

TITLE 4

Administrative Review Procedures

Chapter 1 Review of Administrative Determinations

CHAPTER 1

Review of Administrative Determinations

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SEC. 4-1-1 REVIEW OF ADMINISTRATIVE DETERMINATIONS.

Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, officer or employee of the Village of Nichols or agent acting on its behalf may have such determination reviewed as provided in this Chapter. The remedies under this Chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

State Law Reference: Sec. 68.01, Wis. Stats.

SEC. 4-1-2 DETERMINATIONS REVIEWABLE.

The following determinations are reviewable under this Chapter:

- (a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- (b) The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in Section 4-1-3(d).
- (c) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

- (e) The suspension or removal of a Village officer or employee except as provided in Section 4-1-3(b) and (g).

State Law Reference: Sec. 68.02, Wis. Stats.

SEC. 4-1-3 DETERMINATIONS NOT SUBJECT TO REVIEW.

The following determinations are not reviewable under this Chapter:

- (a) A legislative enactment. (A legislative enactment is an ordinance, resolution or adopted motion of the Village Board.)
- (b) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- (c) The denial of a tort or contract claim for money required to be filed with the Village under Sec. 62.25, Wis. Stats.
- (d) The grant, denial, suspension or revocation of a fermented malt beverage license or intoxicating liquor license under Chapter 125, Wis. Stats.
- (e) Judgments and orders of a court.
- (f) Determinations made during municipal labor negotiations.
- (g) Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

State Law Reference: Sec. 68.03, Wis. Stats.

SEC. 4-1-4 MUNICIPAL AUTHORITY DEFINED.

"Municipal authority" includes the Village Board, commission, committee, agency, officer, employee or agent of the Village making a determination under Section 4-1-1, and every person, committee or agency of the Village to make an independent review under Section 4-1-8(b).

State Law Reference: Sec. 68.05, Wis. Stats.

SEC. 4-1-5 PERSONS AGGRIEVED.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the Village, whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the Village who is aggrieved may initiate review under this Chapter of a determination of any other department, board, commission, agency, officer or employee of the Village, but may respond or intervene in a review proceeding under this Chapter initiated by another.

State Law Reference: Sections 68.01 and 68.06, Wis. Stats.

SEC. 4-1-6 REDUCING DETERMINATION TO WRITING.

If a determination subject to this Chapter is made orally or, if in writing, does not state the reasons therefore, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten