

Chapter 17

Administrative Review Procedure

17.01 PURPOSE. The purpose of this section is to provide a fair process for obtaining review of administrative determinations made under the authority of the Town of Verona.

17.02 AUTHORITY. This ordinance is adopted as authorized under s. 68.16, *Wis. Stats.*

17.03 AGGRIEVED PARTY. An aggrieved party includes any individual, partnership, limited liability company, corporation, association, public or private organization, officer, department, board, commission or agency of the municipality, whose rights, duties or privileges are adversely affected by a determination of the Town of Verona.

17.04 TOWN AUTHORITY. Determinations made under the authority of the Town of Verona include every determination made by any Town board, commission, committee, agency, officer, employee, or agent of the Town.

17.05 DETERMINATIONS REVIEWABLE. The following determinations are reviewable under this chapter:

- (1) The grant or denial in whole or in part, including conditions upon which a permit has been granted, after application of an initial permit, license, right, privilege, or authority, except an alcohol beverage license.
- (2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority, except as provided in 17.06(5).
- (3) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

17.06 DETERMINATIONS NOT SUBJECT TO REVIEW. Except as provided in 17.05, the following determinations are not reviewable under this chapter:

- (1) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Town of Verona.
- (2) Any action subject to administrative or judicial review procedures under state statute, other than Ch. 68, *Wis. Stats.*
- (3) The denial of a tort or contract claim for money, required to be filed with the Town of Verona pursuant to statutory procedures for the filing of such claims.
- (4) The suspension, removal or disciplining or nonrenewal of a contract of a Town of Verona employee or officer.
- (5) The grant, denial, suspension or revocation of an alcohol beverage license under s. 125.12 (1), *Wis. Stats.*
- (6) Judgments and orders of a court.
- (7) Determinations made during Town of Verona labor negotiations.
- (8) Any action that is subject to administrative review procedures as otherwise provided in this Code.
- (9) Notwithstanding any other provision of this chapter, any action or determination of a Town authority which does not involve the constitutionally protected right of a specific person or persons to due process in connection with the action or determination.

17.07 REVIEW OF DETERMINATION.

(1) Procedure for Requesting Review of Determination. An aggrieved party may request a review of a written or oral determination by submitting a written request within 30 days of receiving notice of the determination. The request shall be directed to the Town authority responsible for making the original determination and shall state the grounds upon which the aggrieved party contends that the decision should be modified or reversed. Written evidence and argument in support of the aggrieved party's position may be included with this request.

(2) Timing of Review. The Town authority responsible for making the original determination shall review the request within 30 days of receipt of the review request. The time for review may be extended by agreement between the Town and the aggrieved party.

(3) Decision on Review. The Town authority responsible for the original determination may affirm, reverse or modify the original determination and issue a decision on review within the review period set forth in 17.07(2). A copy of the decision on review will be mailed or delivered to the aggrieved party and will state the reasons for the decision. The decision on review will also notify the aggrieved party of their right to appeal the decision to the Administrative Review Appeals Board.

17.08 APPEAL OF DECISION ON REVIEW.

(1) Procedure for Requesting Appeal. An aggrieved party may appeal the decision on review by filing with the Town Clerk a written request for a hearing in front of the Town's Administrative Review Appeals Board. This request must be filed by the aggrieved party within 30 days of receiving notice of the decision on review. Membership of the Administrative Review Appeals Board is set forth in Sec. 1.05(4) of this Code.

(2) Timing of Hearing. The Town will provide the aggrieved party with a hearing within 30 days of receipt of the notice to appeal, and shall serve the aggrieved party with notice of such hearing at least 20 days before such hearing.

(3) Conduct of Hearing. The aggrieved party and the Town authority responsible for the original determination and the decision on review may be represented by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the Administrative Review Appeals Board. The testimony shall be recorded and all exhibits will be marked and preserved. Subpoenas may be issued by the Administrative Review Appeals Board or the appellant's attorney of record to compel the attendance of a witness or the production of evidence. Subpoenas issued by an attorney must be in substantially the same form as provided in 805.07(4) and served in the manner provided in 805.07(5), *Wis. Stats.* The attorney shall also send a copy of the subpoena to the Administrative Review Appeals Board at the time it is issued.

(4) Final Determination. Within 20 days of completion of the hearing conducted under 17.08, the Administrative Review Appeals Board shall deliver to the appellant its written determination, which shall include the reasons for such determination. Such determination shall be a final determination, subject only to judicial review as provided in 68.13, *Wis. Stats.*