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COUNTY CONSTITUTIONAL OFFICERS

CHAPTER SIX

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**CHAPTER 6
COUNTY CONSTITUTIONAL OFFICERS**

ARTICLE I. CLERK OF CIRCUIT COURT

Secs. 6-1 - 6-10 Reserved.

ARTICLE II. COUNTY CLERK

Sec. 6-11 Duties of county clerks.

The county clerk as clerk of the county board of supervisors shall keep a journal of the daily proceedings of the county board and perform such other duties as may legally be assigned to the clerk under the direction of the chairperson of the county board. The county clerk shall permit no papers belonging to the clerk's office or to the county board to be taken out of the clerk's custody except by order of the court or the county board.

(Mo. of 4-17-84, as amended, Rule 57)

State law reference - County clerk and duties of county clerk, Wis. Stat. § 59.23.

Secs. 6-12 - 6-14 Reserved.

ARTICLE III. DISTRICT ATTORNEY

Sec. 6-15 District attorney.

The district attorney shall furnish the county board of supervisors at its annual session a detailed statement of all costs, expenses and disbursements made or incurred by the district attorney by reason of attending to any action, application or motion, civil or criminal, outside of this county, in which the state or county is interested or a party, or arising from the discharge of the official duties as district attorney.

(Mo. of 4-17-84, as amended, Rule 59)

Editor's note - Ord. No. 150-74, § 1, adopted Nov. 28, 1995, repealed § 2-360, pertaining to the director of the Waukesha County Museum, as derived from a motion of April 17, 1984; Ord. No. 143-68, adopted March 30, 1989; Ord. No. 143-169, adopted March 30, 1989; and Ord. No. 146-23, § 2, adopted June 18, 1991.

Secs. 6-16 - 6-20 Reserved.

ARTICLE IV. REGISTER OF DEEDS

Sec. 6-21 Cut-off time for filing and recording documents with register of deeds.

In order to make it possible to complete the processing, recording and indexing on the day of reception, the cut-off reception time for the filing and recording of documents in the office of the register of deeds is

one-half hour prior to the closing of the office at the end of the day.

(Ord. of 4-13-73)

Cross reference - Courthouse office hours, § 3-1.

Sec. 6-22 Authority of register of deeds to destroy certain documents.

The register of deeds is authorized to destroy all obsolete documents relating to chattels in his office that are more than seven (7) years old.

(Res. No. 12, 6-20-72)

Cross reference - Records retention, § 3-21.

State law reference - Authority to so provide, Wis. Stat. § 59.43(12).

Sec. 6-23 Authority of register of deeds to preserve records.

The register of deeds shall record, copy, re-copy, or replace any document which he is authorized or required by law to keep on file, by microfilm or other mechanical process which produces a clear, accurate, and permanent copy or reproduction of the original document, pursuant to chapter 228, Wisconsin Statutes. The register of deeds may substitute the headings reel and image (frame) for volume and page where recorded and different classes of instruments may be recorded, reproduced or copied on the same reel or part of a reel.

(Res. No. 116, 2-1-72; Res. No. 117, 2-1-72)

State law reference - Authority to so provide, Wis. Stats. § 59.43, § 228.07.

Sec. 6-24 Copies of daily recordings, filings of documents relative to real property; fees.

(a) *Register of deeds may contract to provide copies; authority of county board to set and revise fees for providing such copies.* The register of deeds may enter into contracts with municipalities, private corporations, associations and other persons to provide noncertified copies of the complete daily recordings and filings of documents pertaining to real property, pursuant to section 59.43, Wisconsin Statutes. The executive committee of the county board shall be delegated the ongoing authority to set and revise fees for the provision of such documents by the register of deeds; revision shall be considered only upon the written request of the register of deeds.

(b) *Fees to be reasonable; amounts.* The fees set by the executive committee shall be reasonable in amount and shall be based upon the costs incurred by the register of deeds, which shall in no event be less than the cost of labor and material plus a reasonable allowance for plant and depreciation of equipment used.

(Ord. No. 142-121, § 1, 12-18-87)

Editor's note - Section 1 of Ord. No. 142-121, adopted Dec. 18, 1987, repealed former § 2-205 and enacted a new § 2-505 to read as herein set out. Former § 2-505 pertained to fees for copies of public records and derived from Res. No. 23612/84, adopted Dec. 19, 1984.

State law reference - Authority of register of deeds to enter into contracts to have records copied, Wis. Stat. § 59.43.

Sec. 6-25 Authority of register of deeds to combine document books, etc.

The register of deeds may combine the separate books or volumes for deeds, mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices, certificates of organizations and corporations, plats or other required or filed instrument or classes of documents as long as separate indexes are maintained pursuant to section 59.43, Wisconsin Statutes.

(Res. No. 117, 2-1-72)

Sec. 6-26 Land Information Council

(a) There is established a Land Information Council consisting of eight (8) members.

The following shall be appointed to the Council:

1. A member of the County Board of Supervisors.
2. The Land Information Officer.
3. The Director of the Department of Emergency Preparedness.
4. The County Surveyor.
5. The Register of Deeds.
6. The County Treasurer.
7. Representative of the Real Property Lister function.
8. A realtor or a member of the Realtors Association employed within the County.

(b) Land Information Council members shall serve four-year terms. The Land Information Officer shall serve as Chair of the Council.

(Ord. No. 145-23, §§ 1-5, 6-19-90; Ord. No. 166-25, §§1, 2; 06-29-11)

Editor's Note: Sec. 6-26 was repealed by Enrolled Ordinance 166-25. Two new sections were created, and the first was numbered as a new 6-26.

Sec. 6-27 County Land Information Office

(a) The Department of Parks and Land Use shall perform the functions and duties of the Waukesha County Land Information Office, as set forth in Wisconsin Statutes, section 59.72.

(b) Those duties shall consist of coordinating land information projects within the county, between the county and local governmental units, between the state and local governmental units and among local governmental units, the federal government and the private sector.

(c) The register of deeds is directed to collect and retain the fees as set forth in section 59.72, Wis. Stats, and the retainage of the fees shall be utilized to develop, implement and maintain the countywide plan for land records modernization. The county portion of the additional revenues provided by the statute shall be reserved to be used for allowable purposes only. The Department of Parks and Land Use shall, as part of the annual county budget processes, design and submit a plan for countywide land records

modernization which shall include specific appropriation of these retained fees for county board approval, prior to any release or use thereof.

(Ord. No. 166-25, §§1, 2; 06-29-11)

Secs. 6-28 - 6-29 Reserved.

ARTICLE V. SHERIFF

Sec. 6-30 Mutual aid agreements with other counties.

(a) The county board of supervisors approves in principle the plan whereby county law enforcement units enter into reciprocal agreements to provide mutual assistance in the event of emergencies of such magnitude that the law enforcement unit of one particular county finds it impossible to handle, under authority of section 66.0313 of the Wisconsin Statutes.

(b) The county sheriff shall negotiate with the sheriffs of other counties in the state a detailed plan to implement subsection (a).

(c) In the event of an emergency and when authorized by the sheriff or his subordinate, members of the sheriff's department shall perform enforcement work and other work related to public health and safety beyond the territorial limits of the county. When enforcement personnel are assigned to duty beyond the territorial limits of the county under emergency circumstances as provided herein, the sheriff shall, within ten (10) days, make an appropriate report to the county board of supervisors.

(Res. No. 46, 7-18-67)

Sec. 6-31 Contracts for detention of illegal aliens authorized.

The sheriff may contract with the United States of America, Department of Justice, for the housing and boarding of immigration and naturalization service detainees; such persons must be detained as aliens and no aliens shall be detained for a period to exceed eighteen (18) months.

(Res. No. 88, 12-6-51)

Secs. 6-32 - 6-39 Reserved.

Editor's Note: Secs. 6-32 and 6-33 regarding fees for municipal inmates and fees for Huber inmates were repealed by Enrolled Ord. 161-61, 11/28/06.

ARTICLE VI. TREASURER

DIVISION 1. REAL ESTATE TAXATION

Sec. 6-40 Penalty on delinquent taxes and special assessments.

There is imposed a penalty of one-half percent per month or fraction of a month, in addition to the interest

provided for in Wisconsin Statutes section 74.47, on all general property taxes, special charges, special assessments and special taxes that are overdue or delinquent. The county treasurer shall exclude the additional revenue generated by the penalty from the distributions required by Wisconsin Statutes section 74.47(3).

(Ord. of 8-16-83, § 2; Ord. No. 144-60, 11-21-89)

State law reference - Authority to impose such penalty, Wis. Stat. § 74.47(2).

Sec. 6-41 Foreclosure of tax deed by action in rem.

The county elects to adopt the provisions of section 75.521 of the Wisconsin Statutes for the purpose of enforcing tax liens in the county in the cases where the procedure provided by such section is applicable.

(Ord. of 5-16-61, § 13)

Editor's note - Former §§ 17.28 and 17.29 regarding tax sale of lands were repealed by Ord. No. 146-24, adopted June 18, 1991. The repealed provisions derived from Res. No. 5, adopted April 18, 1950, and Res. No. 83, adopted Oct. 18, 1966.

Sec. 6-42 Appraisal of land acquired by county for taxes.

The executive committee of county board of supervisors and the county treasurer are authorized to appoint an appraiser to make appraisals on property that has been taken by tax deed foreclosure by the county treasurer. The cost of appraisals shall be absorbed in the redemption or sale price of the property.

(Res. No. 3-4/80, 4-15-80)

Sec. 6-43 Sale of real estate acquired by tax deed, generally.

(a) The power of the county board of supervisors to sell real estate that is acquired by tax deed is delegated to a committee consisting of the county executive, county treasurer and county board supervisor in whose supervisory district the real estate is located. The county executive and the county treasurer may designate another individual to exercise his or her powers on this committee. The county treasurer shall act as chair of the committee. The county executive or his or her designee shall act as secretary and shall keep minutes of each meeting held by the committee.

