

Chapter 7

Fire Protection Utility District

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Sec. 5-7-1 Introduction and Purpose.

The purpose of these regulations is to regulate and control the Town of Westport Fire Protection Utility District in order to promote the public health, safety, and general welfare of the community.

Sec. 5-7-2 Definitions.

In Chapter 5-7, the following, words and phrases shall have the designated meaning:

- (a) "**Commission**" means the Town of Westport Fire Protection Utility District Commission.
- (b) "**District**" shall mean the Town of Westport Fire Protection Utility District.
- (c) "**Shall**" is mandatory.

Sec. 5-7-3 General Provisions.

- (a) **Management.** The District shall be managed by the Commission.
- (b) **Organization.** The District is organized as a Utility District pursuant to Sec. 66.072, Stats. The District shall have all of the power and authority authorized by Sec. 66.072, Stats., Sec. 60.55, Stats., and all applicable statutes. Nothing contained in this ordinance shall prohibit or otherwise limit the exercise of all such statutory power and authority. In connection with the organization of the District, the following provisions shall control:
 - (1) (i) Unless otherwise provided for in Sec. 5-7-3(B)(1)(ii) hereof, the Town Board of the Town of Westport shall act as the Commission. The term of office of such members of the Commission shall be concurrent with their terms of office as members of the Town Board. In the event of any vacancy on the Commission, such vacancy shall be filled in the same manner as the filling of a vacancy in the office of a Town Board Supervisor.

- (ii) As an alternative to Sec. 5-7-3(B)(1)(i) hereof, the Town Board may, by resolution, appoint three (3) persons, who are residents of the Town and the District and own property within the District, as members of the Commission. The term of office for such members shall be three (3) years, and shall be staggered so no more than one (1) member is appointed each year. In making the initial appointments, the Town Board shall appoint one (1) member for a one (1) year term of office, another member for a two (2) year term of office, and the final member for a three (3) year term of office. Any vacancy may be filled by appointment by the Town Board for the remainder of the unexpired term.
- (2)
 - (i) When the Town Board constitutes the Commission, the Town Board Chairman shall be the President of the Commission, the Town Clerk shall be the Secretary of the Commission, and the Town Treasurer shall be the Treasurer of the Commission; except where there is a Town Clerk/Treasurer, in which event, such individual shall be the Commission Secretary/Treasurer. Any vacancy in the offices of President, Secretary or Treasurer shall be filled in the manner applicable to filling vacancies in similar Town offices.
 - (ii) When the Commission has been appointed by the Town Board pursuant to Sec. 5-7-3(B)(1)(ii) hereof, the Commission shall organize itself by electing one (1) of its members as President. The Town Clerk and the Town Treasurer shall be the Secretary and Treasurer of the Commission as provided for in Sec. 5-7-3(B)(2)(i) hereof, in any event.
- (3) The President of the Commission shall preside at all meetings of the Commission. The Secretary shall keep a separate record of all proceedings and minutes of meetings and hearings of the Commission. The Treasurer shall maintain the accounts of the District pursuant to Sec. 66.072, Stats.
- (4) The Commission may:
 - a. Fix and collect charges for costs of water for fire protection.
 - b. Employ attorneys, engineers, accountants and other persons to assist it in the performance of its work.
- (5) The Commission shall meet at such times and places as it deems appropriate; and shall adopt such rules and procedures relative to its meetings as it may reasonably require.
- (6) The Town Board, acting for the benefit of and on behalf of the District, may levy special assessments, special charges, or taxes to finance the activities of the District.
- (7) The Town Board, acting for the benefit of and on behalf of the District, may direct that water costs for fire protection not paid for by special assessment be paid out of the District Fund. The District Fund shall be provided for by the taxation of the property in the District, upon an annual estimate by the Chair of the Town Board, filed by October 1. A separate account shall be kept for each

District Fund. The Chair of the Town Board may delegate to the Commission the power to conduct the annual estimate required by Sec. 66.072(2), Stats.

- (8) A majority vote of all the members of the Town Board shall be required to vacate, alter or consolidate the District. Before the vote is effective to vacate, alter or consolidate, a hearing shall be held as provided in Sec. 66.60(7), Stats. The notice of such hearing may be given by posting it in three public places, one of which shall be in the District, at least two weeks prior to such hearing.
- (9) The District's fiscal year shall be the calendar year.
- (c) **Compliance With Rules.** All persons owning property in the District shall be considered as having agreed to be bound by the District rules and regulations filed with the Public Service Commission of Wisconsin and with the terms of this ordinance.
- (d) **Annual Report by Commission.** The Commission shall annually file a report with the Town Board on the administration and effectiveness of this section.

Sec. 5-7-4 Appeal Procedure.

- (a) Appeal.
 - (1) Any person who objects to any action or decision of the Commission or its designate shall first appeal to the Commission for reconsideration.
 - (2) A written notice of appeal shall be filed with the secretary of the Commission within thirty (30) days of the date of the action or decision appealed from.
 - (3) The notice of appeal shall state the action or decision of the Commission or its designate appealed.
 - (4) The secretary of the Commission shall schedule the appeal for consideration by the Commission at a public meeting within thirty (30) days of the filing of the notice of appeal. The secretary shall send notice of the time scheduled for the consideration of the appeal to the appellant at least ten (10) days prior to the hearing.
 - (5) Within thirty (30) days of the Commission's appeal hearing, the Commission shall affirm, modify, or reverse the action or decision. Notice of the final decision of the Commission shall be sent to the appellant.
 - (6)
 - (i) If, pursuant to Sec. 5-7-3(B)(1)(ii), the Town Board is not acting as the Commission, the appellant may within thirty (30) days of the date of the Commission's final decision, seek review thereof from the Town Board by filing a written notice of appeal with the Town of Westport Clerk/Treasurer.
 - (ii) The notice of appeal shall state the final decision of the Commission appealed from.
 - (iii) The Town of Westport Clerk/Treasurer shall schedule the appeal for consideration by the Town Board at a public meeting, within thirty (30) days of the filing of the notice of appeal. The Town of Westport

- Clerk/Treasurer shall send notice of the time scheduled for consideration of the appeal to the appellant at least ten (10) days prior to the hearing.
- (iv) Within thirty (30) days of the appeal hearing, the Town Board shall affirm, modify, or reverse the commission's final decision. Notice of the Town Board's final decision shall be sent to the appellant.
 - (v) If the appellant objects to the Town Board's final decision, the appellant may, within thirty (30) days of the date of the Town Board's final decision, seek review thereof by certiorari to the Dane County Circuit Court.
- (7) If, pursuant to Sec. 5-7-3(B)(1)(i), the Town Board is acting as the Commission, the appellant may, within thirty (30) days of the date of the Commission's final decision, seek review thereof by certiorari to the Dane County Circuit Court.
- (b) The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.