

TOWN OF SIOUX CREEK
BARRON COUNTY, WISCONSIN
AN ORDINANCE REGARDING
BOARD OF APPEALS

The Town Board of the Town of Sioux Creek, Barron County, Wisconsin in order to provide for a method of appeal by which citizens who disagree with the decision of an inspector, a law enforcement officer or any other authority authorized by the Town Board to administer and enforce the ordinances of the Township may seek redress, does ordain as follows:

SECTION 1. BOARD OF APPEALS

- a. The membership of the Appeals Board shall consist of five (5) individuals, at least one of whom is a citizen at large.
- b. The members of the Appeals Board shall be appointed by the Town Board Chairperson subject to approval by the Town Board for terms of three (3) years, except that of those first appointed, one shall serve for one (1) year, two for two (2) years, and two for three (3) years. No Plan Commission Members may be appointed to the Appeals Board. The Appeals Board shall not contain more than one (1) Town Board Member.
- c. A quorum of the Appeals Board shall require three (3) or more members present.
- d. Decisions of the Board shall be by majority vote of a quorum of the members.

SECTION 2. APPEALABLE MATTERS

- a. Decisions by an inspector, a law enforcement officer or any other authority authorized by the Town Board that consists of interpretations of the terms of the Town Ordinances that are considered in the course of determining whether the Town Board will issue a permit or approval are appealable to the Board of Appeals as administrative appeals.
- b. Decisions by an inspector, a law enforcement officer or any other authority authorized by the Town Board to issue an ordinance violation, or to commence other ordinance enforcement activities, where the inspector, a law enforcement officer or any other authority authorized by the Town Board has determined that violation of the ordinances exists, is appealable to the Board of Appeals as an administrative appeal.

SECTION 3. APPEALS PROCEDURE

- a. Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, inspector, department, board, commission or committee of the Township government.
- b. An appeal shall be commenced within 30 days after the making of the decision or interpretation being appealed.
- c. An appeal shall be commenced by filing with the Town Clerk a notice of appeal specifying the decision being appealed and grounds for the requested relief and payment of a fee of \$50.00. Upon receipt of such a notice, the Town Clerk shall immediately notify the Town Board, the Board of Appeals, and any enforcement official involved with the matter being appealed, and shall transmit to the Appeals Board all papers and files which constitute the record of the decision being appealed.
- d. The Appeals Board shall decide the matter as soon as practicable, but in no event later than forty-five (45) days after the date of filing of the appeal with the Town Clerk. Should the Appeals Board fail to take the aforementioned action within the allotted forty-five (45) days, the requested relief shall be considered denied.
- e. An appeal of a decision to issue a permit, approval or enforcement demand, or to commence other ordinance enforcement proceedings, shall cause permit or approval action to be suspended, or shall stay further enforcement prosecution unless the Town Board or District Attorney shall file with the Board of Appeals a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.
- f. Following a hearing, the Appeals Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Appeals Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken.
- g. All decisions by the Appeals Board on administrative appeals shall be based upon the terms of the Town's ordinances and evidence as to the ordinances' legislative intent.
- h. All decisions of the Appeals Board shall be final.

SECTION 4. SEVERABILITY

a. If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION 5. EFFECTIVE DATE

a. This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 12th day of December, 2002.

TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN

Jerry Huset (signature)
TOWN BOARD CHAIR

James Severude (signature)
SUPERVISOR

Kathleen L. Martin (signature)
TOWN CLERK

Larry Larson (signature)
SUPERVISOR