

Chapter 23

BUDGET AND FINANCE

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| § 23-2. Bond on Clerk-Treasurer; Village liability. | § 23-7. Public depositories. |
| § 23-3. Village budget. | § 23-8. Claims against Village. |
| § 23-4. Changes in budget. | § 23-9. Temporary investment of funds. |
| § 23-5. Village funds to be spent in accordance with appropriation. | § 23-10. Facsimile signatures. |
| | § 23-11. Receiving money. |
| | § 23-12. Statement of real property status. |

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 2, Ch. 5 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Assessments and charges — See Ch. 10.

§ 23-1. Preparation of tax roll and tax receipts.

- A. Aggregate tax stated on roll. Pursuant to § 70.65(2), Wis. Stats., the Village Clerk-Treasurer shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.
- B. Rates stamped on receipts. In lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the Village Clerk-Treasurer.¹

§ 23-2. Bond on Clerk-Treasurer; Village liability.

- A. Bond eliminated. The Village of Ontario elects not to give the bond on the Village Clerk-Treasurer provided for by § 70.67(1), Wis. Stats.
- B. Village liable for default of Clerk-Treasurer. Pursuant to § 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Clerk-Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Clerk-Treasurer to the County Treasurer.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 23-3. Village budget.

- A. Departmental estimates. When requested by the Village President, Village Board or Clerk-Treasurer, each officer, department and committee shall annually file with the Clerk-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 condition 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 Clerk-Treasurer, shall be designated as "Departmental Estimates" and shall be as nearly uniform as possible for the main division of all departments.
- B. Committee on Finance, Licenses, Ordinances and Personnel to prepare budget. It shall be the duty of the Committee on Finance, Licenses, Ordinances and Personnel and the Village Clerk-Treasurer to have estimates prepared of the expenditures that will be incurred by the Village for the ensuing year. On or before the 20th day of October each year, the Committee on Finance, Licenses, Ordinances and Personnel shall prepare a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing year.
- C. Form of proposed budget. The proposed budget shall include the following information:
- (1) The actual expenditures of each department and activity for the expired portion of the current year and last preceding fiscal year, and the estimated expense of conducting each department and activity of the Village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
 - (2) An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.
 - (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
 - (4) All existing indebtedness of the Village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
 - (5) Such other information as may be required by the Board and by state law.
- D. Copies of the budget. The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- E. Report; proposed appropriation ordinance; public notice and hearing.

- (1) The Committee on Finance, Licenses, Ordinances and Personnel shall make a report to the Village Board at the first November meeting which shall include the estimated cost of improvements as well as the estimated cost of operating the various departments and all other costs, including interest charges, for which money will have to be raised by taxation during the following year. The Committee on Finance, Licenses, Ordinances and Personnel shall submit to the Board at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Board, it shall be deemed to have been regularly introduced therein.
- (2) A summary of such budget and notice of the time and place where such budget and detail are available for public inspection and notice of the time and place for holding the public hearing thereon shall be published in a newspaper of general circulation in the Village at least 10 days prior to the time of such public hearing.
- (3) Not less than 10 days after the publication of the proposed budget and the notice of hearing thereon, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the Village shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. Following the public hearing, the proposed appropriation ordinance may be changed or amended and shall take the same course in the Village Board as other ordinances.

§ 23-4. Changes in budget.

The amount of the tax to be levied or certified, the amounts of the various appropriations and the purposes thereof shall not be changed after approval of the budget, except upon the recommendation of the Village President and upon a two-thirds vote of the entire membership of the Village Board. Notice of such transfer shall be given by publication within eight days thereafter in the official Village newspaper.

§ 23-5. Village funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by § 23-4 of this chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation, but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

§ 23-6. Fiscal year.

The calendar year shall be the fiscal year.

§ 23-7. Public depositories. ²

The Village Board shall designate the public depository or depositories within this state within which Village funds shall be deposited, and when the money is deposited in such depository in the name of the Village, the Village Clerk-Treasurer and bondsman shall not be liable for such losses as are defined by state law. The interest arising therefrom shall be paid into the Village treasury. Pursuant to state law, designated public depositories shall be required to pledge United States Treasury notes equal in amount to any uninsured balance of the Village's deposit.

§ 23-8. Claims against Village.

- A. Claims to be certified. Prior to submission of any account, demand or claim to the Village Board for approval of payment, the Village Clerk-Treasurer shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:
- (1) That funds are available therefor pursuant to the budget.
 - (2) That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
 - (3) That the claim is accurate in amount and a proper charge against the treasury.
- B. Village Board to audit accounts.
- (1) No account or demand against the Village, except as provided in Subsection C of this section, shall be paid until it has been passed upon by the Village Board and an order drawn on the Village Clerk-Treasurer therefor. Every such account shall be itemized and certified as provided in Subsection A.
 - (2) After auditing, the Village Board shall cause to be endorsed by the Clerk-Treasurer, on each account, the word "allowed" or "disallowed," as the fact is, adding the amount allowed or specifying the items or parts of items disallowed. If the Village Board shall approve the same, it shall direct the Clerk-Treasurer to issue a Village order for the amount of the claim approved. All money paid out of the Village treasury shall be paid upon an order signed by the Village President and countersigned by the Clerk-Treasurer, except that payments of regular wages or salaries shall be as provided in Subsection C below. The minutes of the proceedings of the Board, or a statement attached thereto, shall show to whom, and for what purpose, every such account was allowed and the amount.
- C. Payment of regular wages or salaries. Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official, department head, board or commission and filed with the Village Clerk-Treasurer in time for payment on the regular payday.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- D. Method of incurring claims. All actions of the Village Board appropriating money or creating a charge against the Village, other than claims for purchases or work previously authorized by the Board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of 3/4 of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.

§ 23-9. Temporary investment of funds.

The Village Clerk-Treasurer may invest any Village funds not immediately needed, pursuant to §§ 66.0603(1m) and 219.05, Wis. Stats.

§ 23-10. Facsimile signatures.

In lieu of the personal signatures of the Village Clerk-Treasurer and Village President, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Village President, but the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof.

§ 23-11. Receiving money.

- A. The Village Clerk-Treasurer or his deputies 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 therefor in the manner specified by the Village Board.
- B. Upon the payment of any money (except for taxes as herein provided), the Village Clerk-Treasurer shall make out a receipt in duplicate for the money so received. The Clerk-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 Village or to the Village or to the Clerk-Treasurer shall be safeguarded in such manner as the Village Board shall direct.

§ 23-12. Statement of real property status.

The Village Clerk-Treasurer is 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 improvements; floodplain status; violations 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 Village Clerk-Treasurer shall collect a fee as set by the Village Board for furnishing such information on said form.³

3. Editor's Note: See Ch. A390, Fees.

Chapter 30

CITATIONS

§ 30-1. Authority.

§ 30-2. Officials authorized to issue citation.

§ 30-3. Form of citation.

§ 30-4. Schedule of cash deposits.

§ 30-5. Receipt of cash deposits.

§ 30-6. Violator's options; procedure on default.

§ 30-7. Chapter not exclusive.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 1, Ch. 2 of the 1986 Code. Amendments noted where applicable.]

§ 30-1. Authority.

Pursuant to the authority granted by § 66.0113, Wis. Stats., the use of a citation to be issued for violations of ordinances other than those for which a statutory counterpart exists is hereby authorized.

§ 30-2. Officials authorized to issue citation.

Citations authorized in § 30-1 above may be issued by law enforcement officers of the Village and by designated Village officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this section may delegate the authority to other Village employees within the designated official's department with the approval of the Village Board.

§ 30-3. Form of citation. ¹

The form of the citation to be issued by designated Village officials is incorporated herein by reference and shall provide for the information required in § 66.0113(1)(b), Wis. Stats.

§ 30-4. Schedule of cash deposits. ²

The cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk-Treasurer. In addition to the deposit amount listed, the deposit must include the costs, fees and surcharges imposed under Ch. 814, Wis. Stats.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 30-5. Receipt of cash deposits.

Deposits shall be made in cash or by money order or certified check to the Clerk of Municipal Court, Ontario Village Hall, Wisconsin. Receipts shall be given for all deposits received.

§ 30-6. Violator's options; procedure on default.

Section 66.0113(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

§ 30-7. Chapter not exclusive.

- A. Adoption of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- B. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Resolution Authorizing the Use of Special Registration Deputies for Village of Ontario Elections

The Village Board of Trustees for the Village of Ontario does hereby resolve as follows:

Pursuant to Section 6.55 (6) of the Wisconsin State Statutes, the Village Board of the Village of Ontario does hereby provide that any of the registration duties of inspectors under Section 6.55 (2) shall be carried out in the municipality by special registration deputies appointed by the municipal clerk at the polling place or other registration location whenever the Village Clerk determines the process for registration provided in Section 6.55 (2) of the Wisconsin State Statutes will be facilitated thereby. The deputies so appointed shall be specially appointed by the Village Clerk for one election only to conduct elector registration only.

