ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The publication of notice of the enactment of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Code to be kept up-to-date.

It shall be the duty of the Town Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code

§ 1-14. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code

§ 1-20. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Town of Rome, no changes in the meaning or intent of such ordinances have been made, except as provided for in this section. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

- B. The following changes are made throughout the Code:
- (1) References to specific chapters and sections of the Wisconsin Statutes and Wisconsin Administrative Code are amended to reflect the numbering of the statutes and Administrative Code as of the publication of this Code.
 - (2) Nomenclature.
 - (a) All references to the "Superintendent of Highways," "Superintendent of Public Works," and "Public Works Director" are changed to "Superintendent of Highways/Public Works."
 - (3) Chapters 20 and 72 are amended to change "Chairman" to "Chairperson."
 - (4) Chapter 234, Article III, is amended to change references to registrations and permits to licenses.
 - (5) Chapter 308, Article II, is amended to change instances of "all-terrain vehicles" to "all-terrain vehicles and utility terrain vehicles."
- C. The amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance.

Chapter 20, Boards, Commissions and Committees

§ 20-5. Utilities Committee. [Amended 9-6-2018 by Ord. No. 18-10; 6-4-2020 by Ord. No. 20-11]

- A. Creation and membership. There is hereby created a Town of Rome Utilities Committee. The Utilities Committee shall be comprised of five members, organized as three adult residents of the area of the Town where curbside service of the utility is available, one adult resident of the area of the Town where curbside service is not available, and one member from the Town Board.
- B. Term. Resident Committee members shall hold office for a term of three years, beginning the first day of May, except when the Utilities Committee is first constituted, resident members shall be appointed for terms which shall expire successively one each year on each succeeding first day of May. Supervisor members of the Committee shall be appointed by the Town Chairperson with the majority approval of the Town Board beginning the first day of May, for a term expiring with the expiration of his or her term as Supervisor.
- C. Recordkeeping. The Utilities Committee shall keep a written record of its proceedings, to include all actions taken. A copy of this record shall be filed with the Town Clerk. Additionally, the Chairperson of the Committee shall annually, prior to the first day of April of each year, submit a summary of the year's activities to the Town Board.
- D. Powers and duties. The Utilities Committee shall be an advisory committee to the Town Board, and provides recommendations to the Town Board on issues regarding the Town of Rome Utilities. The Committee shall provide review and recommendations regarding:
 - (1) Rome Water Utility policy and long-term planning, including public improvement construction, contracts and long-term capital improvements;
 - (2) Recommendations for the annual budget of the Town reflecting needed Utility expenditures;
 - (3) Prepare, adopt, and as necessary, amend a long-range plan projecting the needs of installation and establishment of municipal sanitary sewer services;
 - (4) Discussing issues of safety, function, maintenance needs, and policy concerning water and sewer utilities;
 - (5) Recommending Utility ordinance amendments;
 - (6) Utility rate changes; and
 - (7) Any other matter the Town Board or Administrator may refer.

§ 20-10. Alcohol Beverage License Review Committee. [Added 8-20-2020 by Ord. No. 20-161]

- A. Creation and membership. There is hereby created and established a Town of Rome Alcohol Beverage License Review Committee. Said Committee shall have all the powers hereinafter enumerated and shall be composed of five members, as follows: one Town Supervisor, the Town Administrator, the Chief of Police or the Chief's representative from the Rome Police Department, one resident member of the Town of Rome Community Development Authority, and one resident member of the Visit Rome, WI, Inc. Board of Directors who does not hold a current "Class B" intoxicating liquor license. The Town Clerk/Treasurer and Town Attorney shall be ex officio members and serve as staff liaisons for Committee meetings.

