

# TITLE 2

## Government and Administration

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### CHAPTER I

#### Village Government and Elections

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#### SEC. 2-1-1 VILLAGE GOVERNMENT.

- (a) **Village Government Form.** The Village of Edgar is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.
- (b) **Division of Government.**
- (1) **Legislative Branch.** The Village Board is the legislative branch of the Village government. Its primary business is the passage of law in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Village Board shall fix the salaries of all officers and employees of the village, and be charged with the official management of the Village's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the Village.
  - (2) **Executive Branch.** The Village President shall be the chief executive officer. He shall take care that all Village ordinances and state laws are observed and enforced, and that all Village officers, boards and commissions discharge their duties. When present, he shall preside at the meetings of the Village Board. He shall from time to time give the Village Board such information and recommend such measures as he may deem advantageous to the Village.
  - (3) **Administrative Officer.** The Village Administrator shall be the chief administrative officer. He shall be responsible for directing and coordinating the administration of the Village Government in accordance with policies established by the Village Board as set forth in this Code of Ordinances.

State Law Reference: Wis. Const., Art. XI, Sec. 3.

#### SEC. 2-1-2 ELECTION POLL HOURS.

The voting polls in the Village of Edgar, Marathon County, Wisconsin shall be opened from 9:00 a.m. to 8:00 p.m. for all elections.

#### SEC. 2-1-3 OFFICIAL NEWSPAPER.

The official Village newspaper shall be the Record-Review, to be used for the publication of legal and/or official notices and documents, when legal posting is not used instead.

**SEC. 2-1-4 VOTER REGISTRATION.**

Registration may be completed at Village polling places on election days upon presentation of proper identification and proof of residency.

## CHAPTER 2

### Village Board

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#### **SEC. 2-2-1 VILLAGE BOARD.**

The Trustees of the Village of Edgar shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Sections 61.32 and 61.34, Wis. Stats.

#### **SEC. 2-2-2 TRUSTEES.**

- (a) **Election, Term, Number.** The Village of Edgar shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his office as President. The six (6) Trustees shall constitute the Village Board. Three (3) Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

State Law Reference: Sections 61.20 and 61.325, Wis. Stats.

#### **SEC. 2-2-3 VILLAGE PRESIDENT.**

- (a) **Election.** The Village President shall be elected at the annual spring election, in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his election.
- (b) **Duties.** The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

State Law Reference: Sec. 61.24, Wis. Stats.

**SEC.2-2-4 STANDING COMMITTEES.**

- (a) **Committee Appointments.** Standing committees of the Village are appointed by the Village President, subject to confirmation by the Village Board, and shall be composed as prescribed in Subsection (b). Each committee shall consist of at least three (3) members. The appointments to each committee shall be made at the annual organizational meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Board action.
- (b) **Committees Established.** The following standing committees are established:
  1. Finance Committee.
  2. License/Buildings/Safety Committee.
  3. Street Committee.
  4. Sewer and Water Committee.
- (c) **President to Designate Chairpersons.**
  - (1) The President shall designate the chairperson of each standing committee. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the Board.
  - (2) All Trustees shall serve on at least one standing committee. The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
  - (3) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
  - (4) The Village President may, from time to time, appoint such special committee or committees as he deems advisable or as provided for by motion or resolution by the board stating the number of members and object thereof to perform such duties as may be assigned to them.
- (d) **Committee Reports.** Each committee shall at the next regular Board meeting submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any Village officer or employee to confer with it and supply information in connection with any matter pending before it.
- (e) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.

## SEC. 2-2-5 GENERAL POWERS OF THE VILLAGE BOARD.

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** The Village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefore. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (e) **Construction of Powers.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sec. 61.34, Wis. Stats.

## SEC. 2-2-6 COOPERATION WITH OTHER MUNICIPALITIES.

The Village Board, on behalf of the Village, may join with other counties, villages, cities, towns or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

State Law Reference: Sections 61.34(2) and 6630, Wis. Stats.

**SEC. 2-2-7 INTERNAL POWERS OF THE BOARD.**

The Village Board has the power to preserve order at its meetings. Members of the Village board shall be residents of the Village at the time of their election and during their terms of office.

State Law Reference: Sec. 61.32, Wis. Stats.

**SEC. 2-2-8 SALARIES.**

(a) The President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that a per diem salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

(b) The compensation for Village Board members and employees for 1991 shall be as follows:

(1) Full Time Employees.

- a. Police Chief \$25,000.00 year
- b. Village Administrator (Clerk- Treasurer) 24,000.00 year
- c. Water Utility Superintendent 11.25 hour
- d. Sewer Utility Superintendent 11.25 hour
- e. Street Superintendent 11.25 hour

(2) Part- Time Employees.

- a. Police Officer 6.00 -7.35 hour
- b. Hall Cleaning 5.50 hour
- c. Park Lawn Mower Operator 6.35 hour
- d. Summer Maintenance 5.00 -6.00 hour
- e. Election Officials 5.00 hour
- f. Office Assistant 5.75 hour
- g. Deputy Clerk - Treasurer 6.00 -7.00 hour

(3) Village Board Members.

- a. Village President annual salary 1,000.00 year
- b. Village Trustee annual salary 400.00 year
- c. Village Board per diem meeting compensation 30.00 meeting
- d. Village Committee per diem meeting 10.00 hour compensation

State Law Reference: Sec. 61.32, Wis. Stats.

**SEC. 2-2-9 MEETINGS.**

(a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the first Monday of each calendar month at 8:00 p.m. local time, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held the following day, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Municipal Building in the Village of Edgar and in the official Village newspaper prior to such rescheduled meeting date. All meetings of the Board shall be held at the Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least

three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village.

- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting at the first regular Board meeting following the spring election for the purpose of organization.
- (c) **Board Minutes.** The Village Administrator shall keep a record of all Board proceedings and cause the proceedings to be posted.

State Law Reference: Sec. 61.32, Wis. Stats.

#### **SEC. 2-2-10 SPECIAL MEETINGS.**

- (a) Special meetings of the Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Administrator at least forty-eight (48) hours prior to the time specified for such meeting. The Village Administrator shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Administrator shall give notice immediately upon the call for such meeting being filed with him.
- (b) In the event all of the Trustees file a written consent or waiver of notice, any special meeting shall be held forthwith, but not less than two (2) hours after the required notice is provided under Sec. 19.84(3), Wis. Stats.
- (c) The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

State Law Reference: Sections 61.32 and 985.02(2)(a), Wis. Stats.; Ch. 19, Subch. IV, Wis. Stats.

#### **SEC. 2-2-11 OPEN MEETINGS; ADJOURNMENT OF MEETINGS.**

- (a) **Open Meeting Law Compliance.** All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.
- (b) **Adjournment of Meetings.** Regular sessions of the Village Board may be adjourned from time to time for later reconvening. Any regular session of the Board may be adjourned for later reconvening as many times as the Board may determine to be necessary, advisable or convenient. Said adjournment may be made for a new reconvening time later in the same day or in a subsequent day. Any such adjournment may provide for reconvening at the same place or another place. An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Closed Meetings.** The provisions of this Code do not prohibit the Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Village.

State Law Reference: Sec. 61.32 and Ch. 19, Subch. IV, Wis. Stats.

#### **SEC. 2-2-12 QUORUM.**

- (a) Four (4) members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Administrator shall proceed to call the roll in alphabetical order, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner .

State Law Reference: Sec. 61.32, Wis. Stats.

**SEC. 2-2-13 PRESIDING OFFICERS.**

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tern shall preside. In case of absence of the Village President, the President Pro Tern shall call the meeting to order. The Trustees shall elect one of their number President Pro Tem at the Board's annual organizational meeting.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

State Law Reference: Sec. 61.32, Wis. Stats.