(b) The terms and conditions of any such transfer shall be determined by the committee and shall have the same force and effect as if so determined by the county board of supervisors.

(c) The county treasurer or his/her designee shall report any transfers made pursuant to this section at the regular annual meeting of the county board of supervisors.

(d) No member of the committee shall receive any extra compensation for serving on the committee deciding to sell real estate acquired by tax deed.

(Ord. of 11-18-36, §§ 1-4; Ord. of 1-30-54; Ord. No. 144-223, 4-10-90; Ord. No. 154-94, §1, 1/14/00)

State law reference - Authority of county to regulate resale of land acquired by it for taxes, Wis. Stat. §75.35(2).

Sec. 6-44 Same-Appraisal.

(a) Any land acquired by the county by tax deed cannot be sold unless the sale and appraised value of such real estate has first been advertised according to statute.

(b) No real estate acquired by tax deed may be sold for less than the appraised value. After Waukesha County gains title to a property by tax foreclosure, the initial appraised value shall be determined as follows:

1. If the total assessed value is \$5,000 or greater, the appraised value shall be determined by a certified appraisal.
2. If the total assessed value is less than \$5,000, the appraised value shall be an amount as determined at the discretion of the County Board's Executive Committee.

(c) At least annually and prior to auction, the County Board's Executive Committee shall determine, at its discretion, appraised values for all properties which had been previously appraised and advertised for sale pursuant to Wisconsin Statutes 75.69(1).

1. The amount of the appraised values may be the same as, greater than, or less than prior appraised value determinations or prior certified appraisals.
2. A property whose value is determined to be less than a prior determination or appraisal cannot be sold unless advertised according to statute and unless adjacent property owners have been notified of the new value in writing by the County Treasurer.

(d) Except for property sold at auction, all tax deeded property shall be sold in accordance with this Article.

(Res. No. 198, 2-19-75; Ord. No. 144-223, 4-10-90; Ord. No. 158-164, 4-13-04)

Sec. 6-45 Same-Ability of former owner to repurchase.

(a) At the discretion of the committee, the owner(s) from whom the county acquired deed to the real estate or the surviving spouse or minor children of the former owner(s) may repurchase lands to which the county has taken title through delinquent tax enforcement collection by payment of:

1. All delinquent taxes together with interest and penalty thereon to the date of payment;
2. A pro-rata share of the costs of the proceedings; and
3. An additional sum equal to ten (10) percent of the sum of the total cost of subsections (1) and (2), above.

(b) The committee shall convene to determine if the former owner(s) or other interested party may repurchase property acquired through the tax foreclosure process only after the sums listed in (a) have been paid to the county treasurer in a form which is acceptable to the treasurer. Sales made pursuant to this section shall be exempt from the requirements for appraisal and publication under other sections of this Code and section 75.69 of the Wisconsin Statutes.

(c) Any request for repurchase by a former owner or other interested party must be made in writing

within 60 days of the entry of the circuit court judgment of foreclosure in favor of the county or is forever barred. In the event that proceedings for appraisal, publication and sale of real estate acquired by the county through the tax foreclosure process have begun, the committee may, at its discretion, refuse to grant the preference of repurchase provided by subsection (a).

(d) The committee shall, when determining whether to grant the preference provided by subsection (a), consider the following factors:

1. The history of the former owner(s) payment of taxes on the parcel foreclosed upon or any other parcel owned in Waukesha County.
2. The plan of the former owner(s) for paying taxes in a timely manner upon repurchase.
3. The economic impact on the county if the county is to retain possession of the real estate and pursue sale on the open market.
4. Whether the real estate was the homestead of the former owner(s) at the time of foreclosure.

(e) This section shall not apply to tax-deeded real estate that has been improved for or dedicated to a public use by the county subsequent to its acquisition.

(f) Sales made pursuant to this section shall be exempt from the requirements for appraisal and publication under other sections of this Code and section 75.69 of the Wisconsin Statutes.

(Ord. of 11-2-71, §§ I, II; Ord. No. 144-223, 4-10-90; Ord. 154-94, § 2, 1-14-00)

State law reference - Authority to so provide, Wis. Stats. § 75.35(3).

Sec. 6-46 In Personam Actions Authorized.

(a) Pursuant to section 74.53 of the Wisconsin Statutes, and in those situations where the county treasurer has reason to believe that the property is contaminated, the county treasurer is authorized to bring a civil action against a person for property taxes that are delinquent and for which a tax certificate has been issued. For purposes of this chapter, person shall have the same definition as is included in section 990.01, Wisconsin Statutes.

(b) The county treasurer shall, prior to beginning any civil action for delinquent taxes, seek the assistance of the department of administration which shall determine, through any legal means available, whether the person against whom judgment will be sought has sufficient credit, equity, salary, wages or other income to justify pursuing a judgment.

(c) The duty of the county board to individually approve and individually notice each person of a civil action contemplated by the county treasurer is specifically waived by the adoption of this ordinance.

(Ord. 154-94, § 3, 1-14-00).

Secs. 6-47 - 6-55 Reserved.