- B. Term. The Town Supervisor member of the Committee shall be appointed by the Town Chairperson subject to confirmation by the Town Board for a one-year term, commencing May 1 of each year. The Community Development Authority member shall be appointed by the Community Development Authority by April 30 of each year, for a one-year term, commencing May 1 of each year.
- C. Duties. The duties of the Alcohol Beverage License Review Committee shall be as follows:
- (1) In an advisory capacity to the Town Board, the Alcohol Beverage License Review Committee shall investigate all retail alcohol license applications required to be submitted by the Code of the Town of Rome and the Wisconsin Statutes, except provisional licenses and operator's licenses reviewed by the Town Administrator. The Committee will present its recommendation to the Town Board, whenever necessary, for review and action. Where the Committee recommends that a license application not be approved, the Committee shall provide those reasons for recommending denial to the Town Board.
 - (2) The Alcohol Beverage License Review Committee will conduct fact-finding hearings, make findings of fact, conclusions of law and recommendations to the Town Board pertaining to the revocation, suspension, nonissuance or nonrenewal of alcohol beverage licenses, pursuant to § 125.12, Wis. Stats.
 - (3) Review appeals of the Police Chief's assessment of demerit points for alcohol beverage violations.
 - (4) Review the Town of Rome Alcohol License Ordinance provisions of Town Code Chapter 234 and make recommendations to the Town Board regarding revision of the same.
 - (5) To perform such other duties as are delegated under the Town of Rome Code of Ordinances or as may be assigned to the Committee by the Town Board.
- D. Rules of procedure and policies. The Committee may adopt rules of procedure and policies, as necessary, to govern the review and recommendations regarding the granting and issuance of alcohol licenses. If the Committee adopts policies, it shall review them biennially. All Committee policies and revisions shall be submitted to the Town Board for approval. A copy of the Committee's approved policies shall be filed with the Town Clerk.
- E. Records. The Alcohol Beverage License Review Committee shall keep minutes of its meetings and file with the Town Clerk. The minutes of the meetings and other records of the Committee shall be open to public inspection, except as otherwise provided by the Wisconsin Public Records Law, §§ 19.21 through 19.39, Wis. Stats.

Chapter 34, Elections

§ 34-2. Statutory provisions; officials selected and working hours set.

Pursuant to § 7.30(1)(a), Wis. Stats., the Town Board hereby provides for the selection of two or more sets of officials to work at different times on election day and permits the Clerk or designee to establish different working hours for different officials assigned at the same polling place.

§ 34-3. Election day emergency plan.

A. Worldwide terrorism event.

- (1) In the event of a terrorist activity, the federal government may have a preliminary plan in place for moving activities of election days. However, if no plan exists, it shall be the policy of the Town of Rome to act accordingly. All elections shall continue unless federal or state officials have ordered otherwise.
- (2) A worldwide terrorist event, although dramatically affecting each voter on a personal level, may not affect the daily operations of each polling location. If there is no police order to take cover or remain indoors, all operations of the polling locations shall remain in effect.

B. Fire or fire alarms. In the event a fire or fire alarm has disturbed the activities at the Town Hall, the procedures set forth in Subsections E through G herein shall be used to effectively continue election processes.

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

D. Natural disaster/inclement weather.

- (1) During inclement weather, the Fire Department and Police Department shall stay apprised of the severity and shall alert the Town Clerk of possible emergencies.
- (2) Should an evacuation occur, the evacuation procedures listed above should be followed. If a natural disaster such as a tornado occurs and requires inspectors and voters to seek cover, all unvoted ballots and poll lists shall be secured with the Chief Inspector. The ballot box shall remain unplugged and locked. No ballots shall be allowed into the ballot box, and no unvoted ballots shall be released. After passage of the emergency, regular business shall resume and the Chief Inspector shall note on his/her inspector report the period of nonvoting from beginning to end.

E. Evacuation.

- (1) In the event an evacuation is ordered by the Police or Fire Chief, all unvoted ballots shall be taken into custody by the election inspectors and the ballot box that has been storing and counting voted ballots shall remain sealed, and unplugged. The box has a battery backup. The purpose for removing all unvoted ballots is to prevent anyone from entering and voting on unauthorized

ballots while inspectors are out of the building. Elections may continue as soon as fire officials have cleared the building for reentry.

