

**TITLE 2  
Government and Administration**

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**CHAPTER 1  
Village Government and Elections**

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**SEC. 2-1-1 VILLAGE GOVERNMENT**

The Village of Howards Grove 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.

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

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

The voting polls in the Village of Howards Grove, Sheboygan County, Wisconsin shall be open for all elections as required by State law.

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

The official Village newspaper shall be the Plymouth Review, to be used for the publication of legal and/or official notices and documents when publication is used instead of posting as allowed by Wisconsin law.

**SEC. 2-1-4 ELECTION OFFICIALS**

- a) **Number.** Pursuant to the Wisconsin Statutes, there is hereby established a set of election officials to conduct all elections in the Village which shall consist of three (3) election inspectors. However, the Village Clerk-Treasurer shall have the authority to increase the number of election officials, not to exceed seven (7). The Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be increased from the number prescribed by this Section, and if such an increase is so determined, the Clerk-Treasurer shall redistribute duties among the officials.
- b) **Appointments.** The Village President shall appoint, subject to confirmation of the Village Board, the above-named election officials in the month of December in each even-

numbered year. The appointments shall be made in accordance with the provisions of Sec. 7.30(4), Wis. Stats.

- c) **Duties.** The election officials shall carry out the duties specifically assigned to them by the election laws of the State of Wisconsin, and in particular, those contained within the provisions of Ch. 7, Wis. Stats.

## **SEC. 2-1-5 NOMINATION OF CANDIDATES FOR ELECTIVE VILLAGE OFFICE**

- a) All candidates for elective Village office in the Village of Howards Grove, shall be nominated by a nonpartisan primary, under Sec. 8.05(5), Wis. Stats.
- b) Nomination papers shall be signed by not less than twenty (20) nor more than one hundred (100) electors of the Village of Howards Grove. The papers shall be circulated not sooner than December 1 preceding the election and shall be filed with the Village Clerk-Treasurer not later than on the first Tuesday in January or the next day if Tuesday is a holiday.
- c) No additional candidates may be nominated, by caucus or otherwise, except as above provided.
- d) Notice to the nonpartisan primary shall be given by the Village Clerk-Treasurer in accordance with Wisconsin Statutes.

State Law Reference: Sec. 8.05(5), Wis. Stats.

## **SEC. 2-1-6 ELECTIONEERING ON AND NEAR VILLAGE PROPERTY**

- a) **Policy.** It is the policy of the Village of Howards Grove to support and safeguard democratic elections that are open, fair and free from intimidation or unfair advantage. The restrictions established in this Chapter are intended to promote this policy for the public good, while respecting the First Amendment to the United State Constitution. The Village Board recognizes that limited and reasonable restrictions on free speech are justified to protect the right of the electors to have free and fair elections.
- b) **Definitions of Electioneering.** Electioneering means communications and other conduct that is intended to, or has the result of, expressing support for or opposition to:
  - 1. A candidate (whether declared or undeclared) for any elective public office
  - 2. An incumbent in any elective public office
  - 3. A political party,
  - 4. A political movement or philosophy, or
  - 5. Any other public policy issue that could be influenced or determined by an elected public official.
  - 6. Examples of electioneering include but are not limited to yard signs; bumper stickers; car-top signs; billboards; hand-held signs; campaign buttons; statements on or affixed to clothing; distribution of printed materials such as cards, pamphlets or flyers; speeches, whether live or recorded; presentations of videos or other recorded media; and usage of symbols, logos, or mascots recognizable as being electioneering related.
- c) **Standing Restrictions.** In addition to State law and all other applicable regulations, it shall be unlawful for any person at any time to conduct, authorize, fund, arrange for, or otherwise participate in any electioneering activity or conduct on any Village of Howards Grove property or within the public road right-of-way adjacent thereto.
- d) **Additional Restrictions on Election Days.** On any day in which any polling place in the Village is open and conducting a local, state or federal election, it shall be unlawful for any person to conduct, authorize, fund, arrange for, or otherwise participate in any electioneering activity or conduct within 250 feet of the parcel boundary of the Village Hall and 100 feet of any other Village of Howards Grove property.
- e) The following shall be exempt from the coverage of this ordinance:

1. Statements During Public Governmental Meetings. A communication during a meeting of a governmental body on Village property shall not be deemed electioneering, provided that the Chair of the meeting retains the right to maintain order and decorum by restricting inflammatory, insulting or lengthy communications.
  2. Statements During Private Discussions. A communication during a private discussion between two or more persons, provided the communication is not intended to be overheard by others and provided it is not intended to persuade or to solicit support for a person or a cause, shall not be deemed electioneering.
  3. Private Events on Village Property. It shall not be deemed to be a violation of this ordinance for individuals or groups to conduct political events such as rallies, socials, parties and the like at the Village Hall and Community Center provided that the Village Hall and Community Center has been rented to the users on the same basis as for nonpolitical users and further provided that no electioneering signs, displays or broadcasts be observable at any point outside the Village hall building.
  4. Small Signage. If done by members of the public, it shall not be deemed electioneering to:
    - a. Wear or display lapel pins, campaign buttons, or similar small items that in total do not exceed 4 (four) square inches or 4 inch (four) diameter.
    - b. Display bumper stickers or similar signs in or on a vehicle that in total do not exceed twenty-four square inches in surface area, provided that the operator of the vehicle is on Village property for non-electioneering, temporary purposes and removes the vehicle promptly thereafter.
  5. Nonpartisan Statements or Signage. Statements and signage expressing positions on public policy issues that are generally considered to be nonpartisan shall not be deemed to be electioneering. Examples include but are not limited to “Support Our Troops”, “God Bless America”, “Don’t Steal – The Government Hates Competition”, “If You Can Read This, Thank a Teacher”, “Peace is Patriotic”, “Member Local 12345, AFL-CIO”, “Caution! Former Fetus At Wheel”, “War is Never the Answer”, “I’m Pro-Choice and I Vote” and “Vegetarian: Indian Word for Lousy Hunter”.
- f) **Violations, Penalties, Abatement.** This ordinance may be enforced by any member of the Village Board, the Village Clerk-Treasurer, and the Village Constables. Violations carry the same schedule of remedies and penalties as provided in the General Penalties Section 1-1-6. In addition, violations occurring on an election day or within seven days preceding an election day may, upon authorization of the Village President be summarily abated by one or more of the officials listed above if the violator does not promptly cease and remove the violation. If abatement is authorized by the President and is utilized, all costs of enforcement may be charged to the violator or violators.

## CHAPTER 2

### Village Board

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

The Trustees of the Village of Howards Grove 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 Howards Grove 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. 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, each consisting of three (3) Trustees:
- 1) Finance Committee.
  - 2) Public Safety and Zoning Committee.
  - 3) Public Works Committee.
  - 4) Health, Welfare and Parks Committee.
  - 5) Personnel Committee
- c) **President to Designate Chairpersons; Committees-of-the-Whole; Special Committees.**
- 1) The Village President shall designate the chairperson of standing committees. 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. All special committees shall cease to exist after the April Board meeting unless reappointed by the Village President or extended by the Village Board.
- d) **Duties of Committees.** All committees shall be required to act on all matters referred to them in a diligent manner, to carry out such specific duties assigned to them by the Village Board. In addition, the following committees shall have the duties indicated:
- 1) Finance Committee. The Finance Committee shall:
    - c. Audit all claims against the Village prior to their presentation to the Village Board.
    - d. Prepare an annual budget for consideration of the Village Board.
    - e. Examine all applications for licenses and permits prior to their consideration by the Village Board.
    - f. Consider and review all reports and resolutions involving the expenditure of Village funds.
    - g. Examine and review the financial condition of the Village with the Village Clerk-Treasurer from time to time and advise the Village Board accordingly, and to otherwise advise the Clerk-Treasurer in the carrying out of his duties.

- h. Recommend to the Village Board the depository for all funds and the temporary investment of such funds.
  - i. Review from time to time all salary considerations for all Village officers, both elective and appointive and make recommendations therefore.
- 2) Public Safety Committee. The Public Safety Committee shall:
- a. Review all matters that concern public safety within the Village.
  - b. Consult with and advise the Fire Departments that provide services to the Village and review the contracts for such services prior to their consideration by the Board.
  - c. Be responsible for all law enforcement matters of the Village and review same with the Village Constable whenever necessary.
  - d. Review and administer any building codes and zoning codes which the Village Board may adopt.
  - e. Make recommendations concerning Village safety ordinances.
- 3) Public Works Committee. The Public Works Committee shall:
- a. Be responsible for the construction and maintenance of the streets and public ways and the proper lighting thereof.
  - b. Have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flashing, infestation control and weed control.
  - c. Be responsible for the maintenance and repair of all Village buildings, structures, machinery, equipment and property under Village control.
  - d. Have general charge and supervision of all public work in the Village.
- 4) Health, Welfare and Parks Committee. The Health, Welfare and Parks Committee shall:
- a. Have jurisdiction over pollution abatement matters, health nuisances and all health matters as may come within their jurisdiction.
  - b. Be responsible for all matters involving the general welfare of the Village.
  - c. Be responsible for all parks and recreation activities.
- 5) Personnel Committee. The Personnel Committee shall:
- a. Advise the Board on matters concerning personnel policies and administration of those policies.
  - b. Review the administrative staffing needs of the Village and make recommendations as appropriate.
  - c. Review staffing requests for creation, deletion or reclassification of Village employee positions.
  - d. Develop, maintain and implement a process for the performance evaluation of Village employees.
  - e. Meet regularly with key Village employees to review performance, provide feedback and review support provided by the Board.
  - f. Mediate personnel issues which may arise between the Board and Village employees.
  - g. Evaluate and resolve complaints received by the Village regarding Village employees.
  - h. Periodically review Village employee compensation plans and make recommendations as necessary.
  - i. Periodically review Village employee insurance benefit programs including medical, dental, vision and life.
  - j. The committee shall include one ad hoc non-voting member selected from the department heads by the department heads as an employee representative.
- e) **Committee Reports.**

1. All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
  2. Each committee shall give the full Board 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. Each committee report shall include the date, time, and place of the meeting and the members attending.
  3. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Board with the issue.
  4. If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the Board with the minority position. The Board shall permit one (1) committee member supporting the majority position equal time to address the Board on such issue.
- f) **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.
- g) **Cooperation of Village Officers.** All Village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any Village Department.

