

## CHAPTER 2

### GENERAL GOVERNMENT

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**2.01 FORM OF GOVERNMENT.** The Town of Sparta, Monroe County, Wisconsin, operates under the town system of government under Ch. 60, Wis. Stats.

**2.02 VILLAGE POWERS.** The Annual Town Meeting of the Town of Sparta having previously hereto adopted a resolution pursuant to Wis. Stats. Sec. 60.10(2)(c) allowing the Town Board to exercise Village powers, said resolution remaining unchanged and not rescinded by this Code, therefore regular Town Meetings shall exercise power as follows: The Town Board shall exercise all powers relating to Villages and conferred on Village Boards by Wis. Stats. Chap. 61, except such power the exercise of which would conflict with the Statutes relating to Towns and Town Boards, pursuant to Wis. Stats. Chapter 60.22(3).

**2.03 OFFICIAL TOWN SEAL.** The Town shall have an official Town seal to be imprinted upon all papers of the Town requiring the seal of the Town. The Town Clerk shall have the custody of the official Town seal.

**2.04 ELECTED OFFICIALS.** The elected officials of the Town shall consist of the following:

- 1) **TOWN BOARD MEMBERS.** The Town Board shall consist of three (3) Supervisors who shall be elected in odd-numbered years for two (2) year terms; one shall be designated on the election ballot as Town Chairperson.
- 2) **TOWN CLERK.** Elected in odd-numbered years for a term of two (2) years. The Town Clerk shall perform the duties prescribed by Wis. Stats. Sec. 60.33, and all other duties required by law, ordinance, or lawful direction of the Town Board.
- 3) **TOWN TREASURER.** Elected in odd-numbered years for a term of two (2) years. The Town Treasurer shall perform the duties prescribed by Wis. Stat. Sec. 60.34, and all other duties required by law, ordinance, or lawful direction of the Town Board.

**2.05 APPOINTED OFFICIALS.** The appointed officials of the Town shall consist of the following. Those appointed for one (1) year shall be appointed in April of each year and those appointed for two (2) years shall be appointed in April of odd-numbered years.

Officials	How Appointed	Term
Town Assessor	Town Chairperson, subject to confirmation by the Town Board	Reviewed Annually
Building/Plumbing/Electrical Inspector	Town Chairperson, subject to confirmation by the Town Board	Reviewed Annually
Town Patrolman	Town Chairperson, subject to confirmation by the Town Board	Reviewed Annually
Town Attorney, Town Planner, Town Engineer	Town Chairperson, subject to confirmation by the Town Board	Contractual as needed

**2.06 LEGAL COUNSEL.** The Town Board hereby grants authority to the attorney/law firm retained by the Town to represent the interests of the Town and directs that such representation shall be conducted under the following policy:

- 1) Whenever a service of notice of litigation is received by the Town Clerk or any other Town official, such matter shall immediately be directed to the Town Attorney for handling. The Town Attorney shall immediately commence the defense of any litigation as deemed necessary for the appropriate representation of the Town as authorized by the Town Chairperson.
- 2) Litigation by the Town of Sparta shall not be commenced unless and until such authorization for the commencement of such litigation has been made by the Town Board.
- 3) Following the notice of any new litigation matters, either for or against the Town, such matters shall be directed to the Town Chairperson by the Town Clerk for placement on the next Town Board meeting agenda for the purpose of having the Town Attorney report the nature and status of the incident to the Town Board. Thereafter, the matter shall be placed on the agenda for regular Town Board meetings at intervals not to exceed 30 days for current status reports to the Town Board, or under an alternative timeline as directed by the Town Board.
- 4) It is the declared policy of the Town of Sparta that the status of legal matters will be regularly reviewed by the Town Board in accordance with the above policy and except where necessary, such review shall be conducted at regularly scheduled open meetings for the purpose of public information, unless one of the closed session exemptions in Wis. Stat. 19.85(1) applies.

**2.07 HIRING OF PERSONNEL & PROFESSIONAL SERVICES.**

- 1) Employees of the Town shall be hired by the Town Board.
- 2) The compensation, terms and conditions of employment of Town employees shall be established by the Town Board.
- 3) The Town Board may from time to time designate a firm or individual to serve as the official Town Engineer or Town Planner, or other so designated position, for the purposes of carrying out duties as directed by the Town Board in administration of this Code.