**SEC. 2-2-14 ORDER OF BUSINESS**

- (a) **Order of Business.** At all meetings, the following order shall be observed in conducting the business of the Village Board:
  - (1) Call to Order by presiding officer;
  - (2) Roll call. If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date);
  - (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings and approval of agenda;
  - (4) Appearances;
  - (5) Old or Unfinished business;
  - (6) New business;
  - (7) Committee reports;
  - (8) Adjourn.
- (b) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Presiding Officer or by majority consent of all Trustees and in the absence of any debate whatsoever.

**SEC. 2-2-15 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.**

- (a) **Ordinances to Be in Writing.** All ordinances, or bylaws submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title and may be referred to the appropriate committee by the President; the committee shall report back to the

Board on the matter at the next Board meeting. Resolutions shall be in writing at the request of one Trustee; such request shall be non-debatable. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.

- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**
  - (1) The Village Board may take action on an ordinance only if it appears on the written agenda for meeting at which action is requested.
  - (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Village Administrator in written form a minimum of five (5) days prior to the meeting at which action is requested.
- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Village Board or to the Village Administrator or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.

#### **SEC. 2-2-16 PUBLICATION AND EFFECT OF ORDINANCES.**

- (a) All general ordinances of the Village and all regulations imposing any penalty shall be published in the official paper of the Village once or posted according to state law, and shall be immediately recorded by the Village Administrator in a book kept for that purpose and/or the Village Code of Ordinances. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publications thereof, unless otherwise provided.

State Law Reference: Sections 61.32 and 61.50, Wis. Stats.

#### **SEC. 2-2-17 CONDUCT OF DELIBERATIONS.**

- (a) A roll call shall not be necessary on any questions or motions except as follows:
  - (1) When the ayes and noes are requested by any member.
  - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money or creating any liability or charge against the Village or any fund thereof in excess of Ten Thousand Dollars (\$10,000.00).
  - (3) When required by the state statutes of Wisconsin.
- (b) All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board or the President, and the Village Administrator shall call the roll in alphabetical order, and the Village Administrator shall call the roll starting with "A" and then in alphabetical order.
- (c) Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, Revised (1984), which is hereby

incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:

- (1) No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to Board and confine his remarks to the question under discussion and avoid all personalities.
- (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with permission of the presiding officer as to matters which are being considered by the Board at the time-
- (4) When a question is in debate, no action shall be in order except:
  - a. To adjourn;
  - b. To lay on the table;
  - c. The previous question;
  - d. To postpone to a certain date;
  - e. To refer to a standing, select or special committee;
  - f. To amend;
  - g. To postpone indefinitely; and these several motions shall have precedence in the order in which they stand.

**SEC. 2-2-18 RECONSIDERATION OF QUESTIONS.**

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof; but if a motion to reconsider be made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it.

**SEC. 2-2-19 DISTURBANCES AND DISORDERLY CONDUCT.**

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons causing such disorderly conduct.

**SEC. 2-2-20 AMENDMENT OF RULES.**

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Board.

**SEC. 2-2-21 SUSPENSION OF RULES.**

These rules shall not be suspended except by a two-thirds (2/3) vote of all the members of the Board.

## CHAPTER 3

### Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Village Administrator
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2-3-4	Village Attorney
2-3-5	Chief of Police
2-3-6	Fire Chief
2-3-7	Weed Commissioner
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2-3-9	Building Inspector
2-3-10	Eligibility for Office
2-3-11	Oaths of Office
2-3-12	Vacancies
2-3-13	Removal from Office
2-3-14	Custody of Official Property
2-3-15	Official Bonds; Officers Not to Be Sureties

#### SEC. 2-3-1 GENERAL PROVISIONS.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in officer, shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

#### SEC. 2-3-2 VILLAGE ADMINISTRATOR.

- (a) **Office of Village Administrator.** To provide the Village of Edgar with a more efficient, effective and responsible government under a government system of a part-time Village President and Village Board, there is hereby created the office of Village Administrator. The Village of Edgar, pursuant to Sec. 66.01, Wis. Stats., elects not to be bound by that portion of the Wisconsin Statutes providing for the election of the Village Clerk and Treasurer. (Charter Ordinance.)
- (b) **Appointment.** The Village Administrator shall be appointed by the President subject to confirmation by a two-thirds (2/3) vote of the Village Board. Removal from office shall require a two-thirds (2/3) vote of the members-elect. The Village Administrator shall be responsible to the

Village Board and shall be hired by the Board upon such terms and conditions, and receive such salary as is prescribed and set by the Village Board. He shall have an indefinite term of office.