## **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 what-so-ever, 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 66.0301, 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**

The Village 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 salary be paid the President, Trustees, and other Village officials and employees. The salaries and compensation to be paid to Village officers and employees shall be annually determined by resolution of the Village Board. Salaries heretofore established shall so remain until changed by adoption of the salary schedule and shall not be increased or diminished during their terms of office.

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 and third Tuesdays of each calendar month, at a time established by the Board, except when the day so falls on a legal holiday or Election Day, in which case the regular meeting shall be held at such other date and time as the Village Board shall designate. If the workload



allows, the Village Board may determine that only one meeting per month is necessary. There shall be at least one regular meeting held each calendar month. All meetings of the Board shall be held at the Municipal Building, unless specified otherwise in the properly posted meeting notice. In any event, all regular Board meetings shall be held within the boundaries of the Village.

- b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular meeting in May following the spring election for the purpose of organization.
- c) **Board Minutes.** The Village Clerk-Treasurer shall keep a record of all Board proceedings and cause the proceedings to be published or legally 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 Clerk-Treasurer at least twenty-four (24) hours prior to the time specified for such meeting. The Village Clerk-Treasurer 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. The Village Clerk-Treasurer shall cause a record of such notice to be filed in his office prior to the time fixed for such special meeting. 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, Sub ch. V, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him.
- b) 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: Sec. 61.32 and 985.02(2)(a), Wis. Stats.; Ch. 19, Sub ch.V, 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.** 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, Sub ch. V, 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 Village President shall be counted in computing a quorum.

- b) When the presiding officer shall have called the members to order, the Village Clerk-Treasurer 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 case of absence of the Village President, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- 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 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 MEETING AGENDAS; ORDER OF BUSINESS**

- a) **Agenda.**
  - 1. The order of business at all regular or special meetings shall be according to the agenda prepared by the Clerk-Treasurer. All matters to be presented at a Board meeting shall be filed with a Clerk-Treasurer no later than 11:00 a.m. on the Wednesday preceding the scheduled regular Board meeting to enable the Clerk-Treasurer to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 11:00 a.m. on the Wednesday preceding the Board meeting will not be placed upon the agenda. The President may waive the filing deadline for emergency cause shown.
  - 2. A submitting department shall include copies of all material necessary to consider the agenda item.
  - 3. The Village President shall advise the Clerk-Treasurer whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
  - 4. The Clerk-Treasurer shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.
- b) **Order of Business.** Generally, the following order may be observed in the conduct of all regular Board meetings:
  - 1. Call to order.
  - 2. Roll call.
  - 3. Approval of minutes, and any corrections, of preceding regular and special meetings.
  - 4. Communications from Village President.
  - 5. Committee reports.
  - 6. Unfinished business.
  - 7. New business, including the introduction of Ordinances and Resolutions.
  - 8. Communications and miscellaneous business as permitted by law.

9. Adjournment.
- c) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Village President 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.** All ordinances and resolutions shall be prepared as follows:
  1. Each ordinance or resolution shall include a note stating the purpose thereof prepared by the sponsor. All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title.
  2. The sponsor of an ordinance or resolution may be the President, one (1) or more Trustees, a department head or a committee, board, or commission. The Clerk-Treasurer or the Village Attorney may sponsor ordinances or resolutions when changes in state law make it necessary or desirable for the Village to act rapidly.
  3. Each ordinance or resolution may contain both a recommended referral to appropriate subunits of the board and a fiscal note showing the contemplated fiscal impact, if any, of the proposal.
  4. On ordinances or resolutions that require special adoption procedures, the Clerk-Treasurer shall assure that an editorial note is prepared showing compliance with such special handling.
  5. All ordinances and resolutions shall be delivered to the Clerk-Treasurer at least two (2) days prior to the meeting time. The Clerk-Treasurer may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
  6. Resolutions shall be in writing at the request of one Trustee; such request shall be nondebtable.
  7. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.
  8. 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.** The Village Board may take action on an ordinance only if it appears on the written agenda for 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 Clerk-Treasurer 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.
- e) **Reference and Reports.** The presiding officer may refer new business coming to the Board to the appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

## 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 Clerk-Treasurer 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 publication/posting thereof, unless otherwise provided.

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

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

- a) **Roll Call Votes.** 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).
  3. When required by the State Statutes of Wisconsin.
- b) **Record of Votes.** 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 Clerk-Treasurer shall call the roll in alphabetical order, and the Village Clerk-Treasurer shall call the roll starting with "A" and then in alphabetical order.
- c) **Parliamentary Procedure.** 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.

5. The movant may request leave to withdraw a motion at any time prior to voting on the question. Such a request requires no second. If any member objects, the presiding officer shall put the question of granting the request to vote.
- d) **Compelling Votes.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "nay." In case of a vote requiring approval, by more than a simple majority, an abstaining vote is considered an "aye."
- e) **Majority Vote.** Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.

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

Any member voting on the prevailing side may move for reconsideration of any question except those which cannot be reconsidered pursuant to Robert's Rules of Order, Revised.

#### **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 Sections 2-2-17 through 2-2-19 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 Appointed Officials
- 2-3-3 Village Clerk-Treasurer
- 2-3-4 Village Attorney
- 2-3-5 Fire Chief
- 2-3-6 Weed Commissioner
- 2-3-7 Director of Public Works
- 2-3-8 Assessor
- 2-3-9 Village Constables
- 2-3-10 Disposal Plant Superintendent
- 2-3-11 Eligibility for Office
- 2-3-12 Oaths of Office
- 2-3-13 Vacancies
- 2-3-14 Removal from Office
- 2-3-15 Custody of Official Property

**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 APPOINTED OFFICIALS**

- a) The Village officials hereinafter set forth shall be appointed by the Village President, subject to confirmation by a majority vote of the Board; and one (1) or more of said offices may be held by the same person. Persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by Sec. 17.12(1)(c) and (d), Wis. Stats.

| <u>Official</u>     | <u>How Appointed</u>  | <u>Term</u> |
|---------------------|---|-------------|
| (1) Clerk-Treasurer | Village President, subject to confirmation by Village Board, May 15 in even-numbered years. | 2 years     |
| (2) Assessor        | Village Board, June 1 in even-numbered years.   | 2 years     |

|                                   |  |            |
|-----------------------------------|--|------------|
| (3) Village Attorney              | Village Board  | Indefinite |
| (4) Weed Commissioner             | Village President, subject to confirmation by Village Board, May 15                        | 1 year     |
| (5) Building Inspector            | Village President, subject to confirmation by Village Board, May 15 in odd-numbered years. | 2 years    |
| (6) Director of Public Works      | Village Board  | Indefinite |
| (7) Disposal Plant Superintendent | Village Board  | Indefinite |

- b) The Village President shall not vote on the confirmation of such appointments, except in case of a tie.

**SEC. 2-3-3 VILLAGE CLERK-TREASURER**

- a) **Appointment.** The Village Clerk-Treasurer shall be appointed pursuant to Section 2-3-2.
- b) **Consolidated Offices.** This office is a consolidated office replacing the former offices of Village Clerk and Village Treasurer. The officer holding the office of Clerk-Treasurer shall perform all of the duties required of the Village Clerk and shall have all of the powers held by the Village Clerk under the law, and primarily under the Wisconsin Law and particularly Sec. 61.25, Wis. Stats., and shall perform all of the duties required of the Village Treasurer and shall have all of the powers held by the Village Treasurer under the law, and primarily under the Wisconsin Law and particularly Sec. 61.26, Wis. Stats. Such Clerk-Treasurer shall also perform such further duties and have such further powers as may from time to time be lawfully provided by the Village Board and perform such further duties and have such further powers as may heretofore have been provided or given to the Village Clerk or to the Village Treasurer.
- c) **Duties.**
  1. The Village Clerk-Treasurer shall attend the meetings of the Village Board and keep a full record of its proceedings and shall record and sign the proceedings and all ordinances, rules, bylaws, resolutions and regulations adopted. The Clerk-Treasurer shall sign or countersign and keep a record of all licenses, commissions, and permits granted or authorized by the Board, and in carrying out such duties, shall keep the following books:
    - a. A Minute Book in which shall be recorded in chronological order full minutes of all elections, general or special, and the statements of the inspectors therein; full minutes of all the proceedings of the Board of Trustees; the titles of all ordinances, rules, and regulations, and bylaws with reference to the book and page where the same may be found.
    - b. An Ordinance Book in which shall be recorded at length in chronological order all ordinances, rules, regulations, and bylaws.
    - c. A Finance Book in which shall be kept a full and complete record of the finances of the Village, showing the receipts, the date, the amount, and the source thereof, and the disbursements with the date, amount, and object for which paid out and such other matters as the Board prescribes.
    - d. Such other books as the Board directs.
  2. The Clerk-Treasurer shall countersign and cause to be published or posted every ordinance, bylaw or resolution as required by law, have proper proof thereof made and filed and shall otherwise carry out the provisions of the duties of Clerk as provided in Sec. 61.25, Wis. Stats., and such other duties as directed by the Village Board.
  3. The Village Clerk-Treasurer shall receive all monies belonging to or accruing to the Village from any source whatever, or which are directed by law to be paid to such officer, and keep an accurate detailed account of all transactions. The Clerk-Treasurer shall pay out Village money only on written order pursuant to procedures as may be established

by the Village Board and shall carry out the duties of Treasurer as set forth in Sec. 61.26, Wis. Stats., and such other duties as maybe directed by the Village Board.

4. The Village Clerk-Treasurer may appoint a Deputy Clerk-Treasurer subject to approval by a majority vote of the members of the Village Board, who shall take and file the oath of office, and in case of the absence, sickness, or other disability of the Clerk-Treasurer, may perform such duties, unless the Village Board appoints a person to act as Clerk-Treasurer during such time.
- d) **Qualification for Office.** Such person so appointed to such office shall qualify for such office as provided for in Sec. 61.21, Wis. Stats., and shall before assuming the duties of such office file an official bond as set forth in Sec. 61.22, Wis. Stats.
- e) **Deputy Clerk-Treasurer.** The Clerk-Treasurer, subject to the approval by the majority of all the members of the Village Board, may in writing filed in the official book of minutes of the Village Board, appoint a Deputy Clerk-Treasurer who shall act under the direction of the Clerk-Treasurer and in case of the absence, sickness or other disability of the Clerk-Treasurer shall perform the duties of the Clerk-Treasurer. In the case of vacancy in the office of the Clerk-Treasurer, such Deputy Clerk-Treasurer shall perform the duties of the Clerk-Treasurer until a successor is appointed and qualified. Such Deputy Clerk-Treasurer shall take and file an oath of office and shall receive such compensation as the Village Board shall determine. The acts of such Deputy Clerk-Treasurer shall be covered by the official bond in the manner the Village Board shall direct.

NOTE: This is a Charter Ordinance.

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

- a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, except 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 FIRE CHIEF**

- a) **Appointment.** The Fire Chief shall assume office pursuant to the bylaws of the Fire Department. He shall be the Village Fire Inspector by virtue of his office.
- b) **Powers and Duties of Chief.**
  1. The Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.



2. It shall be the duty of the Chief or ranking officer of the Department to be present at all fires, to have complete command of and entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the company when they arrive at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
3. 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 5, Chapter 2.

### **SEC. 2-3-6 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 Clerk-Treasurer and shall hold office for two year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.0517, Wis. Stats.

### **SEC. 2-3-7 DIRECTOR OF PUBLIC WORKS**

- a) **Appointment.** The Director of Public Works shall be appointed by the Village President, subject to confirmation by a majority vote of the Village Board, on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- b) **Term.** The Director of Public Works shall be appointed pursuant to Section 2-3-2.
- c) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:
  1. He shall have general charge and supervision of all public works in the Village.
  2. He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings, and structures and all machinery, equipment and property used in any activity under his control.
  3. He shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
  4. He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board, his job description or employment contract.

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

- a) Pursuant to Sections 61.195, 61.197 and 66.0101 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 pursuant to Section 2-3-2. 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 any 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.

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 VILLAGE CONSTABLES**

- a) **Election.** Two (2) Constables shall be chosen at each regular spring election for staggered terms of two (2) years commencing on the date of the organizational meeting in the year of election.
- b) **Duties.** Village Constables shall have jurisdiction to cause to be prosecuted all violations of law of which he has knowledge or information which occur within the Village. In carrying out such authority, Village Constables shall have the following duties:
  1. Peace Maintenance. Keep and preserve the peace. He shall have full peace powers to arrest and apprehend any person for felony or breach of peace pursuant to Sec. 59.28, Wis. Stats., and for the purposes of carrying out such duties shall be considered a peace officer as defined by Sec. 939.22(22), Wis. Stats.
  2. Public Disorders. Quiet and suppress unlawful assemblies pursuant to Sec. 947.06, Wis. Stats.
  3. Traffic Regulation. Direct and regulate traffic and make arrests for violation of traffic regulations of Chs. 194 and 341 to 349, Wis. Stats., and for purposes of carrying out such duties, shall be considered a traffic officer as defined in Sec. 340.01(70), Wis. Stats.
  4. Service of Process. Serve any process, order, or notice.
  5. Stray Animals. Impound or otherwise restrain animals running at large in the Village.
  6. General Powers. Perform all other duties delegated to such Constables by the Village Board.

### **SEC. 2-3-10 DISPOSAL PLANT SUPERINTENDENT**

- a) **Appointment.** The Disposal Plant Superintendent shall be appointed pursuant to Section 2-3-2.
- b) **Duties.** A superintendent of the disposal plant shall be hired by the Village Board. He shall work under the direction of and be responsible to the Director of Public Works for the maintenance and operation of the sewage disposal plant and the efficient disposal of all sewage. He shall annually recommend a budget to the Director of Public Works covering an estimate of the cost to maintain the services under his jurisdiction.

### **SEC. 2-3-11 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. 2-3-12 OATHS OF OFFICE**

- a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his duties and within five (5) days of his election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- 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, Sub ch. I, Wis. Stats.

#### **SEC. 2-3-13 VACANCIES**

- a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Section, 17.03 and 17.035, Wis. Stats.
- b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.23, 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. 2-3-14 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 17.12(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

#### **SEC. 2-3-15 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.

**CHAPTER 4**  
Boards, Commissions and Committees

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

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

- a) **Composition.** The Board of Review of the Village of Howards Grove shall be composed of the Village President, Clerk-Treasurer, and the three (3) Trustees most recently elected to a full term. If any Trustee is unable to serve in that capacity, as determined by the Village Board, the Village President may appoint a substitute and such substitute shall serve for the remainder of the year. Alternate members may be appointed if the Village Board determines a need. The Assessor shall attend all meetings of the Board of Review, but shall not vote.
- b) **Compensation.** The members of the Board of Review shall receive compensation as determined by resolution of the Village Board.
- c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- d) **Meetings.** In accordance with Sec. 70.47(3)(b), Wis. Statutes, the Village Board does 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), and do hereby designate the hours of the annual Board of Review meeting to be 6:00 p.m. to 8:00 p.m. 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.
- e) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Howards Grove to the amount of valuation of any property unless a notice of intention to file an objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review at least 48 hours before the first scheduled meeting of the Board of Review unless waived for good cause during the Board's first two hours of the scheduled first meeting.
- f) **Confidentiality of Income and Expense Information.**
  - 1. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70-47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties; or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Statutes.
  - 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.
  - 3. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any

other provisions, section or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

## 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 and one (1) alternate member, appointed by the Village President subject to confirmation by the Village Board, for staggered three (3) year terms of office. The members 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. The Village Clerk-Treasurer shall serve as secretary of the Zoning Board of Appeals.
- b) **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 an 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 227.19 (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 four (4) members of 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. The Building Inspector shall attend all meetings of the Zoning Board of Appeals for the purpose of providing technical assistance.
  2. 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.
  3. Hearings may be held at any regular or special meeting at the time set by the Chairman.
  4. 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.
  5. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing 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 Clerk-Treasurer 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.
  6. 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 determining whether a quorum is present for the transaction of business.
- 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 PLAN COMMISSION**

- a) **Establishment.** A Plan Commission consisting of seven members is established pursuant to Sec. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be composed of five citizen members, who shall be persons of recognized experience and qualifications; a Village Trustee; and the Village President, provided the Village President may elect not to serve on the Plan Commission in which case the Village President shall nominate another member of the Village Board to serve in his or her stead.
- b) **Selection; Terms.** The members of the Plan Commission shall be appointed by the Village President subject to confirmation by the Village Board. The terms of the citizen members shall be for staggered terms of three years expiring on the third Monday in April, provided that the initial appointments to the Plan Commission of the five citizen members shall be: one person for a term expiring in 2005; two persons for terms expiring in 2006; and two persons for terms expiring in 2007. The terms of the Plan Commission members who are Village Trustees or the Village President shall be two years concurrent with his or her term on the Village Board, as allowed under Sec. 66.0501(2), Wis. Stats. Any member of the Plan Commission may succeed himself or herself if selected for reappointment to the Commission by the Village Board. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the unexpired term.
- c) **Compensation; Expenses.** The Plan Commission shall serve without compensation. The Village Board may from time to time authorize reimbursement to Plan Commission members

- for reasonable expenses incurred in the exercise of their duties, but neither the Plan Commission nor any of its members has authority to incur any expenditure or obligation on behalf of the Village without prior approval of the Village Board.
- d) **Advisors, Experts and Staff.** The Clerk-Treasurer and Director of Public Works shall serve as standing technical advisors to the Plan Commission. The Plan Commission may, under Sec. 62.23(1), Wis. Stats., recommend to the Village Board the employment of experts and staff and may review and recommend to the Village Board proposed payments under any contract with an expert.
- e) **Rules; Records.** Pursuant to Sec. 62.23(2), Wis. Stats., the Plan Commission may adopt rules for the transaction of its business, subject to applicable Village ordinances and State law. The Plan Commission shall keep a record of its proceedings including resolutions, transactions, findings, determinations, motions, recommendations, correspondence, and minutes, all of which shall be a public record under Sections 19.21-19.39, Wis. Stats.
- f) **Officers.**
1. **Chairperson.** The Plan Commission shall elect one of its members as its Chairperson. The election may be by open vote or secret ballot under Sec. 19.88(1), Wis. Stats. The term of the Chairperson shall be concurrent with such person's current term as a member of the Plan Commission, at which time the office of Chairperson shall be deemed vacant and a new Chairperson elected. The Chairperson shall, subject to Village ordinances and Commission rules:
    - a. Provide leadership to the Commission.
    - b. Set Commission meeting and hearing dates.
    - c. Provide notice of Commission meetings and hearings and set their agendas, personally or by designee.
    - d. Preside at Commission meetings and hearings.
    - e. Insure that all applicable laws are followed.
  2. **Vice Chairperson.** The Plan Commission may elect, by open vote or secret ballot under Sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
  3. **Secretary.** The Village Board may designate the Village Clerk-Treasurer or his or her designee to serve as Secretary of the Plan Commission. If the Village Board does not so designate, the Plan Commission shall elect, by open vote or secret ballot under Sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary.
  4. **Succession-No Term Limits.** Any officer of the Plan Commission may succeed himself or herself by accepting reelection to the office held, or election to a different office, provided that such person has been reappointed to the Plan Commission.
- g) **Commission Members as Local Public Officials.** All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities as provided in the oath of office, Sec. 19.01, Wis. Stats., in accordance with but not limited to the provisions of the Wisconsin statutes on:
1. Public Records, Secs. 19.21-19.39.
  2. Code of Ethics for Local Government Officials, Secs. 19.42, 19.58 and 19.59.
  3. Open Meetings, Secs. 19.81-19.89.
  4. Misconduct in Office, Sec. 946.12.
  5. Private Interest in Public Contracts, Sec. 946.13.
- h) **General and Miscellaneous Powers.** The Plan Commission, under Sec. 62.23(4), Wis. Stats., shall have the power:
1. To make reports and recommendations relating to the plan and development of the Village to the Village Board, other public bodies, citizens, public utilities and organizations.
  2. To recommend to the Village Board programs for public improvements and the financing of such improvements.

3. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
  4. To enter upon land in the performance of their duties to make examinations and surveys, and place and maintain necessary monuments and marks thereon, provided that entry shall not be made on private land without the permission of the land owner or tenant except to the extent that the private land is held open to the general public. If such permission has been refused, entry may be made under the authority of an inspection warrant issued for cause under Sec. 66.0119, Wis. Stats., or other court-issued warrant or order.
- i) **Village Comprehensive Planning: General Authority and Requirements.**
1. The Plan Commission shall make and adopt a comprehensive plan under Sec. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in Sec. 66.1001(2), Wis. Stats., and follows the procedures in Sec. 66.1001(4), Wis. Stats. The Plan Commission shall complete its work on the comprehensive plan within the time period directed by the Village Board.
  2. In this section the requirement to “make” the plan means that the Plan Commission shall insure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed by the Village Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person or organization.
- j) **Procedure for Adoption and Recommendation of Comprehensive Plan or Amendment.** To insure the requirements of Sec. 66.1001(4) are met, the Plan Commission shall proceed as follows:
1. Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Village Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative, or amended elements of the comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Village Board and for the Village Board to respond to such written comments.
  2. Resolution. The Plan Commission, under Sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Village Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive plan law have been met, under Sec. 66.1001, Wis. Stats., namely that:
    - a. The Village Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
    - b. The plan contains the nine specified elements and meets the requirements of those elements;
    - c. The maps and other descriptive materials relate to the plan;
    - d. The plan has been adopted by a majority vote of the entire Plan Commission, which the Secretary is directed to record in the minutes; and
    - e. The Plan Commission Secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in Sec. 66.1001(4), Wis. Stats., and (3) of this section.



3. Transmittal. One copy of the comprehensive plan or the amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:
    - a. Every governmental body that is located in whole or in part within the boundaries of the Village, including any school district, lake rehabilitation district or other special district.
    - b. The Clerk of every city, village and town that is adjacent to the Village.
    - c. The Clerk of Sheboygan County.
    - d. The Wisconsin Land Council.
    - e. The Wisconsin Department of Administration.
    - f. The Bay Lake Regional Planning Commission.
    - g. The Eastern Shores Library System.
- k) **Plan Implementation and Administration.**
1. Ordinance Development. If directed by action of the Village Board, the Plan Commission shall prepare the following:
    - a. Ordinance amendments: Proposed amendments to the Village's ordinances relating to comprehensive planning and land use.
    - b. Non-regulatory programs: Proposed non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easement, and capital improvement planning.
  2. Program administration. The Plan Commission shall have the following powers:
    - a. Conditional use permits. Zoning administrator shall refer applications for conditional use permits to the Plan Commission for review and recommendation to the Village Board.
    - b. Subdivision review. Proposed plats under Chapter 236, Wis. Stats., and other divisions of land requiring Village approval shall be referred to the Plan Commission for review and recommendation to the Village Board.
  3. Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's comprehensive plan under Sec. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.
- l) **Referrals to the Plan Commission.**
1. Required referrals under Sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
    - a. The location and architectural design of any public building.
    - b. The location of any statue or other memorial.
    - c. 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 or playground, airport, area for parking vehicles or other memorial or public grounds.
    - d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
    - e. All plats under the Village's jurisdiction under Chapter 236, Wis. Stats., including divisions under a Village subdivision or other land division ordinance adopted under Sec. 236.45, Wis. Stats.
    - f. The location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children.

- g. The amendment or appeal of any ordinance adopted under Sec. 62.23, Wis. Stats., including ordinances relating to the Plan Commission, the master plan or comprehensive plan under Sec. 66.001, Wis. Stats., and official map and Village zoning.
2. Required referrals under sections of the Wisconsin statutes other than Sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
    - a. An application for initial licensure of a child welfare agency or group home under Sec. 48.68(3), Wis. Stats.
    - b. An application for initial licensure of a community based residential facility under Sec. 50.03(4), Wis. Stats.
    - c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian mall under Sec. 66.0905, Wis. Stats.
    - d. Matters relating to the establishment or termination of an architectural conservancy district under Sec. 66.1007, Wis. Stats.
    - e. Matters relating to the establishment of a reinvestment neighborhood required to be referred under Sec. 66.1107, Wis. Stats.
    - f. Matters relating to the establishment or termination of a business improvement district required to be referred under Sec. 66.1109, Wis. Stats.
    - g. A proposed housing project under Sec. 66.1211(3), Wis. Stats.
    - h. Matters relating to urban redevelopment and renewal in the Village required to be referred under Subch. XIII of Chapter 66, Wis. Stats.
    - i. The adoption or amendment of a Village subdivision or other land division ordinance under Sec. 236.45(4), Wis. Stats.
    - j. Any other matter required by the Wisconsin statutes to be referred to the Plan Commission.
  3. Discretionary referrals. The Village Board or other Village officer or body with final approval authority or referral authorization under the Village ordinances may refer any of the following to the Plan Commission for report:
    - a. Proposed regulations or amendments relating to historic preservation under Sec. 60.64, Wis. Stats.
    - b. A proposed driveway access ordinance or amendment.
    - c. A proposed Village zoning ordinance or amendment adopted under authority separate from or supplemental to Sec. 62.23, Wis. Stats., including construction site erosion control and storm water management zoning ordinances under Sec. 61.354, Wis. Stats.
    - d. A proposed site plan.
    - e. A proposed extra territorial zoning ordinance or a proposed amendment to an existing ordinance.
    - f. A proposed boundary change pursuant to an approved cooperative plan agreement under Sec. 66.0307, Wis. Stats., or a proposed boundary agreement under Sec. 66.0225, Wis. Stats., or other authority.
    - g. A proposed zoning ordinance or amendment pursuant to an agreement and any approved cooperative plan under Sec. 66.0307(7m), Wis. Stats.
    - h. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.
    - i. Any proposed contract for the provision of information, or the preparation of the comprehensive plan, an element of a plan or an implementation measure between the Village and the regional planning commission, another unit of government, a consultant or any other person or organization.
    - j. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to

- a mobile home park under Sec. 66.0435, Wis. Stats.
  - k. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area under Sec. 66.1009, Wis. Stats.
  - l. A proposed Village airport zoning ordinance under Sec. 114.136(2), Wis. Stats.
  - m. A proposal to create tax incremental financing in the Village under Sec. 66.1106, Wis. Stats.
  - n. Any other matter required by any Village ordinance or Village Board directive to be referred to the Plan Commission.
  - o. A proposed intergovernmental cooperation agreement under Sec. 66.0301, Wis. Stats., or other statute affecting land use, or a municipal revenue sharing agreement under Sec. 66.0305, Wis. Stats.
4. **Referral period.** No final action may be taken by the Village Board or any other office or body with final authority on the matter referred to the Plan Commission until the Commission has made its report, or thirty days, or such longer period as stipulated by the Village Board has passed since referral. The thirty day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty day referral period for matters subject to referral under the Village's ordinances but not required to be referred under the Wisconsin Statutes may be made subject by the Village Board to a referral period shorter or longer than thirty days if deemed advisable.

#### **SEC. 2-4-4 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;
  - 1. 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 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 Clerk-Treasurer.

#### **SEC. 2-4-5 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS; ATTENDANCE STANDARDS**

- a) **Residency.** No person not a resident of and not residing in the Village of Howards Grove 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.
- c) **Appointments.** Appointments to boards, commissions and committees under this Chapter shall be subject to the appointment standards of Section 2-3-16(b).

**CHAPTER 5**  
Ethics Code and Employment

- 2-5-1 Statement of Purpose
- 2-5-2 Definitions
- 2-5-3 Statutory Standards of Conduct
- 2-5-4 Responsibility of Public Office
- 2-5-5 Dedicated Service
- 2-5-6 Fair and Equal Treatment
- 2-5-7 Conflict of interest
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- 2-5-9 Hiring Relations
- 2-5-10 Employees Covered by Collective Bargaining Agreements
- 2-5-11 Sanctions
- 2-5-12 Outside Employment

**SEC. 2-5-1 STATEMENT OF PURPOSE**

- a) The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all Village of Howards Grove officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees, and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village.
- b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of Howards Grove and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Village in their elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Howards Grove.

**SEC. 2-5-2 DEFINITIONS**

The following definitions shall be applicable in this Chapter:

- a) **Public Official.** 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 pursuant to this Code of Ordinances, whether paid or unpaid.
- b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.

- c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

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

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- a) Sec.19.59. Ethics
- b) Sec.946.10. Bribery of Public Officers and Employees
- c) Sec.946.11. Special Privileges from Public Utilities
- d) Sec.946.12. Misconduct in Public Office
- e) Sec.946.13. Private Interest in Public Contract Prohibited

### **SEC. 2-5-4 RESPONSIBILITY OF PUBLIC OFFICE**

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

### **SEC. 2-5-5 DEDICATED SERVICE**

- a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by of officially recognized confidentiality of their work.
- c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members may be required by the Board to file a copy of such professional ethics codes with the Village Clerk-Treasurer. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

## SEC. 2-5-6 FAIR AND EQUAL TREATMENT

- a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned 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 official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission, or committee.
- b) **Use of Village Stationery.** Copies of any correspondence written on Village stationery shall be filed with the Village Clerk-Treasurer, or his designee.
- c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.
- d) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

## SEC. 2-5-7 CONFLICT OF INTEREST

- a) **Financial and Personal Interest Prohibited.**
  - 1. No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
  - 2. Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
  - 3. Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
  - 4. Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.
- b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or

affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

- c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- d) **Gifts and Favors.**
  - 1. No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village.
  - 2. No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
  - 3. Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
  - 4. An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- e) **Representing Private Interests Before Village Agencies or Courts.**
  - 1. Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
  - 2. Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- f) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
- g) **Contracts with the Village.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:
  - 1. The contract is awarded through a process of public notice and competitive bidding;
  - 2. The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;

3. The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.
- h) **Disclosure of Interest in Legislation.** To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Board the nature of and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Board and who participates in discussion with or gives official opinions or recommendations to the Board shall disclose on the record of the Board the nature of and extent of such interest.

#### **SEC. 2-5-8 ADVISORY OPINIONS**

When an official or employee has doubt as to the applicability of a provision of this Section, such official or employee may apply to the Village Attorney for an advisory opinion. The official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this Section before such advisory decision is made. This Section shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined to be more appropriate or desirable.

#### **SEC. 2-5-9 HIRING RELATIVES**

- a) This Section governs the proposed hiring of individuals for full-time or part-time work as Village employees who are members of the immediate family of Village employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.
- b) Hiring an immediate family member of any current Village employee or elected Village official is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, Village board or commission or Village Board) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject to Village Board approval, with notice, before the new employee is permitted to begin work. Marriage between two (2) individuals already employed by the Village or their relatives will not be considered a violation of this policy.
- c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a Village board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the Village.

#### **SEC. 2-5-10 EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS**

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of Sections 2-5-1 through 2-5-12.



**SEC. 2-5-11 SANCTIONS**

A determination that an employee's actions constitute improper conduct under the provisions of this Chapter shall constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

**SEC. 2-5-12 OUTSIDE EMPLOYMENT**

No full-time officer or employee of the Village shall engage in other ongoing, significant 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 officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer or employee.