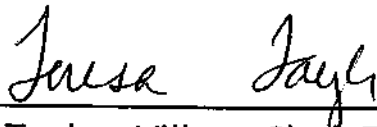
Adopted this 14th day of April, 2014.

BY:



Mark Smith, Village President

ATTEST:



Teresa Taylor, Village Clerk-Treasurer

**Creation of Ordinance #61-5
Establishing Split Shifts for Election Officials**

The Village Board of the Village of Ontario, Vernon County, Wisconsin has the specific authority under §7.30 (1), Wis. Stats., to adopt this ordinance.

This ordinance, adopted by a majority of the Village Board with a quorum present and voting and proper notice having been given, provides for the selection of 2 (or more) sets of officials to work at different times on each election day as follows:

The Clerk/Treasurer may select 2 shifts for election officials. The first shift shall commence at 6:30 a.m. and end at 1:30 p.m. The second shift shall commence at 1:30 p.m. and end with completion of all required Election Day duties that follow the closure of the polls.

This Ordinance is effective upon posting.

Adopted this 9th day of December, 2013.



Mark Smith, Village President

Attest:



Teresa Taylor, Village Clerk/Treasurer

ORDINANCE #01-2013

AN ORDINANCE TO AMEND SECTION 61-3, OF THE CODE OF ORDINANCES OF THE VILLAGE OF ONTARIO, WISCONSIN.

§61-3. Reduction of number of election officials.

Pursuant to §7.32, Wis. Stats, the Clerk/Treasurer may reduce the number of election officials for any given election to no fewer than three and redistribute the duties of such remaining officials, if needed. Election officials will be drawn at random prior to each election by the Clerk/Treasurer.

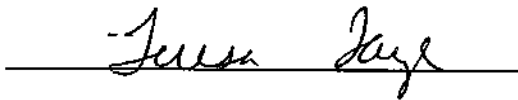
This Ordinance is effective upon posting.

Adopted this 9th day of December, 2013.



Mark Smith, Village President

Attest:



Teresa Taylor, Village Clerk/Treasurer

ORDINANCE #02-2013

AN ORDINANCE TO AMEND SECTION 61-2, OF THE CODE OF ORDINANCES OF THE VILLAGE OF ONTARIO, WISCONSIN.

§61-2. Election Poll Hours.

Pursuant to §6.78, Wis. Stats, The voting polls in the Village of Ontario, Vernon County, Wisconsin, shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

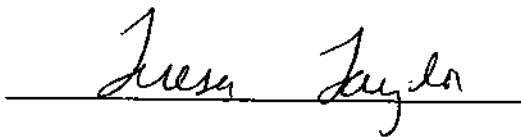
This Ordinance is effective upon posting.

Adopted this 9th day of December, 2013.

A handwritten signature in black ink, appearing to read "Mark Smith", written over a horizontal line.

Mark Smith, Village President

Attest:

A handwritten signature in black ink, appearing to read "Teresa Taylor", written over a horizontal line.

Teresa Taylor, Village Clerk/Treasurer

Chapter 38

DEPARTMENTS

ARTICLE I Fire Department

§ 38-1. Volunteer Fire Department recognized; membership; adoption of bylaws.

§ 38-2. Police power; investigation of fires.

§ 38-3. Equipment and apparatus.

[HISTORY: Adopted by the Village Board of the Village of Ontario as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 187.

ARTICLE I Fire Department

[Adopted 7-7-1986 as §§ 3-1-1 and 3-1-3 of the 1986 Code]

§ 38-1. Volunteer Fire Department recognized; membership; adoption of bylaws.

- A. Recognition. The Ontario Volunteer Fire Department is hereby officially recognized, and the duty of conducting the Fire Department is hereby delegated to such organization, and its organization and internal regulations shall be governed by the constitution and bylaws of that organization, insofar as they do not conflict with the provisions of this Code.
- B. Membership. The Volunteer Fire Department of the Village of Ontario shall consist of the Fire Chief,¹ a First and Second Assistant Fire Chief, a Captain and a Lieutenant for each company, and a Secretary-Treasurer, together with one master mechanic and as many drivers and firemen who are residents of the Village of Ontario, Wisconsin, as may be appointed by the Chief and be approved by the Village Board, provided that at no time shall the Department consist of fewer than 22 active members. The Chief and First and Second Assistant Chief of the Fire Department and such other officers as are necessary shall be selected by the members of the Department at their annual meeting in January. The Chief and Assistant Chief so elected shall be confirmed by the Village Board and shall hold office for one year, and if a vacancy occurs, the Department shall elect a new Chief, and he shall be confirmed by the Village Board.
- C. Department to adopt bylaws. The Fire Department shall adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws shall be adopted by a two-thirds vote of the Department

1. Editor's Note: See also Ch. 79, Officers and Employees, § 79-5, Fire Chief.

members and approved by the Village Board. Amendments shall be adopted in the same manner.

- D. Applications. Applications for membership in the Department shall be filed with the Department Secretary-Treasurer. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate.
- E. Active membership. Active membership in the Department for members other than the Chief shall cease at the age of 55 years unless the Village Board shall, by a majority vote, approve of the person continuing as an active member. Upon reaching the age of 55, active members shall become honorary members and be assigned to lighter duties.

§ 38-2. Police power; investigation of fires.

A. Police authority at fires.

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

B. Fire inspection duties.

- (1) While acting as fire inspector pursuant to § 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Ontario at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code, he may deem necessary.
- (2) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six months in all of the territory served by such Fire Department and not less than once in three months in such territory as the Village Board has designated or thereafter designates as within the fire limits or as a congested district subject to conflagration, and more often as the Chief of the Fire Department orders. Each

six-month period shall begin on January 1 and July 1, and each three-month period on January 1, April 1, July 1 and October 1 of each year.

- (3) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce.

§ 38-3. Equipment and apparatus.

No Fire Department apparatus shall be used for any purpose except for fire fighting within the Village limits, or in training therefor, except pursuant to an agreement approved by the Village Board after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than fire fighting within the Village. A written report of such uses shall be made quarterly to the Village Board.

Chapter 45

EMERGENCY GOVERNMENT

§ 45-1. Joint county-municipal emergency government plan adopted.

§ 45-2. Village Emergency Government Director.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 3, Ch. 2 of the 1986 Code. Amendments noted where applicable.]

§ 45-1. Joint county-municipal emergency government plan adopted.

- A. A joint-action ordinance of the Board of Supervisors of Vernon County providing for a county-municipal joint-action emergency government plan of organization was adopted by said County Board on the eighth day of August 1967. A copy of said county ordinance is attached to this chapter and made a part hereof by reference and is hereby ratified and accepted by the Village of Ontario, County of Vernon.
- B. This ratification and acceptance of the joint-action ordinance shall constitute a mutual agreement between the Village of Ontario and the County of Vernon as provided by § 3 of said joint-action ordinance.

§ 45-2. Village Emergency Government Director.

The County-Municipal Emergency Government Director, appointed and employed by the Vernon County Board as provided in the ordinance referred to in § 45-1, is hereby designated and appointed Emergency Government Director for the Village of Ontario, subject to the conditions and provisions set forth in the Wisconsin Statutes and the Vernon County joint-action ordinance.

Chapter 50

ETHICS, CODE OF

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| <p>§ 50-1. Findings; purpose; applicability.</p> <p>§ 50-2. Responsibilities of public office.</p> <p>§ 50-3. Dedicated service.</p> <p>§ 50-4. Use of public property; treatment of citizens.</p> | <p>§ 50-5. Conflict of interest.</p> <p>§ 50-6. Specific conflicts of interest.</p> <p>§ 50-7. Outside employment.</p> <p>§ 50-8. Advisory opinion.</p> <p>§ 50-9. Sanctions.</p> |
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[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 2, Ch. 7 of the 1986 Code. Amendments noted where applicable.]

§ 50-1. Findings; purpose; applicability.

- A. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people. The purpose of this chapter is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the Village.
- B. The municipal officials and employees of the Village, whether elected or appointed, are public officials and employees within the meaning and intent of this chapter.

§ 50-2. Responsibilities of public office.

- A. Public officials and employees are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs shall be above reproach.
- B. Public officials are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the law of the nation, state and municipality.

§ 50-3. Dedicated service.

Public officials and employees shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

§ 50-4. Use of public property; treatment of citizens.

- A. No public official or employee shall request, use or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except

when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

- B. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

§ 50-5. Conflict of interest.

- A. No Trustee or other 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 his official duties in the public judgment or will tend to impair his independence of judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.
- B. The provisions of this section shall not apply to the designation of public depositories for public funds, nor to the publication of legal notices required to be published by the Village, or by any Village officer, at a rate not higher than that prescribed by law, nor to contracting for the sale of printed matter or any other commodity not exceeding \$100 in any one year.

§ 50-6. Specific conflicts of interest.

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive.

- A. Incompatible employment. No Trustee 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 judgment or action in the performance of his official duties. In the event a Trustee, 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 Village Board for the records of that authority.
- B. Disclosure of confidential information. No Trustee, other public official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall he use such information to advance the financial or other private interest of himself or others.
- C. Gifts and favors. No Trustee or other public official or employee shall accept any gift having a value greater than \$5, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Village, nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties or grant in the discharge of his duties any improper favor, service or thing of value. Any Trustee or other public official or employee who accepts any gift, favor or

thing of value shall, in the case of a Trustee, disclose the matter in the minutes of the next Board meeting and, in the case of other officials or employees, report the matter to the Board for disclosure in the minutes of the next meeting.

- D. Representing private interests before Village agencies or courts. No Trustee or other public official or employee whose salary is paid in whole or in part by the Village shall appear in behalf of private interests before any agency of the Village. He shall not represent private interests in any action or proceeding against the interest of the Village in any litigation to which the Village is a party.
- E. Contracts with the Village. Any Trustee or other public official or employee who has substantial financial interest in any business entity entering into or proposing to enter into any transaction or contract with the Village for the sale of real estate, material supplies or services to the Village shall disclose such interest to the Village Board to be reported in the minutes of the appropriate Board meeting, and in the case of a Trustee, he shall refrain from voting upon or otherwise participating (except in the performance of a ministerial act) in the transaction or the making of such contract or sale.
- F. Disclosure of interest in legislation.
 - (1) A Trustee who has a financial or other private interest in any legislation shall disclose on the records of the Board the nature and extent of such interest. This provision shall not apply if the Trustee disqualified himself from voting.
 - (2) Any other public official or employee who has a financial or other private interest and who participates in discussion with or gives an official opinion to the Board shall disclose on the record of the Board the nature and extent of such interest.

§ 50-7. Outside employment.

No full-time officer or employee of the Village shall engage in any other remunerative employment within or without the Village, provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

§ 50-8. Advisory opinion.

Any questions as to the interpretation of any provisions of this chapter shall be referred to the Village Attorney for an advisory opinion, and such opinion shall be given to the Village Board for its action, if any.

§ 50-9. Sanctions.

Violation of any provision of this chapter should raise conscientious questions for the Trustee or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Village. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

Chapter 61

GOVERNMENT AND ELECTIONS

§ 61-1. Village government.

§ 61-3. Election Board.

§ 61-2. Election poll hours.

§ 61-4. Official newspaper.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 2, Ch. 1 of the 1986 Code. Amendments noted where applicable.]

§ 61-1. Village government.

The Village of Ontario is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

§ 61-2. Election poll hours.

The voting polls in the Village of Ontario, Vernon County, Wisconsin, shall be opened from 9:00 a.m. to 8:00 p.m. for all elections.

§ 61-3. Election Board. ¹

The Village President, subject to confirmation by the Village Board, shall appoint three persons in odd-numbered years and two persons and one alternate in even-numbered years to the Election Board for a term of two years. The five members and one alternate of the Election Board shall serve as election inspectors pursuant to state law at regular and special elections. Persons so appointed shall be qualified electors of the Village and shall be appointed not later than February 15 of each general election year. The appointed officials shall within five days of their notice of appointment file with the Village Clerk-Treasurer an oath of office as provided for by law.

§ 61-4. Official newspaper.

The official newspaper of the Village of Ontario shall be the Ontario County Line Connection.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 79

OFFICERS AND EMPLOYEES

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| § 79-1. General provisions. | § 79-8. Eligibility for office. |
| § 79-2. Clerk-Treasurer. | § 79-9. Notification of election or appointment; oaths of office. |
| § 79-3. Attorney. | § 79-10. Vacancies. |
| § 79-4. Chief of Police. | § 79-11. Removal from office. |
| § 79-5. Fire Chief. | § 79-12. Custody of official property. |
| § 79-6. Assessor. | § 79-13. Official bonds. |
| § 79-7. Weed Commissioner. | |

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 2, Ch. 3 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Boards, committees and commissions — See Ch. 18.
Departments — See Ch. 38.
Emergency government — See Ch. 45.

Code of Ethics — See Ch. 50.
Elections — See Ch. 61.
Village Board — See Ch. 104.

§ 79-1. General provisions.

- A. Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and, except as to the Village President, shall perform such duties as shall be required of them by the Village Board. Officers whose powers and duties are not enumerated in Ch. 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- B. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- D. Whenever a Village official in his official capacity proceeded against or obliged to proceed before any court, board or commission to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorney fees.¹

1. Editor's Note: Original §§ 2-3-2, Village Clerk, and 2-3-3, Village Treasurer, which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 79-2. Clerk-Treasurer. ²

- A. Declaration of exemption from certain statutes. Pursuant to §§ 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Ontario elects not to be governed by §§ 61.19 and 61.25(2), Wis. Stats., insofar as they relate to the selection and tenure of the Clerk-Treasurer by election, to the extent that such sections are in conflict with this section.
- B. Creation of consolidated office. The Village of Ontario hereby elects, pursuant to § 61.195, Wis. Stats., that the offices of Village Clerk and Village Treasurer shall be combined and that the official to perform the duties of such office after its combination and merger shall be selected as herein provided.
- C. Appointment; term. The office of Clerk-Treasurer shall be an appointive office. Said person so appointed to perform the duties of such offices shall hold office for an indefinite term, subject to be removed as provided in § 17.12(1)(c) and (d), Wis. Stats.
- D. Duties.
 - (1) Such person appointed to perform the duties of the combined offices shall perform all duties required of both offices as provided by law and such other duties as are requested to be executed by such person by the Village Board from time to time, as well as such other and further duties with reference to the operation of and administration of the water and sewer facilities of the Village.
 - (2) In addition to the duties enumerated in § 61.25, Wis. Stats., the Village Clerk-Treasurer shall keep such books as shall be deemed necessary by the Public Service Commission of Wisconsin and the Village Board for the records of the Sewer and Water Utilities of the Village.
- E. Audit. Annual recurring audits shall be made of the records of such official, and such audit shall be made either by a certified public accountant or by the Municipal Accounting Division of the State Department of Revenue, the designation to be made by the Village Board.

§ 79-3. Attorney.

- A. Appointment; term. The office of Village Attorney is an appointed position. The Village President shall appoint a Village Attorney at the first regular meeting of the Board in May of odd-numbered years, subject to confirmation by a majority of the members of the Village Board. The Village Attorney's term shall commence on the 15th day of May succeeding his appointment and shall be for two years.
- B. Duties. The Village Attorney shall have the following duties:
 - (1) The Attorney shall conduct all of the law business in which the Village is interested.

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) He shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - (3) He shall draft ordinances, bonds and other instruments as may be required by Village officers.
 - (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
 - (5) The Village Attorney shall perform such other duties as provided by state law and as designated by the Village Board.
- C. Special counsel. The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.

§ 79-4. Chief of Police.

A. Appointment; term; compensation.

- (1) The Chief of Police or a duly appointed officer shall be appointed by the Village President, subject to confirmation by the Village Board. The Chief of Police or duly appointed officer shall hold office during good behavior, subject to suspension or removal by the Board. The Chief of Police or duly appointed officer shall serve a probationary period of one year, unless otherwise approved for a different period by the Village Board or if extended for a just cause by the Village Board. During the probationary period, the Village Board may, at its option, lay off or terminate with or without cause said probationary employee without recourse to any grievance and arbitration procedures.
- (2) The compensation to be paid the Chief of Police or duly appointed officer for his services, the hours of active duty, rest days, vacation periods and other involvement of his employment shall be such as may be determined by the Village Board from time to time.

B. General duties.

- (1) The Chief of Police or duly appointed officer shall have command of the Police Department. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by laws of the state and the ordinances of the Village and shall obey all lawful written orders of the Village President or Village Board.
- (2) The Chief of Police or duly appointed officer shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the state or ordinance of the Village. The Chief or duly appointed officer shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.

§ 79-5. Fire Chief. ³

- A. Selection. The Fire Chief shall be selected according to the bylaws of the Ontario Volunteer Fire Department.
- B. Powers and duties.
- (1) The Chief shall have general supervision of the Department, subject to this chapter and the bylaws of the Department, and shall be responsible for the personnel and general efficiency of the Department.
 - (2) It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this Code and the bylaws.
 - (3) It shall be the duty of the Chief to be present at all fires, to have complete command of and entire responsibility for all fire-fighting operations, to plan the control of the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
 - (4) The Chief shall have the power to demote or expel any officer or member of the Department for neglect or refusal to perform his departmental duties, such demotion or expulsion to be subject to an appeal to the Village Board.
 - (5) Not later than October 1 of each year, the Chief shall file with the Village Clerk-Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
 - (6) It shall be the duty of the Chief to submit a written report to the Village Board not later than February 1 of each year, and at such other times as he deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the Department and resignations and expulsions from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the Department.
 - (7) He shall enforce all fire prevention ordinances of this Village⁴ and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
 - (8) He shall keep a fire record book of every fire to which any company was called and shall enter in such book the locality of the fire, time alarm was received, cause

3. Editor's Note: See also Ch. 38, Art. I, Fire Department.

4. Editor's Note: See Ch. 187, Fire Prevention.

of the fire, where the fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on the building and contents, estimated fire loss, time the fire was extinguished, names of men responding and general remarks.

- (9) He shall keep an inventory of all apparatus and equipment and an inventory of all hose, showing dates and results of tests on each length, which shall be individually identified.
- (10) He shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

§ 79-6. Assessor. ⁵

- A. The Village of Ontario hereby elects not to be governed by those portions of § 61.19, Wis. Stats., relating to the method of selection of the Village Assessor which are in conflict with this section.
- B. Hereafter, instead of being elected, the Assessor or assessing firm shall be appointed by the Village President at the first regular meeting of the Board in May of odd-numbered years, subject to confirmation by a two-thirds vote of the members-elect of the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under § 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under § 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under § 73.09, Wis. Stats. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.
- C. 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 the information may be revealed to and used by persons in the discharge 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), Wis. Stats., unless a court determines that it is inaccurate, is, per § 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.⁶

5. Editor's Note: This section was originally adopted by charter ordinance.

6. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- D. The Assessor shall hold office for an indefinite term subject to removal as provided by law.⁷

§ 79-7. Weed Commissioner.

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the Clerk-Treasurer, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

§ 79-8. Eligibility for office.

- A. No person shall be elected by the people to a Village office who is not at the time of his election a citizen of the United States and of this state and an elector of the Village and, in case of a ward office, of the ward and actually residing therein.
- B. An appointee by the Village President requiring confirmation by the Village Board who shall be rejected by the Board shall be ineligible for appointment to the same office for one year thereafter.

§ 79-9. Notification of election or appointment; oaths of office.

- A. Within five days after the election or appointment of any Village officer, the Village Clerk-Treasurer shall notify the person so selected thereof, and every person elected or appointed to an office shall, within five days after notice of election or appointment, take and file the official oath.⁸
- B. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subch. I, Wis. Stats.

§ 79-10. Vacancies.

- A. How occurring. Except as provided in Subsection C below, vacancies in elective and appointive positions occur as provided in §§ 17.03 and 17.035, Wis. Stats.
- B. How filled. Vacancies in elective and appointive offices shall be filled as provided in § 17.24, Wis. Stats.
- C. Temporary incapacitation. If any officer is absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

7. Editor's Note: Original § 2-3-8, Health Officer, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 79-11. Removal from office.

- A. Elected officials. Elected officials may be removed by the Village Board as provided in §§ 17.13(2) and 17.16, Wis. Stats.
- B. Appointed officials. Appointed officials may be removed as provided in § 17.13(1) and 17.16, Wis. Stats.

§ 79-12. Custody of official property.

Village officers must observe the standards of care imposed by § 19.21, Wis. Stats., with respect to the care and custody of official property.

§ 79-13. Official bonds. ⁹

Every officer shall, if required by law or the Village Board, upon entering the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official bond for each term of service.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 86

PROPERTY, SURPLUS AND ABANDONED

§ 86-1. Disposal of surplus Village property.

§ 86-2. Lost and abandoned property.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 3, Ch. 4 of the 1986 Code. Amendments noted where applicable.]

§ 86-1. Disposal of surplus Village property.

A. Definitions.

- (1) "Surplus Village property" is that property which is owned by the Village of Ontario, Wisconsin, and which has no further usefulness to the Village of Ontario. An item of property shall be considered to have no further usefulness when:
 - (a) The item or its function has been totally replaced by other Village property and no probable future function exists for it;
 - (b) The Village no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - (c) The item is no longer able to reliably or economically perform the work required of it.
- (2) "Surplus Village property" as defined in this section shall not include:
 - (a) Land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract.
 - (b) Property which is obtained by the Village as a result of abandonment or loss by the property's original owner.
 - (c) Items of property which are traded in for newer items.
 - (d) Library materials used by the public library for lending purposes.

B. Determination of surplus Village property.

- (1) Whenever an item of Village property is determined to be surplus Village property on the basis that the Village no longer performs the service for which the item was purchased, the Village Board shall determine whether or not the item is surplus Village property.
- (2) Whenever the fair market value of the item is more than \$5,000, the Village Board shall determine whether or not the item is surplus Village property.

C. Disposition of surplus Village property.

- (1) Whenever the Village Board determines that an item of property is surplus Village property, it shall dispose of such property as it determines.
 - (2) Whenever the fair market value of an item is more than \$500 and the Village Board has determined, pursuant to Subsection B, that the item is surplus Village property, the department head responsible for the item shall dispose of the property by:
 - (a) Donation to a nonprofit organization within the Village or to a governmental agency;
 - (b) Public auction; or
 - (c) Sale by sealed bid.
 - (3) In the event of a public auction or sale by sealed bid, the item will be sold in as-is condition to the person submitting the highest bid; provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Village Board. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the Village, and the amount of the bid shall be forfeited to the Village. In the event no bids are received, the item shall be disposed of as directed by the Village Board.
 - (4) No public auction or awarding of bids shall occur under this section unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission are first published as a Class 2 notice in the official Village newspaper.
 - (5) Whenever the fair market value of an item is \$500 or less and the Village Board has determined, pursuant to Subsection B, that it is surplus Village property, the item shall be either disposed of as set forth in Subsection C(2) above or destroyed.
- D. Determination of fair market value. Whenever this section requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.
- E. Authority to dispose of property.
- (1) Except for library materials used by the public library for lending purposes, only the Village Board may dispose of Village property which is not surplus Village property.
 - (2) Whenever this section provides for an auction or other disposition of any property, the Village Board shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property; provided, however, that the fees of such auctioneer and all such costs, other than those for Village labor and the use of Village property, do not exceed the payment received by the Village from the auction or sale of the property.

§ 86-2. Lost and abandoned property.**A. Village custody of lost or abandoned property.**

- (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police or other duly appointed officer by citizens, shall be disposed of according to this section.
- (2) Lost and abandoned property will be examined by the law enforcement officer for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the law enforcement officer to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police or other duly appointed officer.
- (3) No Village employee shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (4) The Chief of Police or other duly appointed officer shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (5) No Village employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police or other duly appointed officer, unless that person receives a written receipt signed by the officer, a copy of which shall remain with the Clerk-Treasurer.

B. Disposal procedures.

- (1) Classes of property. All property which has been abandoned or lost or has remained unclaimed for a period of 30 days after the taking of possession of the same by the Village shall be disposed of as follows, except that if the property is usable for Village operations, the property need not be sold at auction but may become the property of the Village.
 - (a) Vehicles. Vehicles shall be disposed of as set forth in the applicable provisions of Chapter 331, Vehicles, Abandoned, of this Code.
 - (b) Intoxicating liquor and fermented malt beverages. Intoxicating liquor and fermented malt beverages shall be destroyed or sold by sealed bids only to persons holding respectively "Class B" liquor or Class "B" fermented malt beverage licenses.
 - (c) Firearms, ammunition and explosives. Firearms or ammunition shall be returned to its rightful owner, destroyed, or transferred to the State Crime Laboratories, the Division of Criminal Investigation of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms Bureau of the United States Department of the Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the Vernon County Sheriff's Department, are hereby authorized to determine the disposal

procedure; provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.¹

- (d) Other property with a fair market value of \$100 or less. An item of property with a fair market value of \$100 or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than \$100 shall be destroyed.
 - (e) Other property with a fair market value of over \$100. An item of property with a fair market value more than \$100 shall be sold at public auction or by sealed bid.
 - (f) Illegal property. Property which cannot be legally possessed shall be destroyed.
- (2) Disposal by auction or sealed bid.
- (a) Whenever any property under this section is sold by public auction or sale by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice shall be published in the official Village newspaper. The property auctioned or sold by sealed bid shall be sold in as-is condition to the highest bidder. No sale or auction shall occur until the Chief of Police or duly appointed officer has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the Village, and the amount of the bid shall be forfeited to the Village.
 - (b) Any Village official selling property under this section shall maintain for two years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property and the name and address of the person acquiring the property.
- (3) Lost property. Property which is found by persons and delivered to the Chief of Police or duly appointed officer for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this section until 30 days after mailing to the person finding the property a notice that he may claim ownership of said property. The officer shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any Village employee finding property in the regular course of his employment.
- (4) Payment to Village treasury. All sums received from the sale of property under this section shall be paid to the Village treasury.

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).