(c) **Functions and Duties.** The Village Administrator shall serve as the chief administrative officer of the Village and shall be responsible to the Village President and Village Board for the daily administration of all business affairs of the Village with the powers and duties as follows:

- (1) The duties and responsibilities of the Village Administrator include directing the effective and efficient performance of all Village employees and coordinating and expediting all Village services, functions and programs. He shall exercise supervisory control over all departments and subordinate employees of the Village, unless otherwise determined by local ordinances or state statute.
- (2) The Village Administrator shall carry out all directives approved by the Village Board which require administrative implementation through the active direction and coordination of the various Village departments.
- (3) The Village Administrator shall be responsible for directing, coordinating and expediting the activities of all Village departments, except for such authority vested by Wisconsin Statutes in certain boards and commissions. They shall include making or directing such studies as are necessary to answer the most economical, efficient operation of such departments, sources and programs from the various departments when deemed necessary.
- (4) The Village Administrator shall be at all times responsible to the Village President and Village Board and shall be responsible for effectuating all actions of the same which require administrative implementation or where the Village President and Village Board has directed him to act.
- (5) The Village Administrator shall be responsible for the administration of all day-to-day operations and services provided by the Village government, including supervision of all departments in the monitoring and enforcement of all Village Ordinances, Resolutions, State Statutes and Board directives.
- (6) The Village Administrator shall establish and implement administrative procedures to increase the effectiveness and efficiency of the Village government which are fully consistent with approved policies established by the Village Board.
- (7) The Village Administrator shall keep informed concerning current federal, state and county legislation and administrative rules affecting the Village and submit appropriate reports and recommendations thereon to the Village Board.
- (8) The Village Administrator shall represent the Village in matters involving legislative and intergovernmental affairs as required.
- (9) The Village Administrator shall submit as deemed necessary recommendations or suggestions for improving the health, safety or welfare of the Village and shall institute and operate a system whereby Village departments, as well as persons having business with the Village President and/or Village Board or any Village department, may properly and efficiently conduct such business.
- (10) The Village Administrator shall establish and maintain procedures to facilitate communication between citizens and Village government to assure that complaints, grievances, recommendations and other matters receive prompt attention and to assure that all such matters are expeditiously resolved.
- (11) The Village Administrator shall promote the economic well-being and growth of the Village through public and private sector cooperation.
- (12) The Village Administrator shall keep the Village President and Village Board informed about activities of the Village departments through oral or written reports.
- (13) The Village Administrator shall serve as the Village's Personnel Officer which shall include the development, implementation, interpretation and enforcement of the Village Personnel Rules and Regulations as approved by the Village Board. This includes recommending revisions to Village personnel policies when necessary. In addition, the Administrator shall recommend salary and wage scales for all Village employees not

covered by collective bargaining agreements and direct and oversee the process where personnel problems and/or grievances are promptly resolved.

- (14) The Village Administrator shall direct and oversee the Village's Purchasing Policy as approved by the Village Board.
- (15) The Village Administrator shall administer the payroll and maintain accurate and complete Official employment records for all Village employees.
- (16) The Village Administrator shall serve as Village Treasurer, and be responsible for the duties of the Treasurer as set forth in Section 61.26, Wis. Stats., and administer the receipts, deposits and appropriate investment of all moneys received by the Village, and may draw and countersign all orders on the Village treasury.
- (17) The Village Administrator shall serve as Village Clerk and shall be responsible for the duties of the Clerk as set forth in Sec. 61.25, Wis. Stats., and Village Ordinances.
- (18) The Village Administrator shall represent the Village's interest in maintaining good inter-governmental relationships with neighboring villages, counties and schools.
- (19) The Village Administrator shall coordinate and prepare an annual budget with the Finance Committee for submission to the Village Board, coordinating all personnel management activities.
- (20) The Village Administrator shall take minutes of all Village Board and committee meetings insuring minutes are published, posted and distributed to the respective parties.

State Law Reference: Sections 19.01, 61.25, 61.26, 66.01, 70.49 and 73.02, Wis. ~ Stats.

#### **SEC. 2-3-3 DEPUTY CLERK-TREASURER.**

The Village President may appoint a Deputy Clerk-Treasurer, subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer shall have an indefinite term of office. The Deputy Clerk-Treasurer shall act under the Village Administrator's direction and, during the temporary absence or disability of the Village Administrator or during a vacancy in such office, shall perform the duties of Village Administrator. The acts of the Deputy shall be covered by official bond as the Village Board shall direct.

State Law Reference: Sec. 61.261, Wis. Stats.

#### **SEC. 2-3-4 VILLAGE ATTORNEY.**

- (a) **Appointment.** The Village Attorney is an appointed position. The Village President shall at the organizational meeting in April appoint a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney shall serve at the pleasure of the Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
  - (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
  - (2) He shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
  - (3) He shall draft ordinances, bonds and other instruments as may be required by Village officers.
  - (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
  - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
  - (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

**SEC. 2-3-5 CHIEF OF POLICE.**

(a) **Appointment.**

- (1) The Chief of Police shall be appointed by a majority vote of the members of the Village Board for an indefinite term, subject to removal by a two-thirds (2/3) vote of the members of the Board, pursuant to the procedures established in Sec. 61.65(1)(am), Wis. Stats. The Chief shall exercise the powers and duties of Village marshals and Village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes. Upon a vacancy, the ranking officer shall temporarily replace the Chief until the vacancy is filled by the Village Board.
- (2) The compensation to be paid the Chief of Police for his services, the hours of active duty, rest days, vacation periods and other involvement of his employment shall be such as may be determined by the Village Board from time to time.

(b) **General Duties.**

- (1) The Chief of Police shall have command of the Police Department. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Board or designated committee.
- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime.

State Law Reference: Sec. 61.65(1)(am), Wis. Stats.

**SEC. 2-3-6 FIRE CHIEF.**

(a) **Appointment.** The Fire Chief shall be appointed pursuant to the bylaws of the Edgar Fire Department.

(b) **Powers and Duties of Chief.**

- (1) The Chief shall have general supervision of the Department, subject to the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
- (2) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

Cross Reference: Title 3, Chapter 2.

**SEC. 2-3-7 WEED COMMISSIONER.**

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Administrator and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

**SEC. 2-3-8 ASSESSOR**

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section (Charter Ordinance).
- (b) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by a corporation or independent contractor unless he has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.
- (c) The Assessor shall have an indefinite term of office, subject to removal under Sec. 17.14(1), Wis. Stats.

State Law Reference: Public Official's oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sections 61.197 and 61.27, Wis. Stats.; affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.

**SEC. 2-3-9 BUILDING INSPECTOR**

- (a) **Building Inspector Position.**
  - (1) There is hereby created the position of Building Inspector who shall be appointed by the Village President, subject to confirmation by the Village Board. His appointment shall continue during good behavior and satisfactory service. The Building Inspector shall be fully certified by the State of Wisconsin to enforce the one (1) and two (2) family dwelling code. There may also be a Deputy Building Inspector, as authorized by the Village Board.
  - (2) During temporary absence or disability of the Building Inspector, the Deputy Building Inspector shall designate an acting Building Inspector .
  - (3) The manner and amount of compensation to be paid to the Building Inspector shall be fixed by the Village Board.
- (b) **Powers and Duties.**
  - (1) It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to building permits and zoning.
  - (2) The Building Inspector shall have the power to order all work stopped on construction, alteration or repair of buildings in the Village when such work is being done in violation of any Village ordinance. Work shall not be resumed after the issuance of such an order except on written permission of the Building Inspector.
- (c) **Right of Entry.** The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

**SEC. 2-3-10 ELIGIBILITY FOR OFFICE.**

- (a) No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.

- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one ( 1 ) year thereafter.

State Law Reference: Sec. 62.09(2), Wis. Stats.

#### **SEC.2-3-11 OATHS OF OFFICE.**

- (a) **Requirement.** Within five (5) days after the election or appointment of any Village officers, the Village Administrator shall notify the person so selected thereof. Every person elected or appointed to the office of Village President, Trustee, and Administrator shall within five (5) days after election or notice thereof, when required, take and file the official oath.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

State Law Reference: Ch. 19, Subch. I, Wis. Stats.

#### **SEC.2-3-12 VACANCIES.**

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.24, Wis. Stats.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

State Law Reference: Sec. 61.23, Wis. Stats.

#### **SEC. 2-3-13 REMOVAL FROM OFFICE.**

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.2(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

#### **SEC.2-3-14 CUSTODY OF OFFICIAL PROPERTY.**

Village officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

State Law Reference: Sec. 19.21, Wis. Stats.

#### **SEC.2-3-15 OFFICIAL BONDS; OFFICERS NOT TO BE SURETIES.**

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the Village Administrator. Any person re-elected or re-appointed to the same office shall take and file an official bond for each term of service.

State Law Reference: Sec. 61.22, Wis. Stats.

## CHAPTER 4

### Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Zoning Board of Appeals
2-4-3	Park Commission
2-4-4	Planning Commission
2-4-5	General Provisions Regarding Meetings and Public Notice
2-4-6	Residency Required for Service on Boards and Commissions; Attendance Standards

#### SEC. 2-4-1 BOARD OF REVIEW.

- (a) **Composition.** The Board of Review shall consist of the Village President and the Trustees of the Village Board.
- (b) **Duties.**
  - (1) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
  - (2) **Compensation.** Compensation for the members of the Board of Review, shall be as is established by the Village Board at the organizational meeting in April.
- (c) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

#### SEC. 2-4-2 ZONING BOARD OF APPEALS.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) Citizen members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall serve with compensation as determined by the Village Board and shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman.
- (c) **Powers.** The Zoning Board of Appeals shall have the following powers:
  - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
  - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass
  - (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured

and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in ; floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance, Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.

- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of three members or the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which It is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(c) **Meeting and Rules.**

- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Regular meetings shall be held at the call of the Chairman.
- (3) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (4) Hearings may be held at any regular or special meeting at the time set by the Chairman.
- (5) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (6) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or falling to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Administrator and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (7) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in deter-

(d) **Offices.** The Village Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

State Law Reference: Sec. 62.23(7)( e ), Wis. Stats.