**2.08 APPOINTED BOARDS, COMMISSIONS, AND COMMITTEES.**

- 1) **BOARD OF REVIEW.**
  - a) **MEMBERSHIP.** The Board of Review shall consist of the Town Board and the Town Clerk. Two Town residents shall be alternate members to serve in the absence of a Town Board member.
  - b) **POWERS AND DUTIES.** The Board shall have the powers and duties as prescribed in §70.47, Wis. Stats.

3) ADMINISTRATIVE REVIEW APPEALS BOARD.

- a) MEMBERSHIP. The Administrative Review Appeals Board shall consist of the Town Chairperson who shall be its presiding officer and 2 citizen members. The citizen members shall be appointed by the Town Chairperson, subject to confirmation by the Town Board, for staggered 2 year terms.
- b) POWERS AND DUTIES. The Administrative Review Appeals Board shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of Town officers, employees, agents, agencies, committees, boards, commissions, and committees filed in accordance with §68.10, Wis. Stats. In conducting administrative review hearings and making final decisions, the Administrative Review Appeals Board shall be governed by §§68.11 and 68.12, Wis. Stats.

4) PLAN COMMISSION.

- a) PURPOSE. The purpose of this Subsection is to establish a Town of Sparta Plan Commission and set forth its organization, powers, and duties, to further the health, safety, and welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning and zoning regulations with significant citizen involvement.
- b) AUTHORITY AND ESTABLISHMENT. The Town Board hereby establishes a seven (7) member Plan Commission under Wis. Stats. 61.35 and 62.23.
- c) MEMBERSHIP. The Plan Commission consists of seven (7) members. At least three (3) must be citizen members who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.
- d) APPOINTMENTS. The Town Chairman shall appoint the members of the Plan Commission, subject to confirmation by the Town Board, during the month of April to fill any expiring term. The Town Chairman may appoint himself or herself or another Town Board member to the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Chairman shall be made after the election and qualification of the Town Board members elected.
- e) TERM OF OFFICE. The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except:
  - 1. Initial Term. The members initially appointed to the Plan Commission shall be appointed for staggered terms, and
  - 2. Town Board Member or Chairman. A Plan Commission member who is a Town Board member or Town Chairman, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed

under Chapter 66.0501(2) Wis. Stat., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

- f) VACANCIES. A person who is appointed to fill a vacancy on the Plan Commission shall serve the remainder of the term.
- g) EXPERTS AND STAFF. The Plan Commission may, under Chapter 62.23(1) Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.
- h) RULES AND RECORDS. The Plan Commission, under chapter 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record under Chapter 19.21-19.39, Wis. Stats.
- i) CHAIRPERSON. The Plan Commission shall elect, by open vote or secret ballot under chapter 19.88(1), Wis. Stats., a Chairperson from among their membership to serve a term as provided in Subsections (d) and (e) of this Section. The Chairperson shall, subject to Town ordinances and Commission rules:
  - 1. provide leadership to the Commission;
  - 2. set Commission meeting and hearing dates;
  - 3. provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
  - 4. preside at Commission meetings and hearings; and
  - 5. ensure that the laws are followed
- j) VICE CHAIR. The Plan Commission may elect, by open vote or secret ballot under chapter 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- k) SECRETARY. The Plan Commission shall elect, by open vote or secret ballot under chapter 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary. The Secretary shall not have a vote in the Commission unless otherwise a member of the Commission
- l) GENERAL AND MISCELLANEOUS POWERS. The Plan Commission, under chapter 62.23(4), Wis. Stats., shall have the power:
  - 1. Necessary to enable it to perform its functions and promote Town planning.
  - 2. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities, and organizations.