- (2) Should an actual fire be detected, the locked ballot box has wheels and may be moved to the parking lot. If practical, the election inspectors may allow voting to continue in the parking lot of the building. There shall be established a designated corner of the parking lot where voting can take place and where the ballot box is still able to count and record ballots while on battery backup. However, a power supply may be needed if this process should continue longer than one hour. At no time shall the ballot box or ballots be out of sight of the election inspectors.
- (3) If this process is not able to be completed in the parking lot, then a change of venue shall be required. Changing the voting location shall require a police escort. The Town Clerk, or if the Town Clerk is not available, the Chief Inspector, shall determine if the event requires a change of venue. See Subsection F below to for the procedure for moving the entire polling location.

F. Change of venue.

- (1) When it is has been determined by the Town Clerk or Chief Inspector that a polling location needs to be moved to effectively respond to a disaster of any kind, the following process shall be executed.
- (2) The Town Clerk, with police escort, shall report to the polling location requiring the move. All inspectors shall assist the Clerk in packaging up all voting equipment, unvoted ballots, challenged ballots, recreated ballots, absentee envelopes, poll lists, new registration forms, and any other miscellaneous material.
- (3) The ballot box shall remain locked at all times.
- (4) The ballot box shall be escorted to a Town-owned vehicle for moving. A police officer shall remain in control of the ballot box at all times. A police escort shall take the ballot box (which holds all voted ballots) to Fire Station #2. At this location, all inspectors and the Town Clerk shall set up and operate the polling location. The ballot box has a battery backup and no information should be lost.
- (5) All unvoted ballots shall remain in the possession of the Chief Inspector and at least one other inspector during this change of venue.
- (6) Inspectors shall note this change of location on their Inspector Statement.
- (7) A sign shall be posted at the original polling location designating the new polling place for voters to see. Likewise, if possible, a notice shall be placed on the public access channel for voters to report to the correct location.

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

Chapter 39, Ethics

§ 39-3. Conflicts of interest.

- A. Applications. This section is intended to supplement § 19.59, Wis. Stats. If any conflict between this section and § 19.59 exists, the provisions of § 19.59 shall prevail.
- B. Conflict of interest. No public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or will tend to impair independence or judgment or action in the performance of official duties. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association.
- C. Conflicts of interest; disclosure of interest. Except as provided herein, no public officer or public employee shall engage in any business transaction with the Town, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or will tend to impair independence or judgment or action in the performance of official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the Town, or as part of official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Town Board (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, the public officer or employee shall abstain from voting on the matter and from participating in the discussion of the matter.
- D. Representing private interests before the Town Board or Town agencies. No public officer or employee, including persons or firms engaged to provide professional services to the Town shall represent private interests before the Town Board, commission or committee without disclosure of the private business relationship and explicit consent of the Town Board.
- E. Disclosure of confidential information. No public officer or employee shall, without proper authorization of the Town Board, disclose confidential information concerning the property, government or affairs of the Town, nor shall he or she use such information to advance the financial or other private interest of himself or others.
- F. Gifts and favors. No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to his or her knowledge, has a direct financial interest in any transaction or official business with the Town, which may tend to impair independence of judgment or action in the performance of official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift of gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to \$10 in value.
- G. Incompatible employment. No Supervisor or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of

Town of Judson judgment or action in the performance of his official duties. In the event a Supervisor, official or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Town Board for the records of that authority.

- H. Advisory opinion. Any questions as to the interpretation of any provisions of this subsection shall be referred to the Town Attorney for an advisory opinion.
- I. Penalties. Any person who violates this section may, upon conviction, be penalized pursuant to § 19.59(7), Wis. Stats.
- J. Confidentiality of information. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to § 70.47(7)(af), Wis. Stats. or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under § 70.47(7)(af), unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.

Chapter 45, Finance and Taxation

Article I Finance

§ 45-1. Preparation and adoption of budget.

The Town Board is responsible for preparation of the proposed budget required under § 65.90, Wis. Stats. When preparing the budget, the Town Board may provide for assistance by any person. When requested by the Chairperson, Town Board or Town Administrator, each officer, department and committee shall annually file with the Town Finance Director/Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Town Finance Director/Treasurer and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.

§ 45-2. Payment of claims.