**SEC. 2-4-3 PARK COMMISSION.**

- (a) **Appointments.** The Park Commission shall consist of the following members: two (2) Trustees and a minimum of five (5) citizens of recognized experience and qualifications. The Village Board may increase, at its discretion, the number of Citizen members up to a total of seven (7). The Trustee shall be appointed annually by the Village President subject to confirmation by the Board for one (1) year terms beginning on the third Tuesday of April. Each citizen member shall be appointed by the Village President subject to confirmation by the Village Board for a three (3) year term commencing on the third Tuesday of April.
- (b) **Compensation; Oath.** Commission members shall receive such compensation as shall be determined by the Village Board from time to time. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the Village Administrator.
- (c) **Officers.** The Commission shall annually elect one ( 1) member as Chairman.
- (d) **Procedure.** A majority of members present shall constitute a quorum. The Chairman, or Acting Chairman, shall be considered in determining a quorum. Action shall be by a majority of those present and voting. The Commission shall adopt rules of procedure for governing the conduct of its meetings.
- (e) **Powers and Duties.** The Commission shall have all the powers conferred by law upon park and recreational commissions in cities of the fourth class and shall be chargeable with all the duties so required such as recommend, oversee work and oversee funds of all parks, playgrounds and recreational activities as part of properties within the Village. The Park Commission is specifically empowered and directed:
  - (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the Village and secure the quiet, orderly and suitable use and enjoyment thereof by the people, also to adopt rules and regulations to promote these purposes. .
  - (2) To acquire in the name of the Village for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the Village of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Commission to the Village Board and approved by said Village Board by resolution.
  - (3) With prior Board approval, to buy or lease ands in the name of the Village for park purposes Within or Without the Village and With the approval of the Village Board to sell or exchange property no longer required for its purposes.
  - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the Village for park purposes.
  - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the Village park system and recreation program, subject to budgetary approval by the Village Board.
  - (6) To have jurisdiction of the parks, swimming pool and playgrounds throughout the Village and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
  - (7) To establish such non-ordinance administrative regulations to promote " suitable use of the Village parks and playgrounds as the Commission shall deem necessary.
  - (8) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Commission.
- (f) **Record.** The Park Commission shall keep a written record of Its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator.
- (g) **Finance.**
  - (1) **Budget.** The Commission shall prepare an annual budget for submission to the Village Administrator, which budget shall reflect the Commission's recommendations as to

maintenance or acquisition of Village parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the park system. The Village Administrator shall review the budget and submit a recommended budget to the Finance Committee.

- (2) Deposits. All revenues and income from the operation of park and recreation programs shall be deposited with the Village Administrator as general revenue of the Village.
- (3) Monetary Contributions. All moneys donated to the Village specifically for park or recreation use shall be deposited in Village accounts as a non-lapsing fund or reserve for such specific use.

#### **SEC. 2-4-4 PLAN COMMISSION.**

- (a) **Composition.** The Village Plan Commission shall consist of nine (9) members who shall be the following: The Village President, two Village Trustees, the Chair of the Park Commission and five (5) citizen members. The presiding officer shall be selected by the Commission annually at its May meeting.
- (b) **Appointment.**
  - (1) Trustee Members. The Trustee members shall be annually appointed by two-thirds vote at the organizational meeting of the Village Board.
  - (2) Park Commission Chair. Whomever is selected as the Chair of the Village of Edgar Park Commission shall also be a member of the Plan Commission.
  - (3) Citizen Members.
    - a. The five citizen members shall be appointed by the Village President for staggered terms of two years, subject to Village Board approval.
    - b. All citizen members shall be persons of recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. Whenever a vacancy shall occur in any citizen member, a successor shall be appointed for the unexpired term in the manner as set forth above.
- (c) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator. Five members shall constitute a quorum but all action shall require the affirmative approval of a majority of all of the members of the Commission.
- (d) **Duties.**
  - (1) The Master Plan.
    - a. The Plan Commission may make, adopt and as necessary, amend, extend or add to the master plan/zoning guidelines, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which in the Plan Commission's judgments, bear relation to the development of the Village. The master plan/zoning guidelines, with the accompanying maps, plats and descriptive and explanatory matter shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties,

utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

- b. The Commission may adopt the master plan/zoning guidelines as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the master plan/zoning guidelines. The adoption of the master plan/zoning guidelines or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the omission to form the whole or any part of the master plan/zoning guidelines, and the action taken shall be recorded on the adopted master plan/zoning guidelines or part thereof by the identifying signature of the secretary of the Commission, and a copy of the master plan/zoning guidelines or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan/zoning guidelines or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

- (2) Matters Referred to Plan Commission. The Village Board or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, to vacation camps for children; and the amendment or repeal of any land use ordinance.

- (1) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examination and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning, zoning, land division issues and land development, in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Village and within one and one-half (1-1/2) miles of the limits of the Village. All plats or re-plats of any lands within the limits of the Village or any land outside the Village and within one and one half (1-1/2) miles of the limits of the Village shall be submitted to the Commission for its recommendation to the Village Board before the same are approved by the Village Board.

