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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 No. 150-74, ' 1, adopted Nov. 28, 1995, repealed ' 2-360, pertaining to the director of the Waukesha County Museum, as derived from a motion of April 17, 1984; Ord.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)

Sec. 6-28 Land Records Recordings: Required Use of Parcel Identification Numbers

- (a) A Parcel Identification Number (PIN) shall be required for the recording of any conveyance, as defined in Section 706.01(4), Wisconsin Statutes, of any interest in real estate located in Waukesha County. Any conveyance shall contain reference to the Parcel Identification Number affected.
- (b) A Parcel Identification Number, also commonly referred to as a Tax Key Number, may be obtained from the local assessor of a municipality or the Waukesha County Tax Listing Office.
- (c) A person recording a conveyance for a newly created parcel for which a Parcel Identification Number has not yet been assigned may provide the Parcel Identification Number for the parcel from which the newly created parcel was formed.

(Sec. 6-28 was created by Enrolled Ordinance 178-66, effective 01/01/2024.)

Sec. 6-29 Authority of register of deeds to microfilm.

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. Stat. ' 228.01.

(Sec. 6-29 was created by Enrolled Ordinance 178-66 by moving Sec. 3-22 from Chapter 3, Article III, effective 01/01/2024.)

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 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 section, person shall have the same definition as is included in section 990.01 of the 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 the 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.

DIVISION 2. ADMINISTRATION AND MANAGEMENT OF TAX-DEEDED LANDS

Sec. 6-43 Definitions

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Beneficiary* shall have the meaning ascribed to such term in section 851.03 of the Wisconsin Statutes.

(b) *Heir* shall have the meaning ascribed to such term in section 851.09 of the Wisconsin Statutes.

(c) *Single-Family Residence* shall mean a residential building designed for the use and occupation by one family as their permanent and primary residence.

(d) *Tax-deeded lands* shall have the meaning ascribed to such term in section 75.35(1) of the Wisconsin Statutes.

Sec. 6-44 Authority to Sell Tax-Deeded Land

(a) Pursuant to section 75.35(2)(d) of the Wisconsin Statutes, the power of the county board of supervisors to sell tax-deeded lands is delegated to a tax deed committee consisting of the county executive, county treasurer, and a county board supervisor appointed by the county board chairman for a term of two (2) years. 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 the chair and secretary of the committee and shall keep minutes of each meeting held by the tax deed committee.

(b) The terms and conditions of any such transfer shall be determined by the tax deed 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 in the treasurer's annual report to the county board of supervisors.

(d) No member of the tax deed committee shall receive any extra compensation for serving on the committee.

Sec. 6-45 Appraisal of Tax-Deeded Land

(a) The county treasurer is authorized to appoint a certified appraiser to make appraisals on all tax-deeded land acquired by the county. The cost of such appraisals shall be absorbed in the redemption or sale price of the property.

(b) The appraised value of tax-deeded land shall be determined as follows:

1. If the total assessed value is \$10,000 or greater, the appraised value shall be determined by a certified appraisal.
2. If the total assessed value is less than \$10,000, the appraised value shall be an amount as determined at the discretion of the tax deed committee.

(c) On an annual basis and prior to auction, the tax deed committee is authorized to determine, at its discretion, appraised values for all tax-deeded lands which had been previously appraised and advertised for sale pursuant to section 75.69(1) of the Wisconsin Statutes.

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 the sale of such tax-deeded land is advertised by publication of a class 1 notice under Wis. Stat. Chap. 985.

Sec. 6-46 Right to Repurchase Tax-Deeded Land

(a) This section 6-46 relates to tax-deeded lands that are single-family residences.

(b) Within 30 days of the county's acquisition of tax-deeded land, the county treasurer shall provide notice to the former owner, the former owner's heirs or the former owner's beneficiaries of the right to repurchase the tax-deeded land. Such notice shall be mailed to the former owner's last known address on file with the county treasurer.

(c) If a former owner of tax-deeded land, or such former owner's heir or beneficiary, notifies the county treasurer of an intent to repurchase the tax-deeded land within 60 days of the date the county acquired the tax-deeded land, the county treasurer shall order a title report from a title insurance company showing all liens of record against the tax-deeded land in existence on the day prior to the judgment of foreclosure in favor of the county, the cost of which shall be paid in advance by the person notifying the county treasurer of the intent to repurchase the tax-deeded land.

(d) If the former owner, or such former owner's heir or beneficiary, provides proof of satisfaction of all liens of record as established in the title report within 30 days of the date of the title report, the county

treasurer shall convey the tax-deeded land to the former owner, or such former owner's heir or beneficiary, by quit-claim deed provided the former owner, or such former owner's heir or beneficiary, has provided the county with funds necessary to satisfy all costs and expenses due to the county as provided in section 75.35(3) of the Wisconsin Statutes.

(e) A sale under this section is exempt from the requirements for appraisal and publication under other sections of this article or section 75.69 of the Wisconsin Statutes.

Secs. 6-47 Sale of Tax-Deeded Land

(a) The county shall comply with the provisions of sections 75.35, 75.36 and 75.69, Wis. Stat. This section does not apply to the withdrawal and sale of county forest lands, nor to the sale or exchange of lands to or between the county and a municipality or the state.

(b) Unless a tax-deeded land is repurchased under section 6-46, the county treasurer shall publish on the county's website and either publish a class 1 notice or advertise on a multiple listing service the availability of a tax-deeded land for purchase and the appraised value of the tax-deeded land. The publication shall include information regarding the method of sale to be utilized.

(c) The tax deed committee is authorized to sell tax-deeded lands by open or closed bid or to engage a licensed real estate broker or salesperson to assist in selling any tax-deeded land.

(d) The tax deed committee may accept the bid most advantageous to it, but every bid less than the appraised value of the tax-deeded land shall be rejected. No tax-deeded land may be sold for an amount that is less than the amount of the highest bid unless the tax deed committee prepares a written statement, available for public inspection, that explains the reasons for accepting a bid that is less than the highest bid. The county treasurer shall notify, by mail, the clerk of the municipality in which the tax-deeded land is located of the sale of a tax-deeded land at least three weeks prior to the time of the sale.

(e) The county treasurer shall send to the former owner any proceeds to which the former owner is entitled under section 75.36(2m)(a) of the Wisconsin Statutes by certified mail to the former owner's last known address. If the payment to the former owner is returned to the county or otherwise not claimed by the former owner within one year following the mailing of the proceeds, the payment shall be considered unclaimed funds and disposed of pursuant to section 59.66(2) of the Wisconsin Statutes. Neither the former owner nor any person making a claim for any funds under this section is entitled to interest on sums owed by the county hereunder.

(Article VI was repealed and recreated by Ord. No. 179-80, 03/25/2025)

Secs. 6-48- 6-55 Reserved.