Pursuant to § 60.44(2), Wis. Stats.:

A. The payment of a claim against the Town may be made from the Town treasury under

§ 66.0607, Wis. Stats., if the Town Clerk approves in writing the claim as a proper charge against the Town treasury. A claim against the Town is a proper charge against the Town treasury if the Town Clerk determines that all of the following conditions have been met:

- (1) Funds are available under the Town budget to pay the bill or voucher.
- (2) The item or service covered by the bill or voucher has been authorized by the Town Board or an authorized Town official, agent, or employee.
- (3) The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
- (4) The claim appears to be a valid claim against the Town.

B. The Town Clerk may require submission of proof to determine compliance with the conditions under Subsection A prior to approval. (For example, the Town Clerk/Treasurer may require verification of quantity, quality, etc., by another Town official or employee.)

C. After determining that the conditions under Subsection A will be met, the Town Clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon approval of a bill or voucher under this procedure, the Town Finance Director/Treasurer shall prepare and sign a check and have it countersigned by the Town Chairperson and Town Administrator pursuant to § 66.0607, Wis. Stats. The Town Finance Director/Treasurer shall then mail or deliver the completed check to the appropriate party. As required in § 66.0607(3), Wis. Stats., a certified copy of this article shall be filed with each public depository with which the Town deposits funds.

- D. Monthly report of claims. The Town Clerk shall file with the Town Board, at least monthly, a list of claims approved, showing the date paid, name of claimant, purpose and amount.

§ 45-3. Bond requirements.

Pursuant to §§ 60.31(2) and 19.01, Wis. Stats., the Town shall provide a blanket bond from a surety company for the Town Clerk and Town Finance Director/Treasurer. The amount of such blanket bond shall not be less than \$50,000.

§ 45-4. Receiving money; receipt for same.

The Town Finance Director/Treasurer shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt in triplicate therefor in the manner specified by the Town Board. The Finance Director/Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Town or to the Town or to the Finance Director/Treasurer shall be safeguarded in such manner, as the Town Board shall direct.

§ 45-5. Duplicate treasurer's bond eliminated.

Pursuant to § 70.67(2), Wis. Stats., the Town Finance Director/Treasurer is not required to give a bond to the county treasurer. The Town shall pay, if the Town Finance Director/Treasurer fails to do so, all taxes of every kind required by law to be paid by the Town Finance Director/Treasurer to the County Treasurer. A certified copy of this section shall be filed with the County Treasurer.

§ 45-6. Statement of real property status.

The Town Clerk and Town Finance Director/Treasurer are authorized to prepare a statement of real property status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric and sewer bills, current water, electric and sewer bills, contemplated improvement, floodplain status, violation of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Town Clerk or Town Finance Director/Treasurer shall collect a fee set by the Town Board for compiling such information on said form. The Town Clerk and Town Finance Director/Treasurer shall have a minimum of three business days during the regular work week to satisfy such requests. Neither the Town nor its officials assume any liability when providing this service.

Chapter 57, Grievance Procedure

§ 57-2. Complaint procedure.

- A. Complaints should be filed with the Town Clerk, who has been designated to coordinate Section 504 compliance.
- B. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- C. A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
- D. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Town Clerk, who should review the ADA Standards for Accessible Design and the Americans with Disabilities Act. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- E. A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than 30 days after its filing.
- F. The Section 504 coordinator shall maintain the files and records of the Town relating to the complaints filed.

§ 57-3. Appeals.

- A. The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven days to the Town Clerk.
- B. The grievance shall be heard by the Town Board within 10 working days after the filing of an appeals request. The grievance shall be heard at the Town Hall at a convenient time fixed by the Board. The Town Clerk/ shall give at least three days' written notice to the applicant by first class mail of any such grievance hearing.
- C. Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.
- D. The decision of the Town Board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Board shall be rendered within three working days of the close of the hearing and the Town Board shall immediately upon rendering the decision mail a copy thereof by first-class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Town Clerk.

Chapter 72, Officers and Employees

§ 72-3. Municipal Judge.

- A. Elected. The Judge shall be elected, at large, at the spring election held in even-numbered years for a term of four years. The term of office will begin on May 1 following the spring election in even-numbered years. The Judge shall receive such compensation as determined by the Town Board, which shall be in lieu of fees and costs. No compensation shall be paid to the Judge for any time during the term for which the official bond and oath have not been executed and filed. No compensation shall be paid for any day for which court is scheduled to be in session for which the Judge is not in attendance. Where possible, two weeks' advance notice of an off day or off days shall be submitted in writing to the Town Attorney and the Town Police Chief. The Judge must be licensed to practice law in the State of Wisconsin and must be an adult resident of the Town.
- B. Duties.
- (1) The Judge shall execute and file with the Town Clerk the oath prescribed by § 757.02(1), Wis. Stats., and a bond in the penal sum of \$2,000.
 - (2) The judge shall have the power and duties of a municipal court judge as provided for in Chapters 755 and 800, Wis. Stats.
 - (3) The Judge shall have jurisdiction as provided in §§ 755.045 and 800.01, Wis. Stats., and exclusive jurisdiction of violations of Town ordinances, except as provided by § 755.045(1)(a) and (b), Wis. Stats.
 - (4) The Judge may, in addition to any fine or penalty that may be imposed by law for any violation of a Town ordinance, impose forfeiture and/or jail time not to exceed seven days for contempt as provided in § 800.12, Wis. Stats.

§ 72-6. Town Attorney.

- A. Appointment. The Office of Town Attorney is an appointed position. The Town Attorney shall be appointed by the Town Board and shall serve at the pleasure of the Town Board.
- B. Duties.
- (1) Except as provided for in Subsection B(5) hereafter, the Town Attorney shall conduct all of the legal business in which the Town is interested.
 - (2) The Town Attorney shall, when requested by the Town Board, give written legal opinions, which shall be filed with the Town Clerk.
 - (3) The Town Attorney shall draft ordinances; the Town Board may request bonds and other instruments as required.
 - (4) The Town Attorney may appoint an assistant, who shall have power to perform duties and for whose acts the Town Attorney shall be responsible to the Town. Such assistant shall receive no compensation from the Town, unless previously authorized by the Town Board.

- (5) The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.
- (6) The Town Attorney shall perform such other duties as provided by state law and as designated by the Town Board.

§ 72-7. Town Administrator.

A. Appointment.

- (1) The Town Board shall appoint a Town Administrator.
- (2) Compensation for the Town Administrator shall be at the discretion of, and shall be the responsibility of the Town Board.

B. Duties. The Town Administrator shall perform the following duties:

- (1) As the Town's Chief Administrative Officer, the Town Administrator is responsible for the executive management of the Town's day-to-day operations, including supervision and directing of all subordinate department heads and administrative staff. The Town Administrator shall serve as the Town Board's key point of contact for departmental activities, status of Town operations and projects.
- (2) The Town Administrator shall execute Town Board policies, analyze and recommend alternative procedures for improved operating efficiency and service delivery, and assist with the proficiency of departmental efforts toward Town Board strategic goals.
- (3) The Town Administrator shall oversee the preparation of meeting agendas and supporting documentation by the Town Clerk, with final approval to be made by the Town Chairperson.
- (4) The Town Administrator shall represent the Town of Rome at external meetings, functions and events, serving as a liaison to governmental and civic organizations and committees, task forces, boards and commissions.
- (5) The Town Administrator is responsible for the annual development and administration of the Town's budget, a capital improvement plan and a long-term financial plan as part of an overall strategic planning effort.
- (6) The Town Administrator shall coordinate special projects for the Town of Rome, including planning, design, implementation and evaluation of allocation of financial, material and human resources committed to projects.
- (7) The Town Administrator, together with legal counsel, shall assure Town compliance with Town ordinances and regulations as well as applicable Wisconsin statutes, federal laws and regulations.

§ 72-8. Town Clerk.

A. Appointment:

- (1) Pursuant to § 60.30(1e), Wis. Stats., the office of Town Clerk shall be filled through appointment by the Town Board.
- (2) Compensation for the Clerk shall be at the discretion of, and shall be the responsibility of the Town Board.