- (e) **Compensation/Oath**. Compensation maybe established by the Village Board for service on the Commission. Citizen members shall take the official oath required by Sec. 19.01, Wis. Stats., which shall be field with the Village Administrator.

- (f) **Organization.** As soon as all members of the first Commission shall have been appointed, the Village Administrator shall give each member a written notice of appointment and thereon shall fix the time and place of the first meeting which shall be not less than five (5) nor more than ten (10) days thereafter. Such omission shall elect a vice-chairman and a secretary, and shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator.
- (g) **Rules of Procedure; Report.** The Plan Commission is hereby authorized to adopt rules governing its own proceedings. The Commission shall make a monthly report in writing to the Village Board of its transactions and expenditures, if any, for the preceding month, with such general recommendations as to matters covered by its prescribed duties and authority as seen proper.

State Law Reference: Sections 61.35, 62.23 and Chapter 236, Wis. Stats.

**SEC. 2-4-5 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE**

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the Village shall:
  - (2) Schedule a date, time and place for its meetings;
  - (2) Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
  - (3) Post, at the front door of the Municipal Building, an agenda of the matters to be taken up at such meeting.
- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.
- (c) **Minutes.** The secretary of each Board Committee and Commission shall file a copy of the meeting minutes of such Board or Commission with the Village Administrator.

**SEC. 2-4-6 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS; ATTENDANCE STANDARDS.**

- (a) **Residency.** No person not a resident of and not residing in the Village shall be appointed in a voting capacity to any Village Board committee or commission. Any board or commission member who moves from the Village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of Board committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.

# CHAPTER 5

## Ethical Standards

2-5-1	Definitions
2-5-2	Declaration of Policy
2-5-3	Statutory Standards of Conduct
2-5-4	Specific Conflicts of Interest

### SEC. 2-5-1 DEFINITIONS.

- (a) **Public Officer.** Means those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board, whether paid or unpaid.
- (b) **Public Employee.** Means any person excluded from the definition of a public officer who is employed by the Village.

### SEC. 2-5-2 DECLARATION OF POLICY.

It is declared that high ethical standards among Village officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Village in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such Village officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of Village officers and employees and their official actions.

### SEC. 2-5-3 STATUTORY STANDARDS OF CONDUCT.

The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:

- (a) Section 946.10. Bribery of Public Officers and Employees.
- (b) Section 946.11. Special Privileges from Public Utilities.
- (c) Section 946.12. Misconduct in Public Office.
- (d) Section 946.13. Private Interest in Public Contract Prohibited.

### SEC. 2-5-4 SPECIFIC CONFLICTS OF INTEREST.

- (a) **Use of Public Property.** No public officer or employee shall use or permit the use of Village vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such officer or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Conflicts of Interest; Disclosure of Interest.** Except as provided herein, no public officer or public employee shall engage in any business transaction with the Village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his

official duties or will tend to impair his independence or judgment or action in the performance of his official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the Village, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Village Board (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.

- (c) **Representing Private Interests Before the Village Board or Village Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the Village, shall represent, for compensation, private interests before the Village Board or any village board, commission or committee without disclosure of the private business relationship and explicit consent of the Village Board.
- (d) **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Village Board, disclose confidential information concerning the property, government or affairs of the Village, nor shall he use such information to advance the financial or other private interest of himself or others.
- (e) **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to his knowledge, has a direct financial interest in any transaction or official business with the Village, which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift of gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to Ten Dollars (\$10.00) in value.
- (f) **Outside Employment.** No full-time officer of the Village shall engage in any other remunerative employment within or without the Village; provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such ability of the officer or employee to perform his duties in an efficient and unbiased manner.
- (g) **Advisory Opinion.** Any questions as to the interpretation of any provisions of this Ethical Standards Chapter shall be referred to the Village Attorney for an advisory opinion.