

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2013-05

AN ORDINANCE TO REPEAL AND RECREATE SECTION 1.15  
OF THE TOWN OF DELAFIELD MUNICIPAL CODE  
RELATED TO BOARD OF REVIEW AND  
FILING WITH THE BOARD OF REVIEW

WHEREAS, the Clerk of the Town of Delafield Board of Review has requested that the Town Board consider clarifying the filing requirements for the Board of Review; and

WHEREAS, the Clerk of the Board of Review has recommended that electronic filing be permitted, as a convenience to Town taxpayers; and

WHEREAS, allowing electronic filing can create uncertainty and confusion regarding the time of filing, which can be significant under the applicable laws that relate to Board of Review proceedings; and

WHEREAS, the Board of the Town of Delafield intends to allow electronic filing with the Board of Review, provided that the filing is not deemed to be complete until it is actually received by the Board of Review Clerk.

NOW, THEREFORE, the Town of Delafield Board, Waukesha County, Wisconsin, DO HEREBY ORDAIN as follows:

SECTION 1: Chapter 1 of the Town of Delafield Municipal Code entitled "General Government," Section 1.15 entitled "Board of Review," is hereby repealed and recreated as follows:

1.15 **BOARD OF REVIEW.**

(a) **Members.** The supervisors and Clerk shall constitute the Board of Review for the Town. The Town Clerk shall be the clerk of the Board of Review and shall keep an accurate record of all its proceedings. The members of the Board, except those who are full time officials of the Town, shall receive such compensation as shall be fixed by resolution of the Town Board.

(b) **Filing and Electronic transmission.** Filing documents with the Clerk of the Board of Review may be accomplished in-person, by mail, by facsimile transmission or by e-mail transmission. In each case the document is not deemed to be filed until, and it is only deemed to be filed if, it is complete and (i) in the case of in-person delivery, mail or facsimile, it is actually received by the Clerk, or the party in charge of the Clerk's office, in-hand; or (ii) in the case of

email, it is opened by the Clerk or the Clerk's designee. Any message left orally by telephone voice recording or other electronic means, similarly, is not deemed to be received until such message is actually heard by the Clerk or the Clerk's designee.

Notwithstanding the foregoing, if the Board of Review finds that an email message or voice recording was actually received and reasonably should have been opened by the Clerk or the Clerk's designee, during normal business hours, at or prior to the applicable deadline, the Board of Review may find that the filing or voice recording was timely received. No document transmitted by facsimile transmission or email transmission while the Board of Review is in session shall be deemed to be filed with, or received by, the Clerk during the session. The party transmitting the document or message is solely responsible for ensuring its timely and complete receipt and filing.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

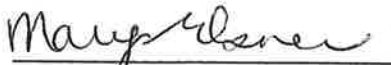
Dated this 23 day of July, 2013.

TOWN OF DELAFIELD



Paul L. Kanter, Town Chairman

ATTEST:



Mary Elsner, Town Clerk

This ordinance posted or published 7/30/13

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