B. Duties. The Town Clerk shall have such powers and perform such duties as prescribed by state law under § 60.33, Wis. Stats. In addition, the Town Clerk shall have certain additional general and specific duties, as directed by the Town Board or Town Administrator, not inconsistent with Ch. 60, Wis. Stats.

§ 72-15. Town Finance Director/Treasurer.

A. Appointment:

- (1) Pursuant to § 60.30(1e), Wis. Stats., the office of Town Treasurer shall be filled through appointment by the Town Board.
- (2) Compensation for the Town Finance Director/Treasurer shall be at the discretion of, and shall be the responsibility of the Town Board.

B. Duties. The Town Finance Director/Treasurer shall have such powers and perform such duties as prescribed by state law under § 60.34, Wis. Stats. In addition, the Town Finance Director/Treasurer shall have certain additional general and specific duties, as directed by the Town Board or Town Administrator, not inconsistent with Ch. 60, Wis. Stats.

§ 72-16. Town employees. [Amended 4-16-2020 by Ord. No. 20-03].

The Town Board may employ, on a temporary or permanent basis, persons necessary to carry out the functions of Town government. The Town Board may establish the qualifications and terms of employment. The Town Board may delegate the authority to hire Town employees to any Town official or employee.

§ 72-17. Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. If not defined herein, the word, term or phrase shall have the definition commonly accepted including a relevant definition contained in the Wisconsin Statutes. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:

FINE — Shall be the equivalent of the word "forfeiture," and vice versa.

NONCONFORMING USE — Any building or land lawfully occupied by a use at the effective date of a Town ordinance or amendment thereto which does not conform after passage with the requirements of the ordinance or amendment.

~~TOGGURANT~~ — Any person occupying or having use of a building, structure, premises of any part thereof.

OWNER — Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these who shall hold title to a building, structure or property, or who shall be in actual possession of, or have charge, or control of building, structure, or property as agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder.

PARK — All grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, public boat landing, public lake access, recreation facility or conservancy district in the Town.

PERSON — Includes a corporation, firm partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the term "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations, the work shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

STRUCTURE — Anything constructed or erected, the use of which requires a more or less permanent location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, fences, satellite dishes or swimming pools.

TOWN — The Town of Rome, Adams County, Wisconsin, or any duly appointed designate thereof, including, but not limited to, the Town Board and Town committees.

TOWN BOARD or BOARD — The present governing body of the Town or any successors to the legislative power of said body, or any duly appointed designate thereof.

USE — The purpose or activity, for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

USE, PERMITTED — A use which may be lawfully established in a particular zoning district or districts provided it conforms with all requirements, regulations, and standards of such district.

ZONING PERMIT — A permit issued by the Zoning Administrator that verifies that a specified use is permitted at the location and that the lot size and width requirements and the setback and yard requirements have been complied with. The zoning permit does not verify that structural components of a building comply with the Building Code. Such verification is typically certified by issuance of a building permit.

Chapter 86, Records

§ 86-1. Duty to maintain records.

- A. Each officer, employee and deputy shall keep secure and preserve all records received from his or her predecessor or other persons as required by law to be filed, deposited or kept in his or her office and which are in the lawful possession or control of the officer or employee or deputies. Each officer, employee and deputy shall also secure and preserve all records that come into his or her possession as an officer, employee or deputy.

- B. Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to the successor all records then in custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Town Clerk. If a vacancy occurs before a successor is selected or qualified, such records shall be delivered to and receipted for by the Town Clerk, to be delivered to such successor upon taking office. In the event the Town Clerk's position becomes temporarily vacant; the records shall be surrendered to the Town Chairperson.

Chapter 95, Town Board

§ 95-5. Order of business.