3. To recommend to the Town Board programs for public improvements and the financing of such improvements.
  4. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
  5. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under chapter 66.0119, Wis. Stats., or other court-issued warrant.
- m) REFERRALS TO THE PLAN COMMISSION. Required referrals under chapter 62.23(5), Wis. Stats., and chapter 66.1001, Wis. Stats., any other matter required by the Wisconsin Statutes to be referred to the Plan Commission. In addition to referrals required by the Wisconsin Statutes, the following matters may be referred by the Town Board to the Plan Commission for discussion and recommendation to the Town Board for action:
1. A proposed driveway access ordinance or amendment.
  2. A proposed plat, replat, condominium plat, or certified survey map.
  3. A proposed Town official map ordinance under chapter 62.23(6), Wis. Stats., or any other proposed Town ordinance under chapter 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Plan Commission.
  4. A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to chapter 62.23, Wis. Stats.
  5. An application for a conditional use or special exemption.
  6. A proposed site plan.
  7. A proposed boundary change pursuant to an approved cooperative plan agreement under chapter 66.0307, Wis. Stats., or a proposed boundary agreement under chapter 66.0225, Wis. Stats., or other authority.
  8. A proposed intergovernmental cooperation agreement, under chapter 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under chapter 66.0305, Wis. Stats.
  9. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under chapter 66.0307(7m), Wis. Stats.

10. Any proposed plan, element of a plan, or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
  11. A proposed county agricultural preservation plan or amendment, under chapter IV of chapter 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
  12. A proposed county comprehensive plan or amendment, under chapter 66.1001, Wis. Stats., referred by the county to the Town.
  13. A proposed municipal comprehensive plan or amendment, under chapter 66.1001, Wis. Stats., referred by a neighboring municipality to the Town.
  14. Any other matter deemed advisable for referral to the Plan Commission for report.
- n) REFERRAL PERIOD. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.
- o) MEETING TIME AND DATE. Plan Commission meetings may be held at any time and date upon the call of the Plan Commission Chair, or by two (2) other commission members, or by request of the Town Board by filing a request with the Town Clerk at least 24 hours prior to the time specified for such meeting. The Clerk shall immediately post a notice of the meeting together with the agenda and notify each Commissioner of the time and purpose of such meeting.

5) JOINT EXTRATERRITORIAL ZONING COMMITTEE

- a) PURPOSE. The City of Sparta has enacted extraterritorial zoning for the purpose of achieving coordinated development of the city and its immediate environs. Extraterritorial zoning has been in effect since 1970 and is coordinated with the City of Sparta through a Joint Extraterritorial Review Committee established in compliance with Wis. Stats. 62.23(7a).
- b) MEMBERSHIP. The Joint Extraterritorial Zoning Committee consists of six (6) members, three (3) members from the City of Sparta and three (3) members from the Town of Sparta. The three (3) Town members shall be appointed by the Town Board for three (3) year terms and shall be residents of the Town and persons of recognized experience and qualifications.

- c) DUTIES. The joint extraterritorial zoning committee shall have such duties as are established in Wis. Stats. § 62.23(7a) and in the City of Sparta Zoning Code, which is incorporated herein by reference.

**2.09 OFFICIAL OATH.** Every elected or appointed Town officer shall take and file the oath under §19.01, Wis. Stats., within five (5) days after notification of election or appointment. If any person elected or appointed to a Town office fails to file a required official oath within the time prescribed by law, the failure to file constitutes refusal to serve in office.

## **2.10 TOWN BOARD MEETINGS.**

### **1) MEETING TIME AND DATE.**

- a) REGULAR MEETINGS. Regular meetings of the Town Board shall be held on the second Tuesday of each calendar month at 7:00P.M. Any regular meeting falling on a legal holiday or the Wisconsin Towns Association convention dates shall be held on a day designated by the Town Board. The Board may also change the meeting date for other good cause.
- b) SPECIAL MEETINGS. Special meetings of the Board may be called by the Town Chairperson or two (2) other Supervisors by filing a request with the Town Clerk at least 24 hours prior to the time specified for such meeting. The Clerk shall immediately post a notice of the meeting together with the agenda and notify each Supervisor of the time and purpose of such meeting.
- c) PLACE OF MEETINGS. All meetings of the Board, including special and adjourned meetings, shall be held in the Town Hall or a location designated by the Town Board.
- d) QUORUM. Two Supervisors, including the Town Chairperson, shall constitute a quorum.

