

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 Combined Locks 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 Combined Locks, Outagamie County, Wisconsin shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

Sec. 2-1-3 Election Officials.

Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections of the Village which shall consist of five (5) election inspectors. However, the Village Administrator shall have the power to limit the number of election officials. The Village Administrator shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Village Administrator shall further redistribute duties among the remaining officials.

Sec. 2-1-4 Municipal Board of Absentee Canvassers

- (a) **Creation.** A Municipal Board of Absentee Canvassers for the Village of Combined Locks is created per Sections 7.52 and 7.53(2m), Wis. Stats.
- (b) **Composition; Terms.** The Municipal Board of Absentee Canvassers shall be composed of the Village Clerk, or a qualified elector of the Village designated by the Clerk, and two (2) other qualified electors of the Village appointed by the Village Clerk for a term of two (2) years commencing on January 1 of each odd-numbered year. The Village may appoint additional inspectors under Section 7.30(2)(a), Wis. Stats., to assist the Municipal Board of Absentee Canvassers in canvassing absentee ballots under this Section.
- (c) **Procedure; Responsibilities; Canvassing Absentee Ballots at Non-Polling Place Location.** The Village of Combined Locks declares, in lieu of canvassing ballots at polling places under Section 6.88, Wis. Stats., the Municipal Board of Absentee Canvassers may canvass all absentee ballots at a location other than the polling site at selected elections as determined and directed by the Village Clerk.
- (d) **Meeting Notices.** The Village Clerk shall give at least forty-eight (48) hours notice of any meeting of the Municipal Board of Absentee Canvassers under this Section.
- (e) **Statement on Number of Absentee Ballots.** The Village Clerk, no later than the closing hour of the polls, shall post at his/her office and on the internet at a site announced by the Clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the Clerk has mailed or transmitted to electors and that have been returned by the closing hour on Election Day.

State Law References: Sections 6.88, 7.30(2)(a), 7.52 and 7.53(2m), Wis. Stats.

Sec. 2-1-5 Bulkhead Line.

The Village Board being duly authorized under Sections 61.34(1)(3) and 30.11(3), Wis. Stats., to establish a bulkhead line in the public interest, does ordain as follows:

- (a) That the bulkhead line of that part of the Fox River, located in the Village of Combined Locks, hereinafter described and more particularly shown by the attached map, is established and determined as set forth in the following description and the attached map, subject to the approval of the Public Service Commission of Wisconsin, namely:

All that area lying between the following described line and the South Shoreline of the Fox River: Commencing at the stone located at the intersection of the East line of Government Lot 2, Section 25, T21N, R18E, and the North line of Lot G, Government Lot 1 of said Section 25 in accordance with the Assessor's Map of the Village of Combined Locks,

Outagamie County, Wisconsin; thence N 0° 25' E 1517.0 feet along the East line of said Government Lot 2; thence N 70° 05' W 402.0 feet to the point of beginning; thence N 80° 50' E 958.5 feet; thence N 45° 28' E, 744.0 feet; thence S 60° 15' E 78.0 feet, being a point on the water intake structure of Combined Locks Paper Company, Combined Locks, Wisconsin.

- (b) That three (3) certified copies of this ordinance, together with three (3) true and correct copies of such map, be submitted to the Public Service Commission of Wisconsin for its approval.
- (c) That such approval maps shall be filed as follows:
 - (1) One (1) in the office of the Public Service Commission;
 - (2) One (1) in the office of the Village Administrator of the Village of Combined Locks, Outagamie County, Wisconsin; and
 - (3) One (1) in the office of the Register of Deeds for and in Outagamie County, Wisconsin.

Chapter 2

Village Board

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Sec. 2-2-1 Village Board.

The Trustees of the Village of Combined Locks 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 Combined Locks shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his/her 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/her 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. The Village President 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/she 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) **Composition and Appointment.** The standing committees of the Village Board shall consist of the following:
 - (1) **Committee of the Whole**, which shall consist of all of the members of the Village Board. The Village President shall be chairman of the Committee of the Whole.
 - (2) **Personnel Committee**, which shall consist of three (3) members of the Village Board. The Village President shall recommend, and the Village Board confirm, annual Trustee appointments to the Personnel Committee.
 - (3) **Special Committees.** The Village President may, from time to time appoint special committees of the Committee of the Whole as he/she deems necessary; which

appointments shall be announced to the full Board of Trustees stating the number of members of the committee and the object of the committee.

- (b) **Meetings.** Scheduled meeting dates for committees of the Village Board are as follows:
- (1) Meetings of the Village Board are normally held on the first (1st) and third (3rd) Tuesdays of each month at 6:30 p.m. The Village Board, meeting as said Village Board or as the Committee of the Whole, retains the option to cancel any regular meetings. Additionally, special Committee of the Whole meetings may be called as warranted under statutory public notice guidelines.
 - (2) The Personnel Committee, and special committees of the board, shall meet as needed and shall follow statutory public notice guidelines.
- (c) **Special Committees.** The Village President may, from time to time, appoint such special committee or committees as he/she 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) **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. 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.
 - (3) 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.
- (e) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.
- (f) **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 whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** The Village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances.
- (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 66.30, 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 determined by official action of the Village Board.

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

Sec. 2-2-9 Meetings.

- (a) **Regular Meetings.** Meetings of the Village Board shall be held on the first and third Tuesdays of each calendar month at 6:30 p.m. local time, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held the following day, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Combined Locks Municipal Building in the Village of Combined Locks prior to such rescheduled meeting date. All meetings of the Board shall be held at the Combined Locks Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3)

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

- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting 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 Administrator shall keep a record of all Board proceedings and cause the proceedings to be published.

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

Sec. 2-2-10 Special Meetings.

- (a) Special meetings of the Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Administrator at least twenty-four (24) hours prior to the time specified for such meeting. The Village Administrator shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. However, an emergency meeting may be called with notice of a minimum of two (2) hours. The Village Administrator 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, Subch. IV, Wis. Stats. The Village Administrator shall give notice immediately upon the call for such meeting being filed with him/her.
- (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. Non-governmental parties requesting a special meeting of the Village Board shall be required to pay a fee of Seventy-five Dollars (\$75.00) for such meeting.

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

Sec. 2-2-11 Open Meetings; Adjournment of Meetings.

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.

- (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, Subch. IV, Wis. Stats.

Sec. 2-2-12 Quorum.

- (a) A majority of the 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 Administrator shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

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

Sec. 2-2-13 Presiding Officers.

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside over meetings of the Village Board. In case of absence of the Village President, and President Pro Tem, the Village Administrator shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- (b) **President Pro Tem.** Annually at the Board's organizational meeting, the Board shall elect from among its membership a President Pro Tem, who shall preside over meetings of the Village Board in the absence of the Village President.

- (c) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

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

Sec. 2-2-14 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 Village Administrator. All matters to be presented at a Board meeting shall be filed with a Village Administrator no later than 12:00 Noon on the Friday preceding the scheduled regular Board meeting to enable the Village Administrator to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 Noon on the Friday 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 Village Administrator 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 Village Administrator shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.
- (b) **Order of Business.** Generally, the following order shall be observed in the conduct of all regular Board meetings:
- (1) Call to order by presiding officer.
 - (2) Roll Call.
 - (3) Approval of the minutes.
 - (4) Reports of Village officers.
 - (5) Committee reports.
 - (6) Unfinished business from previous meetings.
 - (7) New business, including introduction of ordinances and resolutions.
 - (8) Miscellaneous business 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.

- (d) **Recognition of Visitors.** In order to maintain and hold meetings in an orderly fashion the following procedure will be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:
- (1) All visitors will be recognized at the beginning of the meeting.
 - (2) No discussion allowed from visitors during the course of the meeting unless requested by the Board.
 - (3) Before the close of the regular meeting, each visitor can be recognized and allowed to speak for no more than five (5) minutes.

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 Village Administrator 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 handling, the Village Administrator shall assure that an editorial note is prepared showing compliance with such special handling.
 - (5) The Village Administrator 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 nondebateable.
 - (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 meeting at which action is requested.
- (d) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication; and published copies thereof shall have appended the date of first publication.
- (e) **Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Village Board or to the Village Administrator or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.
- (f) **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 legally posted according to state law, and shall be immediately recorded by the Village Administrator in a book kept for that purpose and/or the Village Code of Ordinances. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and 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:

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- (1) When the ayes and noes are requested by any member.
 - (2) 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. Any Trustee may demand a vote on any matter. The Village Administrator shall call for the ayes and noes on roll call votes in continuous rotation, beginning each roll call one (1) name further down the roster of trustees. The Village Administrator shall record the ayes and noes on each vote.
- (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 "naye." 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 the vote on any question at that meeting or the next succeeding regular meeting, except those which cannot be reconsidered pursuant to *Robert's Rules of Order, Revised*. A Trustee may not change his vote on any question after the result has been announced.

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

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2-3-7	Fire Chief
2-3-8	Weed Commissioner
2-3-9	Director of Public Works
2-3-10	Assessor
2-3-11	Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector
2-3-12	Municipal Judge

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, subject to prior approval by the Village Board.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office 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/her official position, or because of some act arising out of the performance of his/her 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

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such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

Sec. 2-3-2 Appointed Officials.

The Village officials hereinafter set forth shall be appointed by the Village Board

Official	How Appointed	Term
(1) Administrator	By Village Board	Indefinite
(2) Assessor	By Village Board	Indefinite
(3) Fire Chief	By Village Board	Indefinite
(4) Director of Public Works	Appointed by the Village President, subject to confirmation by the Village Board	Indefinite
(5) Chief of Police	Appointed by the Village President, subject to confirmation by the Village Board	Indefinite
(6) Building Inspector	By Village Board	Contract Term

Sec. 2-3-3 Village Administrator-Clerk-Treasurer.

- (a) **Creation of Office of Village Administrator-Clerk-Treasurer.** In order to provide the Village of Combined Locks with a more efficient, effective and responsible government under a system of a part-time Village President and part-time Village Trustees at a time when Village Government is becoming increasingly complex, there is hereby created the Office of Village Administrator-Clerk-Treasurer for the Village of Combined Locks (hereinafter referred to as "Administrator").
- (b) **Appointment; Term of Office and Removal.** The Village Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Village Board. The Village Administrator shall hold office for an indefinite term subject to removal at any time

by a majority vote of the Village Board. This Subsection, however, shall not preclude the Village Board from establishing other employment terms and conditions not inconsistent with the provisions of this Section or this Code of Ordinances.

- (c) **Residency.** The Village Administrator shall become a resident of the Village of Combined Locks within one (1) year following the date of appointment, unless this requirement is specifically waived or varied by Village Board ordinance or by contract authorized by the Village Board, and entered into with the Village Administrator, covering the terms and conditions of residency.
- (d) **Functions and Duties of the Administrator.** The Village Administrator, subject to the limitations defined in resolutions and ordinances of the Village of Combined Locks and Wisconsin Statutes, shall be the Chief Administrative Officer of the Village, responsible only to the Village Board consisting of the Village President and other Trustees, for the proper administration of the business affairs of the Village, pursuant to the Wisconsin Statutes, the ordinances of the Village of Combined Locks, and the resolutions and directives of the Village Board, with powers and duties as follows:
- (1) **General Duties.**
- a. Carry out directives of the Village Board which require administrative implementation, reporting promptly to the Village Board any difficulties encountered herein;
 - b. Be responsible for the administration of all day-to-day operations of the Village government including the monitoring of all Village ordinances, resolutions, Board meeting minutes and state statutes;
 - c. Prepare a plan of administration, including an organization chart, which defines the authority and responsibility for all nonstatutory positions of the Village; and submit it to the Village Board for adoption as the official organization and administrative procedure plan for the Village;
 - d. Establish when necessary administrative procedures to increase the effectiveness and efficiency of Village government according to current practices in local government, not inconsistent with Subsection (d)(1)c above or directives of the Village Board;
 - e. Serve as an ex-officio nonvoting member of all boards, commissions, and committees of the Village, except as otherwise specified by the Village Board or Wisconsin Statutes;
 - f. Keep informed concerning current Federal, State, and County legislation and administrative rules affecting the Village and submit appropriate reports and recommendations thereon to the Village Board;
 - g. Keep informed concerning the availability of Federal, State and County funds for local programs; assist department heads and the Village Board in obtaining these funds under the direction of the Village Board;
 - h. Represent the Village in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the Village Board;

- i. Act as public information officer for the Village with the responsibility of assuring that the news media are kept informed about the operations of the Village and that all open meeting statutes and regulations are followed;
 - j. Establish and maintain procedures to facilitate communications between citizens and Village government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;
 - k. Promote the economic well-being and growth of the Village of Combined Locks through public and private sector cooperation.
- (2) **Responsibilities to the Village Board.**
- a. Attend all meetings of the Village Board, unless excused by the Village President or majority vote of the Village Board, assisting the Village President and other Village Trustees as required in the performance of their duties;
 - b. In coordination with the Village President and the Village Board, prepare agendas for all meetings of the Village Board, all Village Board committees, and all other appropriate committees and commissions of the Village, together with such supporting material as may be required; with nothing herein being construed as to give the Village Administrator authority to limit or in any way prevent matters from being considered by the Village Board, or any of its committees and commissions;
 - c. Inform the Village Board of any pending ordinances, resolutions, other documents, and committee appointments requiring action;
 - d. Assist in the preparation of ordinances and resolutions as requested by the Village President or the Village Board, or as needed;
 - e. Keep the Village Board regularly informed about the activities of the Administrator's office by oral or written report at regular and special meetings of the Village Board;
 - f. Receive directives from the Village President in the event that action normally requiring the Village Board's approval is necessary at a time when the Village Board cannot meet.
- (3) **Personnel.**
- a. Be responsible for the administrative direction and coordination of all employees of the Village according to the Village's established organizational policies and procedures.
 - b. Recommend to the Village Board the appointment, promotion, and when necessary for the good of the Village, the suspension or termination of any nonstatutory employees of the Village;
 - c. Serve as personnel officer for the Village with responsibilities to see that complete and current personnel records, including specific job descriptions, for all Village employees are kept; evaluate in conjunction with department heads the

- performance of all employees on a regular basis; recommend salary and wage scales for Village employees not covered by collective bargaining agreements; develop and enforce high standards of performance by Village employees; ensure that Village employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances;
- d. Assist in labor contract negotiations and collective bargaining issues;
 - e. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.
- (4) ***Budgeting and Purchasing.***
- a. Be responsible for the preparation of the annual Village budget in accordance with guidelines as may be provided by the Village Board, in coordination with department heads, and pursuant to state statutes, for review and approval by the Village Board; be responsible for the posting and publishing of the budget and all official notices required for the budget proceedings;
 - b. Administer the budget as adopted by the Village Board;
 - c. Report regularly to the Village Board on the current fiscal position of the Village;
 - d. Supervise the accounting system of the Village and insure that the system employs methods in accordance with current professional accounting practices;
 - e. Serve as the purchasing agent for the Village, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the Village Board and any limitation contained in the Wisconsin Statutes.
- (e) **Consolidated Offices of Administrator, Clerk and Treasurer.** Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Combined Locks hereby elects not to be governed by those portions of Sections 61.19, 61.25 and 61.26, Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section. The offices of Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the Village Administrator.
- (f) **Duties as Clerk.** In his/her capacity as Village Clerk, the Village Administrator shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
- (1) Perform all election duties as required by the Wisconsin Statutes, and keep and maintain all election records and all property used in conjunction with holding of elections;
 - (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
 - (3) Issue all licenses required by ordinance or statute except as otherwise provided;

- (4) Attend meetings, take minutes and maintain files for the Village Board, and such other official boards, committees and commissions as may be directed;
 - (5) Maintain files for all Village records, ordinances, resolutions and vouchers;
 - (6) Prepare and distribute reports for the Village Board and for federal and state agencies;
 - (7) Audit and obtain approval of claims charged against the Village;
 - (8) Assist the Assessor in maintaining property assessment records;
 - (9) Administer oaths and affirmations;
 - (10) Issue licenses to various vendors in the Village;
 - (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
 - (12) File financial and other reports with various state agencies;
 - (13) Advertise for bids, receive such bids and summarize the results;
 - (14) Identify and evaluate ideas to achieve more efficient and effective operation;
 - (15) Coordinate, supervise and conduct elections pursuant to state law;
 - (16) Confer with the Village President, department heads and Village Board committees about projects.
- (g) **Duties as Treasurer.** In his/her capacity as Village Treasurer, the Village Administrator shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin;
 - (2) Prepare financial and bank statements;
 - (3) Maintain fiscal records for the Village;
 - (4) Make reports to the State of Wisconsin on assessments;
 - (5) Prepare and send invoices for services provided by municipal utilities;
 - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all Village operations, including utilities;
 - (7) Collect all taxes for the Village and other taxing bodies;
 - (8) Invest available funds for maximum interest earnings;
 - (9) Prepare a monthly financial report;
 - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
 - (11) Prepare check vouchers for payment of approved claims for signature.
- (h) **Duties Prescribed by Law.** The Village Administrator shall perform such other duties as are prescribed by the Wisconsin Statutes, Village ordinances, and as directed by the Village Board.
- (i) **Cooperation.** All officials and employees of the Village of Combined Locks shall cooperate with and assist the Village Administrator so that the Village government shall function effectively and efficiently.
- (j) **Audits.** Annual audits may be made of the records of the Village Administrator-Clerk-Treasurer with the audit to be made by a certified public accountant.

- (k) **Bond.** The acts of the Village Administrator shall be covered by an official bond as the Village Board may direct.

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

Sec. 2-3-4 Deputy Clerk-Treasurer.

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

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

Sec. 2-3-5 Village Attorney.

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall serve at the pleasure of the Village 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) The Village Attorney shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - (3) The Village Attorney shall draft ordinances, bonds and other instruments as may be required by Village officers.
 - (4) The Village Attorney may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she 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. 2-3-6 Chief of Police.

(a) Appointment.

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

(b) General Duties.

- (1) The Chief of Police shall have command of the Police Department. The Chief of Police shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. The Chief of Police shall perform all duties prescribed to him/her by the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Board or Village Administrator.
- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime. The Chief of Police shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to his knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. The Chief of Police shall exercise supervisory control over all the personnel of his/her department and may adopt, subject to the approval of the Village Board, rules and regulations for the government, discipline, equipment and uniforms of the police officers. The Chief of Police shall be solely responsible for the care and condition of the equipment used by his/her Department. The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

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

Sec. 2-3-7 Fire Chief.

The Fire Chief shall assume office pursuant to Section 2-3-2. The Fire Chief shall be the Village Fire Inspector by virtue of his/her office. He/she 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. 2-3-8 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/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Administrator and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

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

Sec. 2-3-9 Director of Public Works.

- (a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2. Generally, the Director of Public Works shall maintain, service, inspect and/or repair all Village equipment and property including sewage equipment, water supply equipment, streets and street right-of-way, Village parks, Village buildings and other items as determined by the Village Board.
- (b) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:
- (1) **General Duties.** The Director of Public Works shall:
 - a. Have general charge and supervision of certain public works in the Village.
 - b. Be responsible for the maintenance, repair and construction of parks, streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings and structures and all related machinery, equipment and property used in such activity.
 - c. Have charge of certain public services, including snow and ice removal, street cleaning, flushing, and sewer and water utilities.
 - d. Perform such other activities and duties, as are imposed upon him/her from time to time by the Village Board, his/her job description or employment contract, or as lawfully directed by the Village Administrator.

- (2) **Maintain Water Supply System.** The Director of Public Works shall:
 - a. Read station meters as necessary.
 - b. Inspect and maintain pumping equipment in working order as needed.
 - c. Read, repair and install individual water meters as directed by the Village Board.
 - d. Repair water mains as needed to maintain water supply.
 - e. Test water daily for fluoride treatment to satisfy state requirements.
 - f. Keep water hydrants clear of obstruction and in good working condition.
- (3) **Maintain Sanitary Sewer System.** The Director of Public Works shall:
 - a. Operate and inspect sewer plant twice daily.
 - b. Read flow chart and record results at least twice daily.
 - c. Inspect and maintain chlorine equipment as needed.
 - d. Collect samples and conduct tests as required by the Village Board, Wisconsin Department of Natural Resources, and/or Village Administrator.
 - e. Inspect and maintain lift station daily or more as needed.
- (4) **Maintain, Clean and Repair Streets and Roads.** The Director of Public Works shall:
 - a. Plow and remove snow as needed.
 - b. Clean and sweep streets at least every other week (opposite weeks from trash pickup) and as required by the Village Board.
 - c. Repair streets and roads with proper materials as needed.
 - d. Mow grass along roadsides as needed.
 - e. Assess street repair and replacement needs as directed by the Village Board.
 - f. Paint parking line spaces and yellow fire hydrant curb markings as needed.
- (5) **Maintain Village Buildings and Equipment.** The Director of Public Works shall:
 - a. Clean, maintain, paint and service Village buildings as needed and as directed by the Board.
 - b. Keep buildings in safe condition to meet all state and local building and safety code requirements.
 - c. Maintain and service all Village vehicles and machinery as needed and as directed by the Village Board and/or Village Administrator.

Sec. 2-3-10 Assessor.

- (a) **Statutes Not to Govern.** Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section.
- (b) **Selection.** Hereafter, instead of being elected, the Assessor of the Village of Combined Locks shall be appointed by the Village President, subject to confirmation by a majority

vote of the members-elect of the Village Board. The Village President shall not have a vote on such confirmation. Said person so appointed to perform the duties of such office shall have an indefinite term and shall serve as determined by contract. 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/she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

- (c) **Property Assessment Income and Expense Information.** Whenever the Assessor, in performance of his/her duties, requests and obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats, or any successor statute thereto, then such income and expense information that is provided to the Assessor shall, except as provided below, be held by the Assessor on a confidential basis. Notwithstanding the foregoing, said income and expense information may be revealed to, and used by, persons in the discharge 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 court order. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, pursuant to Sec. 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats., or this Chapter.

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.

NOTE: Charter Ordinance, December 21, 1976.

Sec. 2-3-11 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.

(a) **Appointment.**

- (1) Inspectors shall be appointed pursuant to Section 2-3-2.

- (2) Each inspector shall:
 - a. Have proper state certification in areas of his/her responsibility;
 - b. Possess such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
 - c. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - d. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Combined Locks.
- (b) **Authority to Enter Premises; Appeals.**
 - (1) In the discharge of their respective duties, each Inspector under this Section or his authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his/her duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.
 - (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sections 66.122 and 66.123, Wis. Stats.
 - (3) Any person feeling himself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.
- (d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.
- (e) **Conflict of Interest.** No Inspector shall inspect any construction work in the Village in which the Inspector has a personal or financial interest either direct or indirect.

Sec. 2-3-12 Municipal Judge.

- (a) **Election Term.** The Municipal Judge shall be elected at large at the spring election in alternate even-numbered years for a term of four (4) years commencing on May 1 succeeding his/her election.

- (b) **Salary.** The Municipal Judge shall receive a salary as determined from time to time by the Village Board which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during his/her term for which he has not executed and filed his official bond and oath as required by Subsection (c).
- (c) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Outagamie County the oath and bond prescribed by Sec. 755.03, Wis. Stats.
- (d) **Jurisdiction.**
- (1) The Municipal Judge shall have such jurisdiction as provided in Sec. 755.045, Wis. Stats.
 - (2) The Municipal Judge shall have exclusive jurisdiction over all offenses against the ordinances of the Village. Provided, however, in the event any such ordinance omits any act or penalty imposed by State Law, prosecutions of such violations may be brought in Outagamie County Circuit Court.
 - (3) All of the provisions of Chapter 938, Wis. Stats., are hereby adopted by reference. The Municipal Judge shall have jurisdiction in all proceedings against juveniles aged twelve (12) or older as provided therein.
- (e) **Procedure.**
- (1) The Court of the Municipal Judge shall be called the "Municipal Court for the Village of Combined Locks, Wisconsin," and shall be open at such times as the Municipal Judge shall determine, but not less than twice a month.
 - (2) The Municipal Judge shall keep his/her office and hold court in the Combined Locks Municipal Building.
 - (3) The procedure in Municipal Court shall be as provided in Chapters 66, 755, 757 and 800, Wis. Stats., and as otherwise provided by law.
 - (4) The Municipal Judge shall collect all forfeitures, fines and taxable costs in any action or proceeding before him/her and shall pay over such moneys to the Village Administrator not later than the month succeeding his receipt thereof.
- (f) **Contempt of Court.**
- (1) The Municipal Judge may punish for contempt of Municipal Court for the Village of Combined Locks persons guilty of either of the following acts and no other:
 - a. Disorderly, contemptuous or insolent behavior committed during its sittings, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due its authority.
 - b. Any breach of the peace, noise or disturbance directly tending to interrupt its proceedings.
 - c. Willful disobedience of any process or order lawfully issued or made by it.
 - d. Resistance, willfully offered, by any person to the lawful order or process of the court.
 - e. The contumacious and unlawful refusal of any person to be sworn as a witness and when so sworn, the like refusal to answer any legal and proper interrogatory.

- f. The practicing as an attorney in such court without being first licensed as such in the manner provided by law.
 - g. Any failure of a person subpoenaed as a witness for refusing or neglecting to obey such subpoena.
 - h. The act of unlawfully detaining within Outagamie County, any witness or party to an action while going to, remaining at or returning from court where such action has been set for hearing or trial and any other unlawful interference with the process or proceedings in any action within the County of Outagamie.
- (2) Contempt committed in the immediate view and presence of the Judge and after the party so charged being heard in his/her defense, may be punished summarily; in other cases the party shall be notified of the accusation and have a reasonable time to make his defense.
 - (3) The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than Fifty Dollars (\$50.00) or upon nonpayment of the forfeiture penalty assessment under Sec. 165.87, Wis. Stats., jail assessment under Sec. 302.46, Wis. Stats., automatic reinstatement assessment under Sec. 345.54(1), Wis. Stats., and any applicable domestic abuse assessment under Sec. 973.055(1), Wis. Stats., a jail sentence not to exceed seven (7) days.
 - (4) Each act of contempt of court shall constitute a separate offense.

Sec. 2-3-13 Eligibility for Office.

- (a) No person shall be elected by the people to a Village office, who is not at the time of his/her 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. 2-3-14 Oaths of Office.

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his/her duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Administrator. 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, Subch. I, Wis. Stats.

same with the original or certified copies of all the papers in the matter to the Clerk of the Circuit Court.

- (b) In case any contract has been made for making the improvement such appeal shall not affect such contract, and certificates or bonds may be issued in anticipation of the collection of the entire assessment for such improvement, including the assessment on any property represented in such appeal as if such appeal had not been taken.
- (c) An appeal under this Section shall be the sole remedy of any person aggrieved by a determination of the Village Board, whether or not the improvement was made according to the plans and specifications therefor, and shall raise any question of law or fact, stated in the notice of appeal, involving the making of such improvement, the assessment of benefits or the award of damages or the levy of any special assessment therefor.
- (d) It shall be a condition to the maintenance of such appeal that any assessment appealed from shall be paid as and when the same or any installments thereof become due and payable, and upon default in making such payment, any such appeal shall be dismissed.

Sec. 3-2-10 Assessments a Lien.

Every special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the Village of Combined Locks or the owner of any certificate, bond or other document issued by public authority, evidencing ownership of or any interest in such special assessment, from the date of the determination of such assessment by the Village Board. The Village Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Village Board shall provide that all assessments or installments thereof which are not paid by the dates specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special assessment, except as otherwise provided by law.

Sec. 3-2-11 Reassessment of Special Assessments.

If any special assessment levied pursuant to this Chapter shall be held invalid because such ordinance shall be found to be unconstitutional, the Village Board of the Village of Combined Locks may thereafter reassess such special assessment pursuant to the provision of any applicable law.

Sec. 3-2-12 Waiver of Notice and Hearing.

The Village Board of the Village of Combined Locks may, without any notice or hearing, levy and assess the whole or any part of the cost of any municipal work or improvement as a special

assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment.

Sec. 3-2-13 Assessment Due Date.

The due date of any special assessment levied against property abutting on or benefited by a public improvement may be deferred on such terms and in such manner as prescribed by the Village Board while no use of the improvement is made in connection with the property. Such special assessment may be paid in installments within the time prescribed by the Village Board. Any such special assessments shall be lien against the property from the date of the levy.

Sec. 3-2-14 Costs of Streets, Sewer, Sewer and Water Taps, Grading, Graveling and Paving.

(a) **Initial Installation Costs.**

- (1) **Assignment of Costs.** The initial installation costs for all streets, whether dedicated or not, in the Village of Combined Locks, as well as the installation of curb and gutter, sidewalks, sewer (sanitary and storm), water systems and taps, street graveling and pavement shall be the full responsibility of the adjacent property owners and shall be charged on a front-foot basis at one percent (1%) or more above the cost to the Village of such installation, except as modified by Subsection (d) below.
- (2) **Initial Installation Costs Definition.** "Initial installation costs" shall include such costs necessary to improve existing unimproved and improved streets, as well as non-existing streets, to comply with the then existing local, state and federal specifications applicable at the time time, but shall not include replacement of curb and gutter and storm sewers on existing improved street.
- (3) **New Subdivisions.** Regulations and standards regarding the installation of service in new subdivisions are regulated by Title 14 of this Code of Ordinances and any regulations therein shall take precedence over this Section as it relates to new subdivisions.

(b) **Repair and Replacement Costs.** Repair and replacement of curb and gutter and storm sewers, as well as asphalt and concrete (improved) streets shall be the responsibility of the Village of Combined Locks.

(c) **Alternative Method.** As an alternative to Subsections (a) and (b) above, the owners of property adjacent to non-existent streets may install the same, including utilities, by private contract; such contract must be approved by the Village Board and shall be fully compliant with Village specifications for streets and utilities.

(d) **Utilities.** All utilities other than streets will be charged at the existing Village rate as determined from time to time by the Village Board.

- (e) **Sidewalks.** All sidewalks shall be the full responsibility of the Village.

Sec. 3-2-15 Special Charges — Garner's Creek Basin Storm Water Utility.

- (a) **Purpose.**
- (1) The Village of Combined Locks (hereafter "Village") is one of three communities forming the Garner's Creek Basin Storm Water Utility (hereafter "Utility") for the purpose of storm water management; and
 - (2) The Village Board has determined all properties in the Village will benefit from participation in the Utility; and
 - (3) The Village is required to contribute its share of the costs of the creation and operation of the Utility; and
 - (4) Section 66.62, Wis. Stats., authorizes the Village Board to specially assess for its share of the initial cost and operation of the Utility.
- (b) **Special Charges Imposed.** All properties in the Village shall be specially assessed for the creation and operating cost of the Utility as follows:
- (1) Charges imposed by the Garner's Creek Basin Storm Water Utility will be apportioned to individual properties within the Village, based on the total number of equivalent runoff units (ERU's) assigned to all of the properties within the Village.
 - (2) The Village shall annually, or at such other intervals determined by the Village Board, specially assess such properties its share of the operational costs of such Utility as a current charge pursuant to Sec. 66.60(16), Wis. Stats.
 - (3) All special assessments described in this Section shall be a lien against the property from the date of the levy.

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	Solid Waste Commission
2-4-5	Utility Commission
2-4-6	General Provisions Regarding Meetings and Public Notice
2-4-7	Residency Required for Service on Boards and Commissions; Attendance Standards
2-4-8	Committee and Commission Rules

Sec. 2-4-1 Board of Review.

- (a) **Composition.** The Board of Review of the Village of Combined Locks shall be composed of the Village President, Village Administrator and all members of the Village Board. The Village Administrator shall serve as Clerk of the Board of Review. 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. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review. 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 Combined Locks to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.

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

Sec. 2-4-2 Zoning Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and one (1) alternate member, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term 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.
- (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 any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
 - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of 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.
- (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 Administrator and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (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) **Notice of Hearing.** A Class 2 notice pursuant to Chapter 985, Wis. Stats., shall be published in the official newspaper of the Village specifying the date, time and place of the hearing and matters to come before the Board of Appeals. Notices shall also be mailed to parties at interest, as determined by the Board of Appeals.

(e) **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) **Composition.** The Plan Commission shall consist of a chairperson appointed by the Village President and confirmed by the Village Board, a Village Trustee appointed by the Village President and confirmed by the Village Board each year, and up to seven (7), but no less than five, (5) citizens appointed for three (3) years terms. The citizens shall be appointed so that no more than three (3) citizens are appointed annually.
- (b) **Duties.** The Plan Commission shall have such duties as are prescribed by the State Statutes and this Code of Ordinances.

Sec. 2-4-4 Solid Waste Commission.

- (a) **Composition.** The Solid Waste Commission shall consist of the following members who shall be appointed by the Village President, subject to confirmation of the Village Board: One (1) Village Trustee, who shall serve as Commission chairperson; one (1) representative of Appleton Papers, Inc., one (1) representative of St. Paul Church Property and Finance Committee; one (1) representative of Kimberly School District #6; one (1) citizen at large and the Village Director of Public Works.
- (b) **Purpose.** The purposes of the Solid Waste Commission shall be fact finding, receipt and referral of complaints, monitoring of solid waste agreements and the Commission shall make periodic reports and recommendations to the Village Board.
- (c) **Responsibilities.** The responsibilities of the Solid Waste Commission shall be:
 - (1) To negotiate and recommend to the Village Board an agreement between Appleton Papers, Inc. and the Village of Combined Locks regarding continued operation, maintenance, closing and post closing use of the Appleton Papers, Inc., solid waste landfill sites in the Village.
 - (2) To monitor the implementation of all signed agreements which have been approved and entered into by the Village of Combined Locks and Appleton Papers, Inc. regarding operation of its landfill sites within the Village to insure that all parties concerned honor the provisions of the agreements.
 - (3) To serve as a forum for discussion and to maintain a channel of communications between the citizens of the Village of Combined Locks, the Village Board and Appleton Papers, Inc. and to see that any areas of concern regarding the solid waste landfill is immediately addressed.
 - (4) To refer to the Village Board of the Village of Combined Locks matters which the Commission is unable to resolve or which the Commission believes are in need of immediate action by the Village Board. The Commission shall make a yearly report to the Village Board on the progress of the landfill for each year until the landfill is closed to further disposal of solid waste.

(d) **Powers.**

- (1) The Solid Waste Commission is to be advisory in nature to the Village Board. No agreements whether written or oral shall be binding upon the Village of Combined Locks without action of the Village Board.
- (2) Refusal by any member of the Solid Waste Commission to participate in any activity of the Commission shall not prevent the Commission from making reports and recommendations to the Village Board, however, the dissent of any Commission member shall be noted by the Commission. Any dissenting member may make an independent report or recommendation to the Village Board.
- (3) Meetings of the Solid Waste Commission shall be called at the pleasure of the Commission Chairman.

Sec. 2-4-5 Utility Commission.

The Village Board shall constitute the Utility Commission.

Sec. 2-4-6 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) **Form of Notice.** Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING

VILLAGE OF COMBINED LOCKS, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Village of Combined Locks will be held on (date), 19__, at (time) p.m., at the Combined Locks Municipal Building, in Room _____ to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: _____

(Commission)

By _____

The Combined Locks Municipal Building is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are need, please contact the Village Administrator at (telephone).

- (c) **Notice to Members.** Every member of any board, commission or committee of the Village of Combined Locks shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Village Administrator within one (1) week of the meeting date. The Village Administrator shall furnish a copy of all minutes filed with him to each member of the Village Board. All such minutes shall be public records.
- (e) **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.

Sec. 2-4-7 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 Combined Locks 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.

Sec. 2-4-8 Committee and Commission Rules.

- (a) Except as provided herein, the provisions of Sections 2-2-17 through 2-2-21 of this Code of Ordinances relating to rules of procedure for the Village Board, together with Robert's Rules of Order, shall as far as applicable, also apply to committee board and commission meetings.
- (b) A simple majority of the members of a committee or commission shall constitute a quorum.

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
2-5-8	Advisory Opinions
2-5-9	Employees Covered by Collective Bargaining Agreements
2-5-10	Sanctions
2-5-11	Residency Requirements for Municipal Employees

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 Combined Locks 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 Combined Locks 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 Combined Locks.

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. 946.10.** Bribery of Public Officers and Employees.
- (b) **Sec. 946.11.** Special Privileges from Public Utilities.
- (c) **Sec. 946.12.** Misconduct in Public Office.
- (d) **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 officially recognized confidentiality of their work.
- (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Village Administrator. 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) **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/herself or for a member of his or her immediate family.

- (c) **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.**
 - (1) 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.
 - (2) Any other official or 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 or employee has any influence or input or of which the official or 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.

Sec. 2-5-8 Advisory Opinions.

Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems necessary or appropriate, may request an advisory opinion from the Village Attorney.

Sec. 2-5-9 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 2-5-11.

Sec. 2-5-10 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. 2-5-11 Residency Requirements for Municipal Employees.

(a) Residency.

- (1) The Village Administrator, the Chief of Police, and the Director of Public Works are required to reside within the corporate limits of the Village of Combined Locks. There is no residency requirement for other full-time or part-time employees of the Village of Combined Locks.
- (2) Volunteer firefighters are required to reside within the corporate limits of the Village of Combined Locks. The Fire Chief shall have the discretion of retaining a trained volunteer firefighter who moves from the Village to a neighboring community.

(b) **Purpose.** The purpose of this Section is to require full devotion to public duty and shall be interpreted to be for the benefit and protection of the public.

(c) **Procedure.** Violations of this Section shall be processed as follows:

- (1) The immediate supervisor shall notify the employee in writing of the employee's violation of the rule. If there is no immediate supervisor, the Village Board shall so notify the employee.
- (2) The employee within ten (10) days after notice, shall be allowed to respond in writing with his/her reasons for noncompliance or request for special exception to the rule;
- (3) Notice of the violation and any communication from the employee shall be referred to the Village Board for action on whether to grant an exception to enforcement.

(d) Penalty.

- (1) The penalty for non-compliance within the time granted after notice by the Village Board shall be dismissal from Village employment or denial of position.
- (2) The employee shall be notified of the reasons for the employee's dismissal or denial of the position, including refusal to comply with the rule.