- A. At all meetings, the following order may be observed in conducting the business of the Town Board:
- (1) Call to order by presiding officer;
 - (2) Roll call;
 - (3) Reading and correcting the financial report and the minutes of the last preceding meeting or meetings;
 - (4) Presentation of petitions, memorials, remonstrances, and communications;
 - (5) Reports from officials of the Town;
 - (6) Reports from committees;
 - (7) Unfinished business remaining from preceding sessions in the order in which it was introduced;
 - (8) New business; ordinances and resolutions may be introduced and considered;
 - (9) Business may be presented by the Chairperson and Supervisors;
 - (10) Establish next agenda.
 - (11) Adjournment.
- B. Agenda preparation. The Town Administrator shall provide oversight to the Town Clerk in the preparation of an agenda incorporating the matters comprising the order of business, with final approval of the agenda by the Town Chairperson.
- C. No business shall be taken out of order unless by majority consent of all Supervisors and in the absence of any debate whatsoever. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Town Board.
- D. As soon as the Town Board meeting is called to order roll call shall be taken, noting who are present and who are absent, and the same shall be recorded in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Town Board shall adjourn.

§ 95-6. Introduction of business, resolutions and ordinances; disposition of communications.

- A. Ordinances, including amendments to existing ordinances, shall be adopted pursuant to §§ 60.80 and 66.0103, Wis. Stats., and as provided for in Subsection B herein.
- B. The procedure for adoption of an ordinance or an amendment to an existing ordinance shall be as follows:

- (1) An ordinance or amendment may be submitted to the Town Clerk by any Town Board member, the Town Administrator or department head.
 - (2) Proposed ordinances or amendments shall either be drafted by the Town Attorney or submitted to the Town Attorney for review prior to submission to the Town Clerk. In order to ensure this requirement is met, the Town Clerk shall forward all submitted ordinances and amendments to the Town Attorney for review unless the proposed ordinance or amendment includes verification that the Town Attorney has already reviewed the same.
 - (3) Upon receipt of the proposed ordinance or amendment, the Town Clerk shall provide a copy of the same to each Town Board member as well as the Town Administrator. The Town Clerk shall further consult with the Town Administrator and Town Chairperson about placement of the proposal on the agenda for a future Town Board meeting.
 - (4) Upon being placed on the agenda, a proposed ordinance or amendment shall be considered and acted upon according to the standards and procedures outlined in this section.
 - (5) If approved by the Town Board, an ordinance, amendment to an existing ordinance or resolution shall become effective as set forth in § 95-9 herein.
 - (6) Additions and amendments to Chapter 360, Zoning, of the Town Code are not subject to this section and shall be governed by the procedures outlined in that Chapter.
- C. Every petition or other writing of any kind, addressed to the Town Board, Town Administrator, Clerk or other Town officer/employee for reference to the Town Board, shall be delivered to the Chairperson as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Town Board following the receipt of same.

§ 95-9. Publication or posting of ordinances and resolutions.

- A. An ordinance or amendment shall take effect as follows:
- (1) If the ordinance or amendment does not impose forfeiture, it may either be posted in three public places or published pursuant to § 60.80(1), Wis. Stats. After posting, the Town Clerk shall complete and file an affidavit of posting as required in § 60.80(4), Wis. Stats.
 - (2) If the ordinance or amendment imposes forfeiture, it shall be published as a Class 1 notice pursuant to § 60.80(1) and (2), Wis. Stats. In lieu of publication of the ordinance or amendment in its entirety, a summary may be published pursuant to § 60.80(1) and (5), Wis. Stats.
 - (3) Unless a later date is set forth therein, the ordinance or amendment shall take effect the day after it is posted or published. An ordinance or amendment, after publication or posting, shall be inserted into the Town Codes.
- B. All resolutions shall be posted and shall take effect the day after posting unless a different date is stated in the resolution. The Town Clerk shall sign an affidavit attesting that the item was posted as required by this section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Town Clerk.

§ 95-10. Contacting Town Attorney. [Amended 10-4-2018 by Ord. No. 18-13; 5-16-2019 by Ord. No. 19-07; 4-16-2020 by Ord. No. 20-05; 8-20-2020 by Ord. No. 20-15]

Contacting the Town Attorney shall be limited to the following authorized persons: the Town Clerk, Town Finance Director/Treasurer, Town Administrator, Town Chairperson, Police Chief, Fire Chief, Director of Public Works, Water Utility Director, Town Assessor, Building Inspector, Zoning Administrator, President of the Lester Public Library Board of Trustees and the Chairperson of the Police and Fire Commission.