### **2) ORDER OF BUSINESS.** The business of the Town Board shall be conducted in the following order:

- a) Call to order by presiding officer
- b) Approval of minutes of previous meeting.
- c) Public input (at the discretion of the Town Board).
- d) Old and new business, including introduction of ordinances and resolutions; payment of claims.
- e) Reports of officers and committees.
- f) Other business, including correspondence.
- g) Approval of bills.
- h) Adjournment.

### **3) PRESIDING OFFICER.**

- a) CONTROL OF MEETING. The Town Chairperson shall preserve order and conduct the proceedings of the meeting. A Board member may appeal the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.



- b) **ABSENCE OF TOWN CHAIRPERSON.** If the Town Chairperson is absent at any meeting, the Town Clerk shall call the meeting to order and preside until the Board selects a Supervisor to preside for that meeting.
- 4) **ORDINANCES, RESOLUTIONS, AND MOTIONS.** Ordinances, resolutions, bylaws, communications and other matters shall be submitted to the Town Board in writing. Unless requested by a Supervisor before final vote is taken, no ordinance, resolution or bylaw need be read in full. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
- 5) **GENERAL RULES.** The deliberations of the Board shall generally be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised. No person, other than a member, shall address the Board except by majority vote of the members present. No ordinance, resolution, or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the motion and the person seconding it.
- 6) **SUSPENSION OF RULES.** These rules or any part thereof may be temporarily suspended in consideration by a recorded vote of 2/3 of the members present.
- 7) **AD HOC COMMITTEES.** The Town Board may, from time to time, create ad hoc committees for specific purposes and appoint members thereto.

## **2.11 ELECTIONS.**

- 1) **POLLING PLACES.** All primary, general, special and other elections in and for each of the wards of the Town shall be held in the Town Hall located at 5724 Hamlet Ave., Sparta, WI 54656.
- 2) **POLLING HOURS.** The polls for all elections in the Town, unless otherwise provided by law, shall be opened at 7:00 A.M. and closed at 8:00 P.M. each election day.
- 3) **REDUCTION OF NUMBER OF ELECTION OFFICIALS.** Pursuant to §7.32, Wis. Stats., the Town Clerk is hereby authorized to reduce the number of election officials for any given election to not less than three (3) and redistribute the duties of such remaining election officials.

## **2.12 POSTING AND PUBLICATION.**

- 1) **POSTING.** The Town Board shall, pursuant to §60.80 and Ch. 985, Wis. Stats., post ordinances, resolutions and notices which are not legally required to be published in the following places:
  - a) Town Hall
  - b) Town shop
  - c) City of Sparta Post Office
  - d) Other locations as deemed appropriate by the Town Clerk

- 2) PUBLICATION. Ordinances and notices required by law to be published and such other notices as the Town Board may direct to be published in the Monroe County Democrat or the Sparta Herald.

## **2.13 PUBLIC RECORDS.**

- 1) DESIGNATION OF LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN. The Town Board hereby designates the Town Clerk as the official legal custodian of the public records of the Town. It shall be the responsibility of the Clerk to carry out all duties and responsibilities imposed upon the Town and the legal custodian by the Wisconsin Public Records and Property Law, as set forth in §§19.31 to 19.39, Wis. Stats. The Clerk shall be responsible for the timely response to any request for access to the public records, the release of the public records of the Town, the conditions under which records may be inspected and the collection of costs for the location and reproduction of such records.
- 2) DESIGNATION OF DEPUTY LEGAL CUSTODIAN. The Town Treasurer is hereby designated as deputy legal custodian to act as legal custodian in the absence of the Town Clerk.
- 3) NOTICE TO ALL EMPLOYEES. Town officers and employees shall observe the standards of care imposed by Wis. Stats §19.31 with respect to the care, custody and delivery of official property and records of the Town.
- 4) POWERS AND DUTIES OF THE OFFICIAL LEGAL CUSTODIAN. All requests for the release, inspection and/or reproduction of public records of the Town shall be directed or referred to the Town Clerk who is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this section. The Town Clerk shall establish hours when persons shall have access to records maintained in the Town Hall. The Clerk shall prepare and post a notice to the public regarding access to public records, pursuant to §19.34, Wis. Stats.
- 5) FEE SCHEDULE REGARDING THE COSTS OF LOCATING AND/OR REPRODUCING RECORDS AND PROPERTY OF THE TOWN. The cost of photo-copying Town records, plans, or ordinances shall be established by the Town Board by resolution. A copy of the Fee Schedule shall be available in the office of the Town Clerk. It is intended that this fee schedule shall cover the payment of the actual, necessary and direct costs incurred in locating a document or in providing any person with a reproduction of any of the records of the Town.
- 6) PRESERVATION OF RECORDS. The records of the Town shall be retained and preserved by the legal custodian, as required by all applicable laws, and no records shall be destroyed without the prior written approval of the legal custodian. Further, no record of the Town shall be destroyed after the receipt of a request for such record until after the request is granted or until any dispute concerning the request has been completely and finally resolved.
- 7) DESTRUCTION OF OBSOLETE PUBLIC RECORDS.
  - a) FINANCIAL RECORDS. The Town Clerk may destroy the following nonutility records of which he is the legal custodian and which are considered obsolete after completion of

an audit by State auditors or an auditor licensed under Ch. 442, Wis. Stats., but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will, in the future, be fixed by the committee on public records, pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:

1. Bank statements, deposit books, slips and stubs
  2. Bonds and coupons after maturity
  3. Cancelled checks, duplicates and check stubs
  4. License and permit applications, stubs and duplicates
  5. Official bonds
  6. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund
  7. Receipt forms
  8. Special assessment records
  9. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto
  10. Utility receipts
- b) OTHER RECORDS. The Town Clerk may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective.
1. Contracts and papers relating thereto
  2. Correspondence and communications
  3. Financial reports other than annual financial reports
  4. Insurance policies
  5. Oaths of office
  6. Reports of boards, commissions, committees and officials duplicated in the Town Board minutes
  7. Petitions
- c) ALTERNATIVE PERIODS. The Town Board may direct the retention of any record listed in pars. (a) and (b) above for a longer period of time.
- d) NOTICE REQUIRED. Prior to the destruction of any public record described above, at least 60 days' notice shall be given to the State Historical Society.
- e) LIMITATION. This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or State administrative regulation.

## **2.14 USE OF TOWN HALL.**

- 1) PURPOSE AND INTENT. This section is adopted to establish uniform and reasonable rules and regulations to govern the rental and use of the Town Hall. The Town Hall shall not be rented out or used for meetings or events unrelated to official Town meetings or the duties of Town Officers.

**2.15 USE OF TOWN EQUIPMENT, TOOLS AND FURNISHINGS.** Town equipment, including trucks, tractors, mowers, etc., and other property of the Town shall not be rented, lent or otherwise made available for use to Town employees, Town residents, commercial or nonprofit enterprises or the general public without the written consent of the Town Board.

**2.16 COMPREHENSIVE PLAN.**

- 1) Pursuant to the provisions of Chapter 62.23(2) and (3) of the Wisconsin Statutes for cities and villages, and 60.22(3) for Towns exercising village powers, the Town of Sparta is authorized to prepare and adopt a Comprehensive Plan for the Town's vision of the future growth and development of the community as defined in Chapter 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.
- 2) The "Town of Sparta Comprehensive Plan 2014-2034" is authorized, adopted and approved as the comprehensive plan of the Town of Sparta, Wisconsin, pursuant to the provisions of Chapter 66.1001(4)(c) of the Wisconsin Statutes and shall serve as the Comprehensive Plan of the Town of Sparta, Wisconsin. The Town of Sparta Comprehensive Plan may be amended using the procedures described within the plan.
- 3) A true, correct and complete copy of the Comprehensive Plan shall be maintained in the Office of the Town Clerk of the Town of Sparta and shall be available for public inspection during all regular business hours of that office.
- 4) The appropriate officers and officials of the Town of Sparta be, and the same hereby are, authorized to take all such other and further action as they shall deem necessary or appropriate under and pursuant to the provisions of Section 66.1001 of the Wisconsin Statutes to implement and carry out the terms and provisions of the Comprehensive Plan for the effective growth, development, and preservation of the Town of Sparta as envisioned under and pursuant to the Comprehensive Plan.

**2.17 thru 2.99 RESERVED.**