

CHAPTER 1

GENERAL GOVERNMENT

<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
<u>GENERAL PROVISIONS AS TO OFFICIALS</u>		
1.01	Elected Officials	
1.02	Appointed Officials	
1.03	Oaths and Bonds	
1.04	Removals	
1.05	Vacancies	
1.06	Salaries	
1.07	Public Records	
<u>OFFICIALS</u>		
1.10	Village President and Trustees	
1.11	Municipal Judge and Municipal Court	
1.12	Village Engineer	
1.13	Inspectors	
1.14	Village Clerk/Treasurer	
1.15	Village Accountant/Deputy Clerk	
1.16	Director of Public Safety	
1.17	Director of Public Works	
1.18	Village Assessors	
1.19	Emergency Government Director	
1.20	Weed Commissioner	
1.21	Village Administrator	2003-18 6/17/03
<u>BOARDS, COMMISSIONS AND COMMUNITY DEVELOPMENT AUTHORITY</u>		
1.30	Board of Review	2008-12 06/17/08
1.31	Board of Health and Health Officer	
1.32	Board of Appeals	
1.33	Plan Commission	
1.34	Board of Ethics	
1.35	Community Development Authority	
<u>ELECTIONS</u>		
1.40	Nonpartisan Primary	
1.41	Registration of Electors	
1.42	Poll Hours	
1.43	Board of Election Inspectors	

GENERAL PROVISIONS AS TO OFFICIALS

1.01 ELECTED OFFICIALS.

The elected officials of the Village shall be the Village President, to be elected during odd numbered years for a term of 2 years, commencing on the third Tuesday of April in the year of election, 6 trustees, 3 of whom shall be elected annually during the spring election for terms of 2 years, and a Municipal Judge, whose term shall commence May 1 in the year of election.

1.02 APPOINTED OFFICIALS. (Am. #098-14)

The following officials of the Village shall be appointed in the manner and for the term indicated below:

<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
VILLAGE ATTORNEY	President, subject to confirmation by the Board	Indefinite
EMERGENCY GOVERNMENT DIRECTOR	President, subject to conformation by the Board	Indefinite
PLUMBING INSPECTOR	President, subject to confirmation by the Board	Indefinite
HEALTH OFFICER	Board of Health	Indefinite
VILLAGE ENGINEER	Village Board	Indefinite
BUILDING INSPECTOR	President, subject to confirmation by the Board	Indefinite
ELECTRICAL INSPECTOR	President, subject to confirmation by the Board	Indefinite
PUBLIC WORKS SUPERVISOR/ UTILITY MANAGER	President, subject to confirmation by the Board	Indefinite
VILLAGE CLERK/TREASURER	President, subject to confirmation by the Board	Indefinite
VILLAGE ACCOUNTANT/ DEPUTY CLERK	President, subject to confirmation by the Board	Indefinite
WEED COMMISSIONER	Village President	Indefinite
DIRECTOR OF PUBLIC SAFETY	President, subject to confirmation by the Board	Indefinite
VILLAGE ASSESSOR	President, subject to confirmation by the Board	Set by Contract

1.03 OATHS AND BONDS.

Elected and appointed officials shall take and file the official oath within 5 days after notice of their election or appointment as provided in §61.21, Wis. Stats., and shall execute and file the official bond as required by state statute and this Municipal Code.

1.04 REMOVALS.

- (1) **ELECTED OFFICIALS.** Elected officials may be removed by the Village Board as provided in §17.13(2), Wis. Stats., or by a judge of the circuit court for cause pursuant to §17.13(3), Wis. Stats., or as provided by §17.16, Wis. Stats.
- (2) **APPOINTED OFFICIALS.** Appointed officials may be removed as provided in §§17.13(1), 17.13(3) and 17.16, Wis. Stats., except that the Director of Public Safety may only be removed as provided in §62.13, Wis. Stats.

1.05 VACANCIES.

- (1) **HOW OCCURRING.** Vacancies in elective and appointive positions are caused as provided in §§17.03 and 17.035, Wis. Stats.
- (2) **HOW FILLED.**
 - (a) **Elected Officials.** A vacancy in any elective office shall be filled by appointment by a majority of the members of the Village Board. A trustee may be appointed to fill an unexpired term of a vacating Village President.
 - (b) **Appointed Officials.** A vacancy in appointive office shall be filled in the same manner as the original appointment to such office.

1.06 SALARIES.

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the Village Board from time to time, provided the salary of the President and members of the Board shall not be increased or decreased during their terms of offices. (See §66.196, Wis. Stats.)

1.07 PUBLIC RECORDS.

- (1) **DEFINITIONS.**
 - (a) **Authority.** Any of the following entities having custody of a Village record: an officer, elected or appointed official, agency, board, commission, committee,

- council, municipal court, department or public body corporate and politic created by constitution, law, ordinance, rule or order, or a formally constituted subunit of the foregoing.
- (b) Custodian. That officer, department head, division head or employee of the Village, designated under sub. (3) or otherwise, responsible by law to keep and preserve any Village records or file, deposit or keep such records in his office, or who is lawfully in possession or entitled to possession of such public records and is required by this section to respond to requests for access to such records.
 - (c) Record. Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, and which has been created or is being kept by an authority. Record includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. Record does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale or which are available for inspection at a public library.

(2) DUTY TO MAINTAIN RECORDS.

- (a) Except as provided under sub. (7), each officer and employee of the Village shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which they may be lawfully entitled as such officers or employees.
- (b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody, and the successor shall receipt therefor to the officer or employee who shall file such receipt with the Village Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt. (Am. #90-2)

(3) LEGAL CUSTODIANS.

- (a) Each elected or appointed official is the legal custodian of his records and the records of his office, but may designate an employee of his staff to act as the legal custodian.
- (b) Unless otherwise prohibited by law, the Village Clerk or his designee shall act as legal custodian for the Village Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Village Board. The Director of Public Safety or his designee shall act as legal custodian of all Police Department and Fire Department records. (Am. #90-2)
- (c) For every authority not specified in par. (a) or (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subch. II of Ch. 19, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) PUBLIC ACCESS TO RECORDS.

- (a) Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

- (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
1. The cost of photocopying shall be \$.25 per page. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
 2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
 4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 5. There shall be no charge for locating a record unless the actual cost therefor exceeds \$50, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.
 7. Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 8. The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to §19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the Village Board. Each authority shall also prominently

display at its offices for the guidance of the public a copy of §§19.31 to 19.39, Wis. Stats.

(5) ACCESS PROCEDURES.

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under sub. (4)(f)6. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons, federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in sub. (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under §19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

(6) LIMITATIONS ON RIGHT TO ACCESS.

- (a) As provided by §19.36, Wis. Stats., the following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
 2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.
 3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
 4. A record or any portion of a record containing information qualifying as a trade secret.
- (b) As provided by §43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 2. Records of current deliberations after a quasi-judicial hearing.
 3. Records of current deliberations concerning employment, dismissal, demotion, compensation, performance or discipline of any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
 4. Records concerning current strategy for crime detection or prevention.
 5. Records of current deliberations or negotiations on the purchase of Village property, investing of Village funds or other Village business whenever competitive or bargaining reasons require nondisclosure.

6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 7. Communications between legal counsel for the Village and any officer, agent or employee of the Village when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is, or is likely to become, involved, or communications which are privileged under §905.03, Wis. Stats.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If, in the judgment of the custodian and the Village Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(7) DESTRUCTION OF RECORDS.

- (a) Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., but not less than 7 years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period.
1. Bank statements, deposit books, slips and stubs.
 2. Bonds and coupons after maturity.
 3. Cancelled checks, duplicates and check stubs.
 4. License and permit applications, stubs and duplicates.
 5. Official bonds.

6. Payroll and other time and employment records of personnel included under the Wisconsin Retirement Plan.
 7. Receipt forms.
 8. Special assessment records.
 9. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than 7 years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period, except that sewer and water stubs, receipts of current billings and customers' ledgers may be destroyed after 2 years:
1. Contracts.
 2. Excavation permits.
 3. Inspection records.
 4. Water stubs.
 5. Sewer rental charge stubs.
 6. Receipts of current billings.
 7. Customers' ledgers.
- (c) Village officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than 7 years after the record was effective unless another period has been set by statute, and then after such period, or unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:
1. Assessment rolls and related records, including Board of Review minutes.

