

ORDINANCE No. 2016-7

AN ORDINANCE REGARDING ALTERNATIVE FORMS OF SWORN TESTIMONY AT BOARD OF REVIEW HEARINGS

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 3-1-24 of the Village of Bristol Code of Ordinances is created to read as follows:

Sec. 3-1-24 Alternate Forms of Sworn Testimony at Board of Review Hearings.

- (a) **Statement of Purpose.** Sec. 70.47(8), Wis. Stats., authorizes the Board of Review to consider requests from a property owner, or the property owner's representative, to appear before the Board of Review under oath by telephone or to submit a written statement under oath to the Board of Review.
- (b) **Procedures.**
 - (1) In order for a property owner, or property owner's representative, to submit a request to testify by telephone or submit a sworn written statement, he/she must first comply with the following steps:
 - a. The legal requirement to provide Notice of Intent to Appear at the Board of Review shall be satisfied; and
 - b. An Objection Form for Real Property Assessment (PA-115A) shall be completed and submitted to the Board of Review as required by the Wisconsin Statutes.
 - (2) After both requirements prescribed under Subsection (b)(1)a-b above have been satisfied, a Request to Testify by Telephone or to Submit a Sworn Written Statement at Board of Review (PA-814) may be submitted to the Village Clerk-Treasurer. Such request(s) must be submitted in time to be considered by the Board of Review at the first meeting of such Board.
- (c) **Criteria To Be Considered.** The Board of Review may consider any or all of the following factors when a determination whether to grant or deny the request:

- (1) The requester's stated reason(s) for the request as stated on Form PA-814.
 - (2) Fairness to the parties involved.
 - (3) Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring the testimony.
 - (4) Ability to cross-examine the person providing the testimony.
 - (5) The Board of Review's technical capability to honor the request.
 - (6) Any other factors which the Board of Review deems pertinent to deciding the request.
- (d) **Disabled or Ill Parties.** The Board of Review shall hear by telephone, upon oath, all disabled or ill persons who present to the Board of Review a letter from a physician, osteopath, physician assistant, or advanced practice nurse prescriber that confirms their illness or disability.

State Law Reference: Sec. 70.47(8), Wis. Stats.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. CONFLICTING PROVISIONS REPEALED.

All Ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 28th day of March, 2016.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: 3/28/16

ADOPTED: 3/28/16

PUBLISHED:
(POSTED) _____

State of Wisconsin:
County of Kenosha:

I hereby certify that the foregoing ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Bristol Village Board on the 28 day of March, 2016 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 28 day of March, 2016.

Amy Klemko
Amy Klemko, Village Clerk-Treasurer