

Title 2 ► Chapter 1

Village Government and Elections

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Sec. 2-1-1 Village Government.

The Village of Crivitz 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 Crivitz, Marinette County, Wisconsin shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

Sec. 2-1-3 Official Newspaper. Please view 2024-005

The official Village newspaper shall be the *Peshigo Times* to be used for the publication of legal and/or official notices and documents.

Sec. 2-1-4 Election Board; Inspectors; Elections.

- (a) **Appointment to Election Board.** The Village President shall appoint sixteen (16) persons to the Election Board for a term of two (2) years, beginning January 1st of even-numbered years. The sixteen (16) members of the Election Board shall be comprised of twelve (12)

regular Election Inspectors, two (2) Chief Election Inspectors, and two (2) Alternate Chief Election Inspectors. Persons so appointed shall be qualified electors of the Village of Crivitz and shall be appointed not later than December 31st of each odd-numbered year.

- (b) **Oath of Office.** The appointed officials shall, within ten (10) days of his or her notice of appointment, file with the Village Clerk-Treasurer an oath of office as provided for by law. However, the oath shall be issued by the Village Clerk-Treasurer to all Inspectors no later than December 31st of the year of appointment.
- (c) **Training.** The Village Clerk-Treasurer shall provide training, informational materials, notification of all County and State election training seminars and all other necessary information to all sixteen (16) officials appointed as Election Inspectors.
- (d) **Shifts for Election Inspectors.** The appointed officials shall serve as Election Inspectors pursuant to State law at regular and special elections. Each election day shall be divided into two (2) shifts as provided for by State law. Each shift shall be comprised of at least two (2) regular Election Inspectors and one (1) Chief Election Inspector. The first shift shall be from 6:30 a.m. to 2:00 p.m. The second shift shall be from 2:00 p.m. to the close of the election and include tally of the election ballots.
- (e) **Reduction of Number of Inspectors.** The Village Clerk-Treasurer shall have the authority to reduce the number of Election Inspectors used at each election. This determination shall be based on anticipated voter turnout. All data used by the Village Clerk-Treasurer to determine voter turnout must be submitted to the Village Board for approval. A minimum of three (3) Election Inspectors must be used during each shift.
- (f) **Officers.** At the beginning of each term, the present Election Inspectors shall appoint two (2) chairpersons and two (2) special voting deputies to act as such during that term. The special voting deputy shall be issued the additional required oath to so act.
- (g) **Additional Inspectors.** If the required number of Inspectors are not able to work at any given election, the Village Clerk-Treasurer shall recruit and issue the oath to a resident elector to act as an Election Inspector for that election only.
- (h) **Compensation.** Regular and Chief Election Inspectors shall be paid at the hourly rate established in current wage rates as set by the Crivitz Village Board, and as amended from time to time, for hours worked at the polls, performing absentee voting, and attending training. One meal per shift shall be provided by the Village for each Regular and Chief Election Inspector at the most current rate set by the Crivitz Village Board, and as amended from time to time.
- (i) **Breaks.** Each Election Inspector shall have one fifteen (15) minute break and one one-half (1/2) hour lunch period per shift.
- (j) **Termination.** Any Election Inspector may be terminated by motion of the Village Board upon a finding that the Inspector has violated State Statutes or Village ordinances.
- (k) **Vacancies.** Any vacancy that may occur during the two (2) year term of the Election Board shall be filled by appointment by the Village President.

Title 2 ► Chapter 2

Village Board

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Sec. 2-2-1 Village Board.

The Trustees of the Village of Crivitz 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 Crivitz shall have six (6) Trustees in addition to the Village 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/her 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. He/she 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) **Committee Appointments.** Standing committees of the Village are appointed by the Village President, subject to confirmation by the Village Board. The committees listed in Subsection (b) below shall consist of not less than three (3) members. The appointments to each committee shall be made at the annual organizational meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Board action.
- (b) **Committees Established.** The following standing committees are established:
 - (1) Administrative and Development Committee.
 - (2) Operational Committee.

- (3) Utilities Committee.
 - (4) Finance Committee.
 - (5) Public Safety Committee.
 - (6) Public Works Committee.
- (c) **Employee Facilitator.** The Village President may appoint a Trustee as "Employee Facilitator". This position would have no particular power, but would act as a liaison between the Village Board and the employees, mediate disputes and differences between employees, and between employees and the Village Board.
- (d) **President to Designate Chairpersons; Committees-of-the-Whole; Special Committees.**
- (1) The Village President shall be an ex officio member of all standing committees. The Village President shall only be empowered to vote on matters before any committee, regular or special, when there is a tie vote of the other committee members. The President shall designate the chairperson of all other standing committees. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the Board.
 - (2) All Village Board Trustees shall serve on at least one standing committee. The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
 - (3) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
 - (4) The Village President may, from time to time, appoint such special committee or committees as he/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.
- (e) **Committee Reports.**
- (1) All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
 - (2) Each committee shall give the full Board a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report 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.

- (f) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.
- (g) **Cooperation of Village Officers.** All Village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any Village Department.
- (h) **Fees for Public Requests for Non-Scheduled Committee Meetings.** The request for any non-scheduled committee 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. A fee of One Hundred Fifty Dollars (\$150.00) may be assessed against that party for whose benefit the non-scheduled committee meeting has been requested. Such fee shall be at the discretion of the Village President and shall be paid prior to notification to the public and the Trustees of any such non-scheduled committee meeting.

Sec. 2-2-5 General Powers of the Village Board.

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements,

restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.

- (d) **Village Finances.** The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (e) **Construction of Powers.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

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

Sec. 2-2-6 Cooperation with Other Municipalities.

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

State Law Reference: Sections 61.34(2) and 66.30, 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.

Please view 2022-008
2023-012

Sec. 2-2-8 Salaries and Expenses.

- (a) **Salaries.** m, The Village President and 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 Village President, Trustees, and other Village officials and employees. Salaries heretofore established shall so remain in effect until changed by ordinance and shall not be increased or diminished during their terms of office:
- (1) **Village President.** Two Thousand Six Hundred Dollars (\$2,600.00) per annum to be paid in four (4) equal quarterly installments.
 - (2) **Trustees.** Two Thousand Dollars (\$2,000.00) per annum to be paid in four (4) equal quarterly installments.
 - (3) **Board Per Diem.** The Village President and Trustees shall be compensated for expenses at the rate of Seventy-five Dollars (\$75.00) per posted meeting attended with a quorum present, except regular monthly Village Board meetings. In the case of committee meetings, this per diem compensation is only payable to Board members who are members of the actual committee which is meeting or who are requested to attend such meeting.
 - (4) **Chief Election Inspectors.** Eleven Dollars (\$11.00) per hour to be paid as soon as possible and without delay following each election. [Effective January 1, 2020].
 - (5) **Election Poll Workers.** Ten Dollars (\$10.00) per hour to be paid as soon as possible and without delay following each election. [Effective January 1, 2020].
 - (6) **Fire Chief.** Two Thousand Five Hundred Dollars (\$2,500.00) per annum and his/her hourly rate, minimum of two (2) hours, for each Operational Committee meeting attended, and other meetings as requested.
 - (7) **Assistant Fire Chief.** One Thousand Two Hundred Dollars (\$1,200.00) per annum to be paid in four (4) equal quarterly installments.
 - (8) **Fire Marshall/Inspector.** Thirteen Dollars (\$13.00) to Fifteen Dollars (\$15.00) per inspection. [Effective November 20, 2018].
 - (9) **Municipal Judge.** Three Thousand Dollars (\$3,000.00) per annum to be paid in four (4) equal quarterly installments. [Effective April 1, 2018].\
 - (10) **Board of Review Members.** Forty Dollars (\$40.00) per session.
 - (11) **Other Municipal Employees.** Compensation per current Wage Schedule approved by the Village Board.
 - (12) **Chairperson of the Administrative and Development Committee.** The Chairperson of the Administrative and Development Committee shall be compensated at the rate of Twenty-five Dollars (\$25.00) per each monthly audit of the bank reconciliation performed with the Village Clerk-Treasurer's office.
- (b) **Expenses.** The Village Board sets the following allowable expenses that may be claimed for Village reimbursement by Village officials and employees that have been incurred when representing the Village of Crivitz at meetings, conferences, trainings or other approved events. Requests for expense reimbursements must be submitted on forms supplied by the Village of Crivitz and receipts or other documentation as indicated must be attached:

- (1) **Mileage.** The current IRS standard mileage rate for business use of an automobile, provided documentation of the actual distance is submitted, such as a map indicating the shortest route.
- (2) **Lodging and Meal Expenses.** Reimbursement at the current maximum reimbursement lodging and meal rates set by the State of Wisconsin Department of Administration, Division of Personnel Management in the biannual state compensation plan and referred to as "Uniform Travel Schedule". Lodging expenses are based upon double occupancy and reservations must be made by the Department Head and confirmed with the Village Clerk-Treasurer's office. For multi-day events, the Village will reimburse either mileage or lodging, whichever is less costly.
- (3) **Work Lost.** Actual expense while on Village business at the rate of Twenty Dollars (\$20.00) per day for cost of work lost.
- (4) **Exceptions.** Maximum allowable expenses under this Section may only be exceeded with appropriate committee authorization prior to incurring the expense.

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

Sec. 2-2-9 Meetings. Please view 2021-01

- (a) **Regular Meetings.** Beginning in January, 2011, regular meetings of the Village Board shall be held on the third Tuesday of each calendar month at 7:00 p.m. local time, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held the following day, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Municipal Building in the Village of Crivitz and in the official Village newspaper prior to such rescheduled meeting date. All meetings of the Board shall be held at the Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village.
- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular meeting in May following the spring election for the purpose of organization.
- (c) **Board Minutes.** The Village Clerk-Treasurer shall keep a record of all Board proceedings.

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

Sec. 2-2-10 Special Meetings.

- (a) Special meetings of the Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Clerk-Treasurer at least twenty-four (24) hours prior to the time specified for such meeting. The Village Clerk-Treasurer shall select the

day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. The Village Clerk-Treasurer shall cause a record of such notice to be filed in his/her 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 Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him/her.

- (b) The request for any special meetings 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. A fee of Two Hundred Dollars (\$200.00) may be assessed against that party for whose benefit the special meeting has been requested. Such fee shall be at the discretion of the Village President and shall be paid prior to notification to the public and the Trustees of any such special 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 shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.
- (b) **Adjournment of Meetings.** Regular sessions of the Village Board may be adjourned from time to time for later reconvening. Any such adjournment may provide for reconvening at the same place or another place. An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Closed Meetings.** The provisions of this Code do not prohibit the Village 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 of Crivitz.
- (e) **Attendance of Village Officers.** Each department head shall attend each regular Board meeting or shall send a subordinate prepared to address matters relating to that area of responsibility unless excused by the President. Other Village officials may be required to attend Board meetings at the request of the Board.

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

Sec. 2-2-12 Quorum.

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

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

Sec. 2-2-13 Presiding Officers.

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In case of absence of the Village President, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or 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 Clerk-Treasurer. All matters to be presented at a Board meeting shall be filed with the Clerk-Treasurer no later than 12:00 noon on the Tuesday preceding the scheduled Board meeting to enable the Clerk-Treasurer to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 noon on the Tuesday preceding the Board meeting will not

- be placed upon the agenda. The President may waive the filing deadline for good cause shown.
- (2) A submitting department shall include copies of all material necessary to consider the agenda item.
 - (3) The Village President, or any trustee, shall advise the Village Clerk-Treasurer whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
 - (4) The Clerk-Treasurer shall afford the Trustees and the Village Attorney reasonable notice of agenda items as each situation allows.
- (b) **Order of Business.** The business of the Village Board of the Village of Crivitz shall be conducted in the following order:
- (1) Call to order by presiding officer.
 - (2) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date).
 - (3) Adoption of Agenda.
 - (4) Correction and approval of minutes of previous meeting(s).
 - (5) Treasurer's Report, reading, correction and approval.
 - (6) All funds, vouchers, approval or disapproval.
 - (7) Committee Reports.
 - (8) Comments and suggestions from preregistered taxpayers and citizens.*
 - a. Citizens and taxpayers must register with the Clerk-Treasurer before the meeting is called to order, and indicate his or her interest to address the Board;
 - b. Citizen's and taxpayer's comments relate to a matter on the agenda for that meeting;
 - c. Except for informational and public hearings, speakers shall be limited to five (5) minute addresses unless the Board consents, by a two-thirds (2/3) vote of the members present, to extend the time;
 - d. If the presiding officer decides that the comments are not relevant or are abusive, the presiding officer may:
 1. Order the citizen to modify his or her comments;
 2. Order the citizen to refrain from speaking;
 3. Order the citizen to leave the Board chambers; or
 4. Take such other steps as may be necessary to ensure the efficient conduct of the Board's business.
- * Per League of Wisconsin Municipalities "Conduct of Village Board Meetings" Rule 15 -- "Citizens right to address Council".
- (9) Introduction of ordinances and resolutions.
 - (10) Specific Agenda items (old business; new business; communications and correspondence).
 - (11) Questions from the floor.
 - (12) Adjournment.

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 Clerk-Treasurer or the Village Attorney may sponsor ordinances or resolutions when changes in state law make it necessary or desirable for the Village to act rapidly.
 - (3) Each ordinance or resolution may contain both a recommended referral to appropriate subunits of the board and a fiscal note showing the contemplated fiscal impact, if any, of the proposal.
 - (4) On ordinances or resolutions that require special handling, the Village Clerk-Treasurer shall assure that an editorial note is prepared showing compliance with such special handling.
 - (5) The Village Clerk-Treasurer may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
 - (6) Resolutions shall be in writing at the request of one Trustee; such request shall be nondebtable.
 - (7) Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.
 - (8) Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for meeting at which action is requested.
- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Village Board or to the Village Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.

- (e) **Reference and Reports.** The presiding officer shall refer new business coming to the Board to the appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Board meeting. Village Board motions based upon committee or Commission action is permissible only on items specifically on the agenda.

Sec. 2-2-16 Publication and Effect of Ordinances.

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

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

Sec. 2-2-17 Conduct of Deliberations.

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

- (1) No Trustee shall address the Board until he/she has been recognized by the presiding officer. He/she shall thereupon address himself/herself to Board and confine his/her 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 any question except those which cannot be reconsidered pursuant to *Robert's Rules of Order, Revised*.

Sec. 2-2-19 Disturbances and Disorderly Conduct.

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

Sec. 2-2-20 Amendment of Rules.

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

Sec. 2-2-21 Suspension of Rules.

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

Title 2 ► Chapter 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	Village Clerk-Treasurer/Utilities Clerk
2-3-4	Village Treasurer
2-3-5	Deputy Clerk
2-3-6	Village Attorney
2-3-7	Fire Chief
2-3-8	Weed Commissioner
2-3-9	Public Works Supervisor
2-3-10	Assessor
2-3-11	Building Inspector
2-3-12	Municipal Judge; Municipal Court
2-3-13	Abolishing the Elective Office of the Constable
2-3-14	Town Crier
2-3-15	Eligibility for Office
2-3-16	Oaths of Office
2-3-17	Vacancies
2-3-18	Removal from Office
2-3-19	Custody of Official Property

Sec. 2-3-1 General Provisions.

- (a) **General Powers.** Village 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/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in officer, shall apply to Village officers.

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- (d) **Legal Representation.** Whenever a Village official in his/her 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/she has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Village Board may provide for payment to such official 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.

- (a) The Village of Crivitz officials hereinafter set forth shall be appointed at the first regular meeting of the Village Board in May of odd-numbered years by the Village President, subject to confirmation by a majority vote of the Village Board:
 - (1) Village Attorney.
 - (2) Director of Public Works.
 - (3) Building Inspector.
 - (4) Health Officer.
 - (5) Assessor.
- (b) The Village President shall not vote on the confirmation of such appointments, except in case of a tie.

NOTE: This Section is a Charter Ordinance.

Sec. 2-3-3 Village Clerk-Treasurer/Utilities Clerk.

- (a) **State Law Not to Govern.** The Village of Crivitz, pursuant to Secs. 61.195 and 66.01, Wis. Stats., hereby elects not to be governed by those portions of Secs. 61.19 and 61.25, Wis. Stats., which are in conflict with this Section. The Municipal Code of the Village of Crivitz shall be amended to conform to this Charter Ordinance.
- (b) **Consolidated Offices.** The offices of the Village Utilities Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Clerk-Treasurer/Utilities Clerk by the Village President, subject to confirmation by the Village Board, commencing on May 1, 1997. The incumbent Village-Utilities Clerk and Village Treasurer shall continue to serve in their separate offices until the appointment and qualification of a Village Clerk-Treasurer/Utilities Clerk. If a vacancy occurs in either office prior to the Village Clerk-Treasurer/Utilities Clerk's appointment, the Village Board may appoint the remaining incumbent to perform the duties of both offices.
- (c) **Appointment.** The appointed Village Clerk-Treasurer/Utilities Clerk shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats.

- (d) **Duties.** The Village Clerk-Treasurer/Utilities Clerk shall perform all duties required of the positions of Village Clerk, Village Treasurer and Utilities Clerk as provided by law, and those other duties as the Village Board directs to be executed by the Village Clerk-Treasurer/Utilities Clerk from time to time.
- (e) **Audits.** Annual audits will be made of the records of the Village Clerk-Treasurer/Utilities Clerk with the audits to be made by a Certified Public Accountant.

NOTE: This Section is Charter Ordinance No. 95-3.

Sec. 2-3-4 Village Treasurer.

- (a) **Election.** The Village Treasurer shall be elected at the regular spring election in odd-numbered years for a term of two (2) years commencing on the first Monday of April in the year of election.
- (b) **Duties.** The Village Treasurer shall perform the statutory duties of Village Treasurer and such other duties as required by the Village Board.

NOTE: This Section is a Charter Ordinance. This office shall be consolidated on May 1, 1997, as prescribed in Section 2-3-3. After that date, references in this Code of Ordinances to the position of Village Treasurer shall mean the consolidated position of Village Clerk-Treasurer/Utilities Clerk.

Sec. 2-3-5 Deputy Clerk.

The Village President may appoint a Deputy Clerk, subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk shall have an indefinite term of office. The Deputy Clerk-Treasurer shall act under the Village Clerk-Treasurer's direction and, during the temporary absence or disability of the Village Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Village Clerk-Treasurer. 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. 2-3-6 Village Attorney.

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

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- (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. 2-3-7 Fire Chief.

- (a) **Appointment.** The Fire Chief shall be appointed in odd-numbered years by the Village President, subject to Village Board confirmation, at the organizational meeting. The Fire Chief shall be the Village Fire Inspector by virtue of his/her office.
- (b) **Powers and Duties of Chief.**
- (1) The Fire Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
 - (2) It shall be the duty of the Chief or ranking officer of the Department to be present at all fires, to have complete command of and entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the company when they arrive at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when he/she may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
 - (3) The Fire Chief shall enforce all fire prevention ordinances of the Village of Criviz 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 Clerk-Treasurer 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 Public Works Supervisor.

- (a) **Appointment.** The Public Works Supervisor shall be an employee of the Village as designated by the Public Works Committee, subject to Village Board confirmation. For purposes of this Code, references to the "Director of Public Works" shall mean the Public Works Supervisor.
- (b) **Duties and Powers.** The Public Works Supervisor shall have the following duties and powers:
 - (1) The Public Works Supervisor shall have general charge and supervision of all public works in the Village.
 - (2) The Public Supervisor shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his/her control.
 - (3) The Public Supervisor shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
 - (4) The Public Supervisor shall 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.

Sec. 2-3-10 Assessor.

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of Crivitz 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) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed by the Village President, subject to confirmation by a majority vote of the Village Board as prescribed in Section 2-3-2. Said person so appointed to perform the duties of such office 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.

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

Sec. 2-3-11 Building Inspector.

(a) Qualifications.

- (1) There are created the positions of Building Inspector; Electrical Inspector; Heating, Ventilating and Air Conditioning (HVAC) Inspector; and Plumbing Inspector ("Building Inspector"). One (1) person may be appointed to serve in all capacities.
- (2) The Building Inspector shall:
 - a. Possess such executive ability as is requisite for the performance of his/her 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;
 - b. 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;
 - c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Crivitz.

(b) Appointment and General Powers.

- (1) The Building Inspector shall be appointed by the Village President and confirmed by the Village Board as prescribed in Section 2-3-2.
- (2) Each Inspector shall enforce the provisions of this Code of Ordinances which relate to building construction, plumbing, HVAC and electrical installations, subject to the respective authority of each Inspector as set forth in this Section and other Chapters of the Village Code of Ordinances.
- (3) For the purposes described above, each Inspector may, at all reasonable times, enter buildings and premises. Inspectors may pass upon any questions arising under the provisions of this Code of Ordinances relating to their areas of responsibility. No

person shall interfere with an Inspector while in the performance of his/her official duties.

- (4) Any person feeling himself/herself 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.
 - (5) Each Inspector shall be subject to removal from office during his/her term for cause after a hearing by the Village Board.
- (c) **Authority to Enter Premises.**
- (1) In the discharge of their respective duties, each Inspector under this Section or his/her 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 Sec. 66.0119, Wis. Stats.
- (d) **Duties and Authority.** The Inspectors shall have such duties as are prescribed in this Section and Title 15 of this Code of Ordinances.
- (e) **Stop Work Orders and Revocations.** Each 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.

Sec. 2-3-12 Municipal Judge; Joint Municipal Court. Please view 2024-008

- (a) **Joint Municipal Court Created.** Pursuant to the authority granted by Chapter 55, Wis. Stats., there is hereby created and established a Joint Municipal Court to be designated "Northeast Wisconsin Joint Municipal Court" for the Town of Pound, Town of Beaver, Town of Brazeau, Village of Coleman, Village of Crivitz and Village of Pound, said Court to become operative and function on June 1, 2021.
- (b) **Municipal Judge.**
- (1) **Qualifications.** The Joint Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.
 - (2) **Oath and Bond.** The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Sec. 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of Twelve

Thousand Dollars (\$12,000.00). The Municipal Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c), Wis. Stats., and the requirements of Sec. 755.03(2), Wis. Stats., have been complied with. The Clerk is required to take his/her official oath and receive bond.

- (3) **Salary.** The salary of the Municipal Judge shall be fixed by the Town Boards and Village Boards of the municipalities that are parties to the agreement, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by Sec. 755.03, Wis. Stats., and filed pursuant to Sec. 19.01(4)(c), Wis. Stats. The municipalities may be separate ordinance allocate funds for the administration of the Joint Municipal Court pursuant to Sec. 66.0301, Wis. Stats.

(c) **Elections.**

- (1) **Term.** Clifford Patz was elected in April 2021 as the Municipal Judge for a four (4) year term. The Town of Pound, Town of Beaver, Town of Brazeau, Village of Coleman, Village of Crivitz and Village of Pound agree that Clifford Patz will serve as Municipal Judge for the Northeast Wisconsin Joint Municipal Court until the end of his term, which is April 2025. The Municipal Judge shall then be elected at large in the spring election in odd-numbered years with the first election of the Municipal Judge for the Joint Municipal Court to be held in April 2025, for a term of four (4) years, with the term commencing on May 1 following the election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Section 8.10, Wis. Stats., and selection at a primary election if such is held as provided in Section 8.11, Wis. Stats. The Marinette County Clerk shall serve as the filing officer for the candidates.
- (2) **Electors.** Electors in all municipalities that are parties to the agreement shall vote for the Municipal Judge.

(d) **Jurisdiction.**

- (1) **Municipal Jurisdiction.** The Joint Municipal Court shall have jurisdiction over incidents occurring on or after June 1, 2021 for the Town of Pound, Town of Beaver, Town of Brazeau, Village of Coleman, Village of Crivitz, and Village of Pound as provided in Article VII, Sec.14 of the Wisconsin Constitution, Secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by State law. In addition, the Joint Municipal Court shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and bylaws.
- (2) **Issuance of Civil Warrants.** The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Joint Municipal Court under Secs. 755.045(2) and 66.0119, Wis. Stats.
- (3) **Juvenile Offenders.** The Joint Municipal Court has jurisdiction over juvenile offenders when a municipality that is a party to the agreement enacts an ordinance under the authority of Sec. 938.17(2)(cm), Wis. Stats.

(e) **Joint Municipal Court Operations.**

- (1) **Hours.** The Joint Municipal Court shall be open at such location and at such time as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.
- (2) **Employees.** The Municipal Judge shall, in writing, appoint such clerks as authorized and funded by the Town Boards and Village Boards of the municipalities that are parties to the agreement.

(f) **Collection of Forfeitures and Costs.** The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938, Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the municipality within which the case arose within thirty (30) days after receipt of the money by the Joint Municipal Court. At the time of the payment, the Joint Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and the total amount of judgments imposed in actions and proceedings in which the monies were collected.

(g) **Contempt of Court.** The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under Sec. 800.12, Wis. Stats., and may impose a forfeiture therefor not to exceed Fifty Dollars (\$50.00) or upon nonpayment of the forfeiture thereon, a jail sentence not to exceed seven (7) days.

(h) **Court Abolition.** The Joint Municipal Court hereby established shall not be abolished with the Sec. 755.01(4), Wis. Stats., agreement in effect.

NOTE: This Section shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication as required by law.

State Law Reference: Secs. 8.10, 8.11, 19.01(4)(c), 757.02 and 757.03, and Chs. 755 and 800, Wis. Stats.

Sec. 2-3-13 Abolishing the Elective Office of Constable.

The Village Board of the Village of Crivitz do ordain as follows:

- (a) The Village of Crivitz, pursuant to Sec. 61.195, Wis. Stats., hereby elects to discontinue the elective office of constable.
- (b) The office of constable is hereby abolished.
- (c) Abolishment of the constable positions shall become effective upon the end of the current terms of office presently held.

NOTE: This is a Charter ordinance.

Sec. 2-3-14 Town Crier.

- (a) **Appointment.** The Village President may appoint the position of Town Crier for an indefinite term, subject to confirmation by majority vote of the members-elect of the Village Board. This shall be considered an uncompensated position.
- (b) **Duties.** The Town Crier shall promulgate an effective program of communicating and distributing public information for the benefit of the Village of Crivitz:
 - (1) To prepare and publish information and bulletins in the local newspaper media;
 - (2) To prepare and communicate informational bulletins to the local radio and video news media; and
 - (3) To prepare and distribute information and advertising bulletins regarding events in the Village of Crivitz and surrounding area.

Sec. 2-3-15 Eligibility for Office.

- (a) **Residency.** 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 of Crivitz, and in case of a ward office, of the ward, and actually residing therein.
- (b) **Eligibility of Appointees.** 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. 2-3-16 Oaths of Office.

- (a) **Oath of Office.** Every officer of the Village of Crivitz, 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 Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

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

Sec. 2-3-17 Vacancies.

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.23, Wis. Stats.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Village Board may appoint some person to discharge his/her duties until he/she returns or until such disability is removed.

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

Sec. 2-3-18 Removal from Office.

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

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-19 Custody of Official Property.

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

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

Title 2 ► Chapter 4

Boards, Commissions and Committees

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

Sec. 2-4-1 Board of Review.

- (a) **Composition.** The Board of Review of the Village of Crivitz shall be composed of the Village President, the Village Clerk-Treasurer and the Administrative and Development Committee.
- (b) **Compensation.** The members of the Board of Review shall receive compensation in accordance with Section 2-2-8(b).
- (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; hours for the Board of Review shall be as determined by the chairman of the Administrative and Development Committee. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

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

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

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen

members and two (2) alternate members, 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 Zoning 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 Zoning Board of Appeal'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 Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Clerk-Treasurer and shall be public record. The Zoning Board of Appeals shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (6) No Zoning Board of Appeals member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.

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

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

Sec. 2-4-3 Plan Commission.

- (a) **Title.** This Section is entitled the Village of Crivitz Plan Commission Ordinance. This Section also assigns and delegates certain land use responsibilities to the Administrative and Development Committee.

(b) **Plan Commission General Purpose; Delegation and Assignment of Responsibilities to Development Committee.**

- (1) **Plan Commission Role With Comprehensive Planning.** The purpose of this Section is to establish a Village of Crivitz Plan Commission and set forth its organization and duties, to further the health, safety, public welfare, and wise use of resources for the benefit of current and future residents of the Village of Crivitz and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement. The Plan Commission's primary responsibility is the development and updating of the Village Comprehensive Plan.
- (2) **Development Committee Responsibilities.** The Village Board assigns and delegates from the Plan Commission to the Administrative and Development Committee those responsibilities assigned to the Plan Commission in Title 13 Zoning and Title 14 Land Divisions. Such responsibilities include, but are not limited to, the review of applications for and the making of recommendations to the Village Board regarding rezonings, conditional use permits, planned unit developments, and subdivision plats and other land divisions.

(c) **Authority; Establishment.** The Village Board of the Village of Crivitz hereby establishes a seven (7) member Plan Commission, pursuant to Sections 61.35 and 62.23, Wis. Stats.

(d) **Membership.** The Plan Commission shall consist of seven (7) members which may include Village elected or appointed officials, except that at least three (3) must be citizen members who are not otherwise Village officials, and who shall be persons of recognized experience and qualifications.

(e) **Appointments.** The Village President shall appoint the members of the Plan Commission during the month of April to fill any expiring term. The Village President will direct the Plan Commission to elect a Chairperson from among its members. The Village President may appoint himself/herself or another Village Board member to the Plan Commission. In a year in which any Village Board member is elected at the spring election, any appointment or designation by the Village President shall be made after the election and qualification of the Village Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under Sections 19.01 and 61.21, Wis. Stats.

(f) **Terms of Office.**

- (1) **Initial Terms.** The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- (2) **Village Board Member or President.** The Plan Commission member who is a Village Board member or Village President, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under Section 66.0501(2), Wis. Stats., concurrent with his/her term on the Village Board, except an initial appointment made after April 30th shall be for a term that expires two (2) years from the previous April 30th.

- (g) **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve the remainder of the term.
- (h) **Compensation; Expenses.** The Village Board of the Village of Crivitz sets a per diem allowance of Twenty Dollars (\$20.00) per meeting for citizens and Village Board members of the Plan Commission, as allowed under Section 66.0501(2), Wis. Stats.
- (i) **Experts and Staff.** The Plan Commission may, under Section 62.23(1), Wis. Stats., recommend to the Village Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.
- (j) **Organization.**
 - (1) **Rules.** The Plan Commission may, under Section 62.23, Wis. Stats., adopt rules for its own governance in accordance with the provisions of this Section.
 - (2) **Meetings.**
 - a. Meetings shall be held monthly, if needed. Special meetings may be called by the Commission Chairperson or upon the written request of four (4) members of the Plan Commission to the Chairperson. Notice of special meetings shall be provided to all Plan Commission members and posted a minimum of twenty-four (24) hours prior to the special meeting.
 - b. Meetings of the Plan Commission shall be open to the public.
 - (3) **Special Committees.** Special and standing subcommittees of the Plan Commission may be appointed by the Chairperson.
 - (4) **Meeting Quorum.** A quorum of the Plan Commission shall be four (4) members.
 - (5) **Record.** A written record shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made. A copy shall be filed by the Village Clerk-Treasurer as a public record.
- (k) **Chairperson; Officers.**
 - (1) **Chairperson.** Chairperson of the Plan Commission shall serve a term as provided in Subsections (e) and (f) of this Section. The Chairperson shall, subject to Village ordinances and Plan Commission rules:
 - a. Provide leadership to the Plan Commission.
 - b. Set Plan Commission meeting and hearing dates.
 - c. Provide notice of Plan Commission meetings and hearings and set their agendas, personally or by his/her designee.
 - d. Preside at Plan Commission meetings and hearings.
 - e. Ensure that the laws are followed.
 - (2) **Vice-Chairperson.** The Plan Commission may elect, by open vote or secret ballot under Section 19.88(1), Wis. Stats., a Vice-Chairperson to act in the place of the Commission Chairperson when the Chairperson is absent or incapacitated for any cause.
 - (3) **Secretary.** The Plan Commission shall elect, by open vote or secret ballot under Sections 19.88(1), Wis. Stats., one (1) of its members to serve as Secretary, or, with

the approval of the Village Board, designate the Village Clerk-Treasurer or other Village officer or employee as Secretary.

(l) **General and Miscellaneous Powers.**

(1) **Powers.** The Plan Commission, under Section 62.23(4), Wis. Stats., shall have the powers:

- a. Necessary to enable the Commission to perform its functions and promote Village planning.
- b. To make reports and recommendations relating to the planning and development of the Village to the Village Board, other public bodies, citizens, public utilities and organizations.
- c. To recommend to the Village Board programs for public improvements and the financing of such improvements.
- d. To receive from public officials, within a reasonable time, requested available information required for the Plan Commission to do its work.
- e. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that private land is held open to the public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Section 66.0119, Wis. Stats., or other court-issued warrant.

(m) **Referrals to the Plan Commission.**

(1) **Required Referrals Under Section 62.23(5), Wis. Stats.** The following are required under Section 62.23(5), Wis. Stats., to be referred to the Plan Commission for report:

- a. The location and architectural design of any public building.
- b. The location of any statue or other memorial.
- c. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 1. Street, alley or other public way;
 2. Park or playground;
 3. Airport;
 4. Area for parking vehicles; or
 5. Other memorial or public grounds.
- d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- e. All plats under the Village's jurisdiction under Chapter 236, Wis. Stats., including divisions under a Village subdivision or other land division ordinance adopted under Section 236.45, Wis. Stats.
- f. The location, character and extent or acquisition, leasing or sale of lands for:
 1. Public or semi-public housing;

2. Slum clearance;
 3. Relief of congestion; or
 4. Vacation camps for children.
- g. The amendment or repeal of any ordinance adopted under Section 62.23, Wis. Stats., including ordinances relating to:
1. The Village Plan Commission;
 2. The Village comprehensive plan under Section 66.1001, Wis. Stats.;
 3. A Village official map; and
 4. Village zoning.
- (2) **Required Referrals Under Sections of the Wisconsin Statutes Other Than Section 62.23(5), Wis. Stats.** As referrals under Sections of the Wisconsin Statutes other than Section 62.23(5), Wis. Stats., the following shall be referred to the Plan Commission for report:
- a. An application for initial licensure of a child welfare agency or group home under Section 48.68(3), Wis. Stats.
 - b. An application for initial licensure of a community-based residential facility under Section 50.03(4), Wis. Stats.
 - c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian mall under Section 66.0905, Wis. Stats.
 - d. Matters relating to the establishment or termination of an architectural conservancy district under Section 66.1007, Wis. Stats.
 - e. Matters relating to the establishment of a reinvestment neighborhood required to be referred under Section 66.1107, Wis. Stats.
 - f. Matters relating to the establishment or termination of a business improvement district required to be referred under Section 66.1109, Wis. Stats.
 - g. A proposed housing project under Section 66.1211(3), Wis. Stats.
 - h. Matters relating to urban redevelopment and renewal in the Village required to be referred under Sub. Ch. XIII of Chapter 66, Wis. Stats.
 - i. The adoption or amendment of a Village subdivision or other land division ordinance under Section 236.45(4), Wis. Stats.
 - j. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (3) **Required Referrals Under This Section.** In addition to referrals required by the Wisconsin Statutes, the following matters may be referred to the Plan Commission for report and recommendation:
- a. A proposed driveway access ordinance or amendment.
 - b. A proposed Village official map ordinance under Section 62.23(6), Wis. Stats., or any other proposed Village ordinance under Section 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Plan Commission.

- c. A proposed Village zoning ordinance or amendment adopted under authority separate from or supplemental to Section 62.23, Wis. Stats., including a Village construction site erosion control and storm water management zoning ordinance under Section 60.627(6), Wis. Stats.
 - d. An application for a special exception.
 - e. A proposed site plan.
 - f. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Section 62.23(7a), Wis. Stats.
 - g. A proposed boundary change pursuant to an approved cooperative plan amendment under Section 66.0307, Wis. Stats., or a proposed boundary agreement under Section 66.0225, Wis. Stats., or other authority.
 - h. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Section 66.0307(7m), Wis. Stats.
 - i. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.
 - j. Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Village and the regional planning commission, under Section 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
 - k. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Section 66.0435, Wis. Stats.
 - l. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Section 66.1009, Wis. Stats.
 - m. A proposed Village airport zoning ordinance under Section 114.136(2), Wis. Stats.
 - n. A proposal to create environmental remediation tax incremental financing in the Village under Section 66.1106, Wis. Stats.
 - o. A proposed county agricultural preservation plan or amendment, under Subch. IV of Chapter 91, Wis. Stats., referred by the county to the Village, or proposed Village agricultural preservation plan or amendment.
 - p. Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Plan Commission.
- (4) **Discretionary Referrals.** The Village Board, or other Village officer or body with final approval authority or referral authorization under the Village ordinances, may refer any of the following to the Plan Commission for report:
- a. A proposed intergovernmental cooperation agreement, under Section 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under Section 66.0305, Wis. Stats.

- b. Any other matter deemed advisable for referral to the Plan Commission for report.
- (5) **Referral Period.** No final action may be taken by the Village Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Village Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under Village ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Sec. 2-4-4 General Provisions Regarding Meetings and Public Notice.

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

Sec. 2-4-5 Residency Required for Service on Boards or Commissions; Attendance Standards.

- (a) **Residency; Exceptions.**
- (1) Except as provided in Subsection (a)(2) below, no person not a resident of and not residing in the Village of Crivitz shall be appointed in a voting capacity to any board, commission or committee of the Village. Any board, commission or committee member who moves from the Village of Crivitz shall be removed from such board, commission or committee, but may be appointed to serve in an ex officio capacity.

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- (2) Notwithstanding any other ordinances, for the purpose of hearing conditional use applications in any Extraterritorial Zoning District, the Administrative and Development Committee shall include non-resident voting members appointed by the Town Board of the Town of Stephenson, Marinette County, Wisconsin ("Town"). The number of Town members on the Administrative and Development Committee shall be equal to the number of Village members on the Committee. Annually no later than April 30, the Town Board shall notify the Village of Crivitz of the Town's members on the Administrative and Development Committee. The portion of this Subsection pertaining to the Town of Stephenson shall not be rescinded or modified without the written approval of the Town of Stephenson Town Board.
- (b) **Attendance Standard.** Members of board, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.

CHAPTER 5

Ethics Code and Employment

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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 Crivitz 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 Crivitz 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 Crivitz.

SEC. 2-5-2 DEFINITIONS.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Means those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Means 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.** Means 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.** Means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

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

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

- (a) **Sec. 19.57.** State Ethics Law.
- (b) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (c) **Sec. 946.11.** Special Privileges from Public Utilities.
- (d) **Sec. 946.12.** Misconduct in Public Office.
- (e) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

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

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

SEC. 2-5-5 DEDICATED SERVICE.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by 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 Clerk. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

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

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

SEC. 2-5-7 CONFLICT OF INTEREST.

- (a) **Financial and Personal Interest Prohibited.**
 - (1) No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or

- contract is involved, such official shall not participate in debate or discussion and vote on the matter.
- (3) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
 - (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.
- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
 - (c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
 - (d) **Gifts and Favors.**
 - (1) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village.
 - (2) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
 - (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
 - (4) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

- (e) **Representing Private Interests Before Village Agencies or Courts.**
 - (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- (f) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
- (g) **Contracts with the Village.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:
 - (1) The contract is awarded through a process of public notice and competitive bidding;
 - (2) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;
 - (3) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.
- (h) **Disclosure of Interest in Legislation.** To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Board the nature of and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Board and who participates in discussion with or gives official opinions or recommendations to the Board shall disclose on the record of the Board the nature of and extent of such interest.

SEC. 2-5-8 ADVISORY OPINIONS.

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

SEC. 2-5-9 HIRING RELATIVES.

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

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

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of Sections 2-5-1 through 2-5-11.

SEC. 2-5-11 SANCTIONS.

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

SEC. 2-5-12 OUTSIDE EMPLOYMENT.

No full-time officer or employee of the Village shall engage in other remunerative employment within or without the Village, provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer or employee.