2. Contracts and papers relating thereto.
 3. Correspondence and communications.
 4. Financial reports other than annual financial reports.
 5. Insurance policies.
 6. Oaths of office.
 7. Reports of boards, commissions, committees and officials duplicated in the Board minutes.
 8. Petitions.
 9. Election notices.
 10. Cancelled registration cards.
 11. Traffic forfeiture and ordinance violation case files. (Cr. #91-3)
 12. Police records other than investigative records. However, unless the records are subject to a pending open records request or in any way relate to a matter pending before a court or quasi-judicial body, the following exceptions apply: (Cr. #93-7)
 - a. Videotape and audiocassette recordings utilized for purposes related to law enforcement may be destroyed, erased or reused after 120 days.
 - b. Recordings made of radio dispatches and telephone calls to and from the dispatch operator may be destroyed, erased or reused after 120 days.
- (d) Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given to the State Historical Society prior to the destruction of any record as provided by §19.21(4)(a), Wis. Stats.
- (e) Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

- (8) **PRESERVATION THROUGH MICROFILM.** Any Village officer or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in §16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of State law and subs. (4) through (6) of this section.

OFFICIALS

1.10 VILLAGE PRESIDENT AND TRUSTEES.

- (1) **ELECTION AND TERM.** See §1.01.
- (2) **DUTIES AND POWERS.**
- (a) Village President. In addition to the powers and duties prescribed by §61.24, Wis. Stats., the Village President shall be the chief executive officer of the Village and shall possess such additional powers as are herein imposed and conferred.
- (b) Village Board. The Village President and Trustees shall constitute the Village Board and shall have such duties and powers as are enumerated in Ch. 61, Wis. Stats., and elsewhere in the statutes.
- (c) Police Powers. See §4.05 of this Municipal Code.
- (3) **AUTHORITY.** The Village Board shall have all powers of the Village not specifically given to some other body or officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, utilities and the public service and may 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, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures 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.
- (4) **OTHER PROVISIONS.** See also Ch. 2 of this Municipal Code.

(6) PROCEDURE.

- (a) The Court of the Municipal Judge shall be called the “Municipal Court for Sturtevant, Wisconsin” and shall be opened as determined by the Village Board.
- (b) The Municipal Judge shall hold court in the Municipal Building.
- (c) Except as provided by law, the procedure in Municipal Court shall be the same as applicable to other judges.
- (d) The Municipal Judge shall collect all forfeitures, fines and taxable costs in any action or proceeding before him and shall pay over such moneys to the Village Treasurer not later than the 5th day of the month succeeding his receipt thereof.
- (e) The Municipal Judge shall accept bail from persons accused of offenses in such form as is prescribed by the Wisconsin Statutes.

(7) APPOINTMENT OF A CLERK OF MUNICIPAL COURT.

- (a) The Municipal Judge is authorized to appoint one part-time clerk to perform the clerical functions necessary to the operation of the Municipal Court. The appointment of a clerk may be made at any time during the term of the Municipal Judge. Any such appointment shall be made in writing. Each such appointment shall expire at the end of the Municipal Judge’s term in office.
- (b) Before entering upon the duties of the office, each court clerk shall execute and file with the Village Clerk the oath prescribed by law in §19.01, Wis. Stats. The Clerk of Municipal Court shall be required to execute a bond upon entering the duties of the office.
- (c) The Clerk shall receive such compensation as may be fixed from time to time by the Village Board.

(8) CONTEMPT PROCEDURE.

- (a) A Municipal Judge may punish for contempt for conduct as defined in §785.01(1), Wis. Stats.
- (b) No person may be punished for contempt before a Municipal Judge except in accord with the procedure provided in §785.03, Wis. Stats.

- (c) The Municipal Judge may impose a forfeiture for contempt under par. (a) in an amount not to exceed \$50 or, upon nonpayment of the forfeiture, a jail sentence not to exceed 7 days.

(9) **ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS.**

- (a) For a juvenile adjudged to have violated an ordinance, the Municipal Court is authorized to impose any of the dispositions listed in §§938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.
- (b) For a juvenile adjudged to have violated a condition of a dispositional order of the court under §938.343 or §938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

1.12 VILLAGE ENGINEER.

- (1) **APPOINTMENT AND TERM.** See §1.02 of this chapter.

- (2) **POWERS AND DUTIES.** The Village Engineer shall:

- (a) Furnish and perform for the Village Board such professional engineering services as may be required to protect the interests of the Village in any public construction, improvements or work including, but not limited to, in an initial or consulting capacity as the Village Board shall provide: making such preliminary investigations and reports; preparing and/or reviewing any designs, plans and specifications; preparing estimates of costs; preparing or examining surveys, plats or maps; supervising the construction; examining and approving or disapproving construction during and after construction; approving periodic and final payments; advising the Village Board and other Village officers relative to any such planning and construction; establishing street and sidewalk lines and grades; and such other duties as herein set forth or as the Village Board may from time to time designate.
- (b) Examine and approve or disapprove all designs, plans and specifications which may be prepared by others with respect to Village construction, improvements or works and shall insist and make certain that materials of the first grade are used and incorporated in any such construction, improvement or work. Acceptance by the Village Engineer shall give such designs, plans and specifications the same legal and professional responsibility as if such designs, plans and specifications had been prepared by the Village Engineer.

- (c) Periodically inspect all public construction, improvements or works, whether designed by him or others, and if at any time he finds or determines that the same departs from the plans and specifications or is in any way defective, the Village Engineer shall immediately stop further construction with respect to such improper construction and shall immediately make a report of the same to the Village Board. The Village Board shall thereafter determine what, if any, corrective measures are to be taken. Thereafter, the Village Engineer shall see to compliance with the determination of the Village Board.
 - (d) In making a final inspection of any public construction, improvement or work, indicate in writing his approval or disapproval of the job for final payment by the Village. In the event of disapproval, the Village Engineer shall also specify the reasons therefor.
 - (e) Meet with the Village Board or with any committee of the Village Board upon receipt of 48 hours' notice from the Board or such committee.
- (3) CONSULTING ENGINEERS. The appointment by the Village Board of a Village Engineer shall not in any way restrict the Village Board from appointing one or more consulting engineers to work with the Village Engineer, and such power is specifically retained by the Village Board.
 - (4) INSURANCE. As a condition to acceptance of appointment, the Village Engineer shall provide the Village Board with evidence that he is insured with an insurance company authorized to do business in Wisconsin, insuring him against liability for errors, omissions or other professional negligence in the sum of not less than \$100,000.

1.13 INSPECTORS.

- (1) The offices of the Building Inspector, Electrical Inspector and Plumbing Inspector are hereby created, and such officials shall be appointed by the Village President, subject to confirmation by the Village Board. Such inspectors shall be under the jurisdiction and control of the Building Committee of the Village Board; provided, however, that the Building Inspector shall have supervisory power over the Electrical Inspector and the Plumbing Inspector.
- (2) Appointment shall be made in May on odd numbered years and shall be for a term of 2 years.
- (3) The Village Board may from time to time and for such length of time as it deems advisable, appoint one or more deputy building, electrical or plumbing inspectors,

and may discharge the same at will. Such deputy inspectors shall be paid such compensation as shall be established by the Village Board.

1.14 VILLAGE CLERK/TREASURER.

- (1) APPOINTMENT AND TERM. See §1.02.
- (2) DUTIES AND POWERS. The Village Clerk/Treasurer shall perform such duties as are prescribed by §§61.25 and 61.26, Wis. Stats., and by order of the Village Board. See also Section 2.32 of this Code.

1.15 VILLAGE ACCOUNTANT/DEPUTY CLERK.

- (1) APPOINTMENT AND TERM. See §1.02.
- (2) DUTIES AND POWERS. The Village Accountant/Deputy Clerk shall report to the Village Clerk/Treasurer and shall be responsible for maintaining the financial records of the Village and its sub-entities. The Village Accountant/Deputy Clerk shall also perform such duties as are prescribed by Section 2.32 of this Code and §§61.25 and 61.26, Wis. Stats., when the Village Clerk/Treasurer is absent, and such other duties as may be ordered from time to time by the Village Clerk/Treasurer or the Village Board.

1.16 DIRECTOR OF PUBLIC SAFETY.

- (1) APPOINTMENT AND TERM. See §1.02.
- (2) DUTIES AND POWERS. The Director of Public Safety shall have the duties and powers as prescribed in Chs. 4 and 5 of this Code, and as directed by the Village President.

1.17 PUBLIC WORKS SUPERVISOR/UTILITY MANAGER.

- (1) APPOINTMENT AND TERM. See §1.02.
- (2) DUTIES AND POWERS. See Ch. 8 of this Municipal Code.

1.18 VILLAGE ASSESSOR.

- (1) APPOINTMENT AND TERM. See §1.02.
- (2) DUTIES AND POWERS.

- (a) Statutory Duties. See §§70.12, 70.13, 70.17, 70.18, 70.23, 70.29, 70.30, 70.32, 70.34, 70.345, 70.35, 70.365, 70.43, 70.44, 70.45, 70.48, 70.49, 70.50, 70.501 and 70.503, Wis. Stats., in particular.
- (b) Other Duties Prescribed by Law. He shall perform such other duties as shall be prescribed by state law, supervisory personnel of the State Department of Revenue and the Village Board, including attendance at all meetings of the Board of Review.

1.19 EMERGENCY GOVERNMENT DIRECTOR.

- (1) APPOINTMENT AND TERM. See §1.02.
- (2) DUTIES AND POWERS. See Ch. 6 of this Municipal Code.

1.20 WEED COMMISSIONER.

- (1) APPOINTMENT, OATH, TERM. The President of the Village shall appoint one or more commissioners of noxious weeds and shall report the names of such appointees to the Wisconsin Department of Agriculture on or before the 15th day of May of each year. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the Village Clerk, and shall hold his office for one year and until his successor has qualified.
- (2) DUTIES, POWERS, COLLECTION OF TAX. Those provisions of the Wisconsin Statutes now in force or which may be enacted in the future, relating to the subject of duties, powers and collection of tax, are adopted as a portion of this Code so far as applicable to villages. See §66.98, Wis. Stats.

1.21 VILLAGE ADMINISTRATOR.

In order to provide the Village of Sturtevant with a more efficient, effective and responsible government under a system of a part-time Board and Village President (hereinafter referred to as “Board”) at a time when village government is becoming increasingly complex, there is hereby created the Office of Village Administrator for the Village of Sturtevant (hereinafter referred to as “Administrator”).

- (1) APPOINTMENT, TERM OF OFFICE AND REMOVAL. The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Board. The Administrator shall hold office for an indefinite term subject to removal at any time by a three-fourths vote of the Board. This section, however, shall not preclude the Board from establishing other employment terms and conditions not

inconsistent with the provisions of this ordinance or the Municipal Code of the Village of Sturtevant.

- (2) **RESIDENCY.** The Administrator shall become a resident of the Village of Sturtevant within one year following the date of appointment, unless this requirement is specifically waived or varied by contract authorized by the Board.
- (3) **FUNCTIONS AND DUTIES OF THE ADMINISTRATOR.** The Administrator, subject to the limitations defined in resolutions and ordinances of the Village of Sturtevant and Wisconsin State Statutes, shall be the chief administrative officer of the Village, responsible only to the Board for the proper administration of the business affairs of the Village, pursuant to the Wisconsin State Statutes, the ordinances of the Village of Sturtevant, and the resolutions and directives of the Board, with power and duties as follows:

(a) General Duties.

1. Carry out directives of the Board which require administrative implementation, reporting promptly to the Board any difficulties encountered herein;
2. Be responsible for the administration of all day-to-day operations of the Village government including the monitoring of all Village ordinances, resolutions, board meeting minutes and state statutes;
3. Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the Village, and submit it to the Village Board for adoption as the official organization and administrative