

# TITLE XI

## Chapter 61

### ADMINISTRATIVE PROCEDURES

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#### 61.01 POLICY.

- (1) Throughout these ordinances, procedures are provided for various applications, permits and the like. A specific procedure has been provided for many instances where anticipated questions may arise with respect to review of administrative or council decisions.
- (2) In those instances where procedure has not been set forth or in situations where the procedure provided is not specific, this ordinance shall apply.
- (3) This Ordinance is not intended to be contrary to law or Wisconsin Statutes, if applicable, and not intended to contradict or overrule any companion ordinance.

#### 61.02 PERMITS.

In those instances where an application or a permit is required:

- (1) The Council shall provide a procedure for granting permits.
- (2) An application is required before the applicant is granted a permit.
- (3) The Clerk shall be responsible for furnishing appropriate forms and is hereby authorized and directed to develop the form and content of the application in question.
- (4) The Clerk, working in conjunction with appropriate standing committee of the council, shall adopt a fee schedule for use in the permit process.
- (5) The Council shall approve the fee schedule.
- (6) The fee shall accompany the application. Failure to tender the fee with the application is grounds for denial of the permit.

#### 61.03 REVIEW.

Upon review of an application for a permit:

- (1) Upon receipt of the application, The Clerk, shall review its content.

- (2) If referral of the application to an appropriate standing committee, the Zoning Administrator or some other individual is required, the Clerk shall do so without delay.
- (3) The review process, regardless of who conducts it, shall be concluded within thirty (30) days of the date of receipt of the application.
- (4) The party or parties conducting the review shall submit its recommendations in writing by the end of the thirty (30) day period.
- (5) At the conclusion of the review, the Clerk shall notify the applicant of the grant or denial of the permit.

61.04 HEARINGS.

In those instances where a public hearing is to be held:

- (1) A public hearing may be scheduled in the public interest or upon appropriate request of an applicant.
- (2) The Clerk shall be responsible for scheduling of a public hearing.
- (3) Such scheduling shall be done within a reasonable time after request but no later than forty-five (45) days of such request.
- (4) A fee for such a hearing may be provided upon direction of the Council.
- (5) Notice of the public hearing shall be furnished by means sufficient to apprise the general public, affected parties and interested persons of the scheduling of the hearing and that such person's shall be afforded an opportunity to be heard.
- (6) All persons expressing an interest to be heard shall be given an opportunity to be heard subject to time limitations.
- (7) The public hearing may be adjourned:
  - (A) At the request of the applicant;
  - (B) To receive additional information and / or testimony;
  - (C) Upon the Council's own motion.
- (8) At the conclusion of the hearing, the decision may be announced or action deferred to a later date.

61.05 DECISIONS.

In reaching a decision:

- (1) The individual, committee or council conducting the public hearing may:

- (A) Announce its decision;
  - (B) Go into executive session;
  - (C) Recess or adjourn its proceedings to consider its decision;
  - (D) Announce its decision at a later date.
- (2) Any recess or adjournment of proceedings to consider a decision and later announce the decision should be scheduled for a date certain.
  - (3) Notification to the applicant is required to apprise him of the delay in the decision-making process.
  - (4) In arriving at a decision, the individual, committee or council shall consider recommendations submitted by individuals, employees, standing committees and the Council itself, together with testimony and other matters received at the hearing.
  - (5) In arriving at a decision, the individual, committee or council is entitled to also consider whether or not its decision will be:
    - (A) Consistent with any prior grant, permit or approval;
    - (B) Beneficial to the applicant and the general public;
    - (C) Of a non-interfering nature with other individuals and their rights and privileges.
  - (6) The individual, committee or council may impose any reasonable restrictions with respect to the granting of an application in its decision process.

61.06

APPEALS.

In the event that the applicant or some other party who deems himself aggrieved by a decision, hereinafter referred to as party, wishes to appeal a decision:

- (1) If the decision was made by an individual or committee:
  - (A) The party may appeal the decision to the Council.
  - (B) The appeal must be initiated by filing an appropriate notice of appeal within thirty (30) days of the date of the written notice of the decision being appealed.
  - (C) An appropriate fee must accompany the notice of appeal. Failure to tender the fee will result in dismissal of the appeal.
  - (D) The Council shall have the authority to conduct its own investigation, hold public hearings, hear arguments, require briefs and other documentation, as well as any other process it deems expedient to carry out its function in deciding the appeal.

- (E) The Council shall render its decision on the appeal within one hundred eighty (180) days from the date the notice was filed, unless the time is extended by mutual consent of the party and the Council.
  - (F) The decision with regard to the appeal shall be in writing.
  - (G) Denial of relief requested is subject to appeal to the Circuit Court.
- (2) If the decision was made by the Council, the appeal may be taken to the Circuit Court, including those matters that may be appealed from under Section 61.06(1)

February 6, 2023 – renumbered to Chapter 61 (was Chapter 59)