

CHAPTER 30

MISCELLANEOUS PROVISIONS

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30.02 Cut-off Reception Time for the Filing and Recording of Documents with the Register of Deeds Office. Pursuant to s. 59.20(3) of the Wisconsin Statutes, provision is hereby made that the cut-off reception time for the filing and recording of documents with the Sauk County Register of Deeds shall be one-half hour prior to the close of the official business day during which time the Register of Deeds Office is open to the public, in order to complete the processing, recording and indexing to conform to the day of reception.

30.03 Tax Deeded Lands. This ordinance is enacted under the authority of Chapters 74 and 75 of the Wisconsin Statutes.

(1) Purposes and Statement of Policy.

(a) To establish a procedure for the sale of Sauk County real property obtained by Tax Deed.

(b) To empower the County Treasurer, County Clerk and Property & Insurance Committee to acquire, manage and dispose of tax deeded lands so as to realize as much revenue as circumstances permit.

(2) Definitions: The following terms as used in this section shall have the meanings indicated.

(a) BOARD means the Sauk County Board of Supervisors.

(b) CLERK means Sauk County Clerk.

(c) COMMITTEE means the Property & Insurance Committee of the Sauk County Board of Supervisors.

(d) FORMER OWNER means any person, persons, or business entity last holding title to lands which have been taken by tax deed and includes the heirs, successors, assigns and personal representative of the estate of any such person or entity.

(e) TAX DEEDED LANDS means lands which have been acquired by Sauk County through the process of collecting delinquent real estate taxes by tax deed, foreclosure of tax certificates, deed in lieu of tax deed or other real estate tax collection means.

(f) TREASURER means Sauk County Treasurer.

(3) Administration and Oversight Responsibilities.

(a) The Treasurer and Clerk shall administer this ordinance in accordance with its provisions.

(b) The Committee shall oversee the administration of this ordinance.

(4) Lands Exempt From Application Of This Chapter. Lands which subsequent to acquisition have been improved for or dedicated to a public use by Sauk County in accord with §§ 59.04 & 59.06 Stats., shall not be treated as tax deeded lands and shall not be disposed of under the procedures of this section. Such lands shall be disposed of only as the Board shall from time to time direct.

(5) Issuance Of Tax Deeds.

(a) The Treasurer shall take all necessary steps, including the giving of notice pursuant to § 75.12 Stats., to owners of record, occupants, or mortgagees of record. This shall be done prior to the issuance of tax deeds to Sauk

County on all property on which Sauk County holds delinquent tax sales certificates which are eligible for and subject to the taking of tax deeds. The Treasurer shall safeguard the interests of Sauk County in the taking of tax deeds.

(b) The Treasurer, after notice to the Committee, shall refer to the Corporation Counsel those acquisitions which, pursuant to § 75.39 Stats., the Treasurer deems it necessary to bar former owners from all right, title, interest or claim in such lands.

(c) Title to property which is subject to a lien or liens for special assessments under §§ 66.54, 66.60, 66.604 and 75.365 Stats., shall be taken as tax deeded lands subject to special authorization from the Committee.

(d) The County shall not be required to pay any outstanding special assessment nor special charge due on property, acquired by the County by tax deed, pursuant to § 75.36 Stats. During the period that the County is the owner of lands so acquired it shall not be subject to any restrictions or covenants running with the land which require an owner to expend any money to keep the premises in sanitary or sightly condition or to contribute to the cost of maintaining private roads or to abate nuisances or undesirable conditions per § 75.14(4) Stats. Such restrictions and covenants shall be applicable to any subsequent purchaser of the property.

(6) Preference To Former Owner To Repurchase Land.

(a) The County Board may, at its option and by resolution, authorize the Committee to convey tax deeded lands to a former owner who lost title to real property through delinquent tax collection enforcement procedures, pursuant to the authority contained in § 75.35(3) Stats. The Committee is further authorized, but not required, to give such former owners first option to purchase said lands. This section shall in no manner create any right of first refusal in any former owner.

(b) Any sale made to a former owner pursuant to this section shall be exempt from the operation of § 75.69 Stats., but no such sale shall be approved by and authorized by the Committee or Board unless, as a minimum, the former owners pay to the County all real estate taxes, including special assessments, special charges and special taxes, then due and owing together with the interest and penalty thereon, plus a service fee on such

transaction equal to one/half percent (.005%) of the equalized value of the tax deeded lands. In any event, the service fee shall be not less than fifty dollars (\$50.00). Such sale shall be considered a redemption of the property from the tax lien, and shall result in the cancellation of the tax deed. A recordable certificate of such shall be issued by the Clerk, upon request by the former owner, in accordance with § 75.23 Stats.

(c) Consideration under this section shall be given only to those former owners who request the same, prior to the time the sale and appraised value of the lands involved have been advertised by publication, in accordance with § 75.69 Stats. If the former owners do not make payment to the County within thirty (30) days of the time such sale is authorized by the Committee, the Committee may, at its option, proceed to sell the lands involved in accordance with § 75.69 Stats., to the highest or most advantageous bidder thereon.

(d) Failure to give notice to the proper party as former owner shall not create a right in any person or persons to redeem tax deeded lands. In any event, no former owner shall have any privilege of redemption of tax deeded lands after six (6) months of the date the Board first takes title to the property, if unsold, or upon sale to a subsequent purchaser of the property.

(e) This section shall not apply to tax deeded lands which have been improved for or dedicated to a public use by Sauk County, subsequent to acquisition. No sale to the former owner or any other person shall be made of such lands without the express authorization of the Board.

(7) Appraisals Required.

(a) Where the assessed value of a parcel or of contiguous parcels of tax deeded lands is or exceeds \$25,000, the Committee may obtain a professional appraisal.

(b) If a professional appraisal is not obtained, the Committee, acting by a subcommittee of not less than three (3) of its members, shall appraise said parcels.

(c) The following shall be considered when preparing an appraisal for tax deeded land :

1. All expenses incurred by the County to obtain marketable title to the property. (Publication, abstract search, certified letters, attorney fees and disbursements, etc.).

2. All amount of unpaid general property taxes, special assessments, special charges and special taxes levied against the property, including interest and penalties thereon, and any withdrawal tax due under § 77.84(3) Stats.

3. Consideration of the physical condition of the property may be given when appraising land in blighted areas or parcels affected by natural disaster or other extenuating circumstances.

(8) Sale Of Tax Deeded Lands To The State Or A Municipality. The Committee may offer tax deeded land to the municipality within which the parcel is located or to the State of Wisconsin before offering the same to the general public.

(9) Public Advertisement Of Sale Of Tax Deeded Lands.

(a) The Clerk shall publish a class three (3) notice of the sale of tax deeded lands in accordance with § 75.69 Stats., along with instructions for submission of sealed bids.

(b) A parcel once advertised for sale, but not sold on the first date of the sale, need not be advertised again.

(10) Sale Of Tax Deeded Lands.

(a) On the date specified in the notice, the Committee will accept bids and will sell each parcel to the highest or most advantageous bidder whose unconditional bid is equal to or exceeds the advertised appraised value of the parcel. No more than one bid may be submitted per parcel by any bidder.

(b) Unconditional offers shall be given preference over conditional offers. Offers which contain conditions, including financing contingencies of a duration of more than thirty (30) days, shall be considered and reviewed by the Committee.

(c) Upon receipt of payment in full by the successful bidder, a resolution shall be presented to the County Board requesting approval of such sale. If the County Board rejects the sale to that bidder, all funds submitted for such purchase, excepting a service fee of fifty dollars (\$50.00), shall be returned to that bidder.

(d) If a parcel is not sold by bid on the first date offered for sale, the Committee may sell the parcel at anytime thereafter to any person making an offer at or exceeding the appraised value of the property.

(e) The Committee may engage the services of a licensed real estate broker to sell those parcels not sold on the first date available for sale. The Committee shall pay a commission, not to exceed six percent (6%) of the sale price, for any sale arranged by the broker retained by the Committee. The retention of a broker shall not affect the ability of the Committee to sell the parcel directly, without incurring an obligation to pay brokerage fees when a sale is arranged without the involvement of the broker.

30.04 County Sales and Use Tax (1) Authority and Purpose. This ordinance is enacted on the authority of Subchapter V of the Wisconsin Statutes Chapter 77 and the county sales and use taxes imposed herein shall be used for the purpose of reducing the property tax levy by 1) paying the debt service on any bond or note issuance, 2) paying for designated capital projects, and 3) any remainder revenues to further offset the levy. All monies collected from the sales and use tax shall be maintained in a separate revenue account.

(2) Imposition of Tax. There is hereby imposed a Sauk County sales and use tax at a rate of 0.5% in the manner and to the extent permitted as set forth in Subchapter V of Wisconsin Statutes Chapter 77 which are incorporated herein and acts amendatory thereto.

(3) Effective Date. This ordinance shall become effective April 1, 1992, and a certified copy of this ordinance shall be delivered to the Secretary of Revenue of the State of Wisconsin at P.O. box 8933, Madison, WI 53708, at least 120 days prior to the effective date.

30.05 Imposing Penalty on Delinquent Real Estate Taxes and Special Assessments and Charges. (1) Authority. This Ordinance is adopted pursuant to the authority of sec. 74.47(2), Wis. Stats.

(2) Imposition of Penalty. There is hereby imposed a penalty of 0.5 percent per month or fraction of a month, in addition to the interest provided for in sec. 74.47(1), Wis. Stats., on all general property taxes, special charges, special assessments and special taxes that are overdue or delinquent on and after the effective date of this Ordinance.

(3) Effective Date. This ordinance shall become effective September 1, 1993.

30.06 Assessing Service Fee on Worthless Checks and Processing Overpayments Received by the County.

(1) Authority and Purpose. This ordinance is enacted on the authority of Section 59.54(24) of the Wisconsin Statutes which authorizes a county to enact and enforce an ordinance which imposes charges on persons who issue worthless checks, and permit a county office to retain payments of fees, licenses and similar charges and waive underpayments.

(2) Service Fee on Worthless Checks. If a check tendered to make any payment of any fee, tax or other charge legally imposed by any office, official, employee or officer acting on behalf of Sauk County, is not paid by the bank on which it is drawn, or if a demand for payment under a debit of credit card transaction or other instrument is not paid by the bank upon which demand is made, the person, firm corporation, or other organization shall remain liable for the payment of the amount for which the check was tendered or the amount agreed to be paid by debit or credit card or other instrument, and for a charge of thirty dollars (\$30.00). The levying of this charge shall not preclude the issuing person, firm, corporation or other organization from being subject to any other civil or criminal proceeding or penalty authorized by law.

(3) Overpayment and Underpayment of Fees. Unless otherwise provided by law, the County may retain overpayments of fees, licenses and similar charges when the overpayment is two dollars (\$2.00) or less, unless such refund is specifically requested in writing. Underpayments of not more than two dollars (\$2.00) may be waived when the administrative cost of collecting would exceed the amount of the underpayment."

30.11 University of Wisconsin Baraboo-Sauk County (re: Operation of Motor Vehicles on Campus). (1) The City of Baraboo and the County of Sauk being the co-owners of the University of Wisconsin Baraboo-Sauk County Campus desire to protect the Campus from property damage caused by the unauthorized use of motor vehicles thereon and have determined to adopt an ordinance to prohibit such use.

(2) It is unlawful for any person to operate any motor vehicle, including but not limited to trailbike, motorcycle, moped, motor-

driven bicycle, motor-driven cycle, minibike, go-kart, or all-terrain vehicle or any motor-driven sled, motor-driven toboggan, snowmobile, or other motor-driven snow vehicle on the lands of the University of Wisconsin Baraboo-Sauk County Campus, jointly owned by the City of Baraboo and County of Sauk, except on designated paved roadways, parking lots, or roadways leading thereto, and then only where the operation of the said vehicle is otherwise permitted by law.

(3) Any person who shall violate any of the provisions of this section shall upon conviction be subject to a forfeiture of not more than \$500.00, provided, however, that in the event that proceedings are commenced against a minor for violations of this Ordinance, the provisions of Section 48.17(2) and 48.343, Wisconsin Statutes, shall be applicable.

(4) This Ordinance substantially conforms to an Ordinance on the same subject adopted by the City of Baraboo and either this Ordinance or the City of Baraboo Ordinance may be enforced.

30.12 University of Wisconsin Baraboo-Sauk County (re: To Define and Regulate the Sales, Possession and Use of Fireworks). (1)

The City of Baraboo and the County of Sauk, being the co-owners of the University of Wisconsin Baraboo-Sauk County Campus, do desire and intend that the provisions of any ordinance enacted by the City of Baraboo to define and regulate the sales, possession and use of fireworks in the City of Baraboo, in accordance with authority granted to the City by Section 167.10(5) of the Wisconsin Statutes shall be fully enforceable on the grounds of the Campus to the same extent as elsewhere within the limits of the City of Baraboo.

30.50 Access to Public Records. (1) Purpose. This Ordinance is intended and shall be interpreted to provide to all persons the greatest possible information regarding the affairs of government and the official acts of those Sauk County officers and employees who represent them, in accordance with ss. 19.31 to 19.39 of the Wisconsin Statutes. However, nothing contained herein shall be interpreted to require disclosure of any record or information whose confidential nature is required or protected by other laws,

federal or state regulations, or particular circumstances supporting the conclusion that there is a bona fide need to restrict public access at the time that the request to inspect or copy the record is made, consistent with ss. 19.35 and 19.85 of the Wisconsin Statutes.

(2) Definitions.

(a) "Authority" means any of the following having custody of a record and constituting a part of Sauk County government, or being attached for administrative purposes to Sauk County government or having its members appointed by some unit of Sauk County government: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(b) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an Authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charges, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequests; and published materials in the possession of an Authority other than a public library which are available for sale, or which are available for inspection at a public library.

(3) Legal Custodians.

(a) An elected official is the Legal Custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the Legal Custodian for such records.

(b) Unless otherwise specifically provided, the County Clerk or the Clerk's designee shall act as Legal Custodian for the County Board and for any committees, commissions, boards, or authorities created by ordinance or resolution of the

County Board. Generally, the County Clerk will act as Legal Custodian with respect to notices and minutes of the County Board, its committees and commissions, boards, or authorities; other records concerning the departments or activities within the jurisdiction of such committees, commissions or authorities shall generally be maintained by the elected official, department head or chief administrative officer of such departments or activities.

(c) For every Authority not specified in subs. (a) or (b), the Authority's chief administrative officer is the Legal Custodian for the Authority, but the officer may designate an employee of his or her staff to act as the Legal Custodian.

(d) The Legal Custodian shall be vested by the Authority with full legal power to render decisions and carry out the duties of the Authority under this Ordinance. Each Authority shall provide the name of the Legal Custodian and a description of the nature of his or her duties under this subchapter to all employees of the Authority entrusted with records subject to the Legal Custodian's supervision. Each Legal Custodian shall name a person to act as Legal Custodian in his or her absence or the absence of his or her designee. This subsection does not apply to members of the County Board.

(4) Procedural Information/Notice to Public.

(a) Pursuant to s. 19.34, Wisconsin Statutes, and the guidelines therein listed, each Authority shall adopt, prominently display and made available for inspection and copying at its offices for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the Legal Custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records or obtain copies of records, and the costs thereof. This subsection does not apply to members of the County Board.

(b) Each Authority, as defined in subs. (2)(a), shall promulgate the notice required under this subsection and shall file a copy of its notice with the County Clerk, as well as displaying a copy of such notice at its own offices. This subsection does not apply to members of the County Board.

(5) Access to Records; Fees.

(a) The rights of any person who requests inspection or copies of a record are governed by the provisions of s. 19.35(1), Wis. Stats.

(b) Each Authority shall provide any person who lawfully requests to inspect or copy a record which appears in written form or who requests to photograph a record the form of which does not permit copying, with facilities comparable to those used by its employees to inspect, copy, abstract or photograph the record during established office hours. An Authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying, abstracting or photographing of records.

(c) Each Authority, upon request for any record, shall as soon as practicable and without delay, either fill the request or notify the requester of the Authority's determination to deny the request in whole or in part and the reasons therefor. An oral request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If an authority denies a written request in whole or in part, the requester shall receive from the Authority a written statement of the reasons for denying the written request. Every written denial of a request by an Authority shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under s. 19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

1. Each Authority shall impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law.

2. Each Authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the Authority provides a photograph of a record, the form of which does not permit copying.

3. Except as otherwise provided by law or as authorized to be prescribed by law, an

Authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

4. Each Authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy of photograph of a record which is mailed or shipped to the requester.

5. Each Authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5; however, an Authority may provide copies of a record without charge or at a reduced charge where the Authority determines that waiver or reduction of the fee is in the public interest.

(6) Separation of Information. If a record contains information that may be made public and information that may not be made public, the Authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. Each Authority shall consult with the county corporation counsel before releasing any information requiring separation under this subsection.

(7) Effective Date. This Ordinance shall take effect on January 1, 1983.

30.60 Fair and Open Housing. (1)

Sauk County recognizes its responsibilities under Section 106.50 of the Wisconsin Statutes, as amended, and adheres to the policy of fair and open housing for all persons and to the prohibition of discrimination in housing.

(2) Section 106.50 of the Wisconsin Statutes, as amended, is adopted by reference into these ordinances in its entirety as if fully set forth herein.

(3) The officials and employees of Sauk County shall assist in the orderly prevention and removal of all discrimination in housing within the county by implementing the authority and enforcement procedures set forth in Wis. Stat. § 106.50, as amended.

(4) The County Clerk shall maintain forms for complaints to be filed under Wis. Stat. § 106.50, as amended, and shall assist any person alleging a violation thereof in Sauk County to file a complaint thereunder by directing the person to the Equal Rights Division of the Wisconsin

Department of Work Force Development for enforcement of the statute and this ordinance.

Section 30.04 was created and adopted by the Sauk County Board of Supervisors on November 12, 1991. Amended by the Sauk County Board of Supervisors on May 17, 2005 - Ordinance No. 62-05. Section 30.60 was created and adopted by the Sauk County Board of Supervisors on July 15, 2008 – Ordinance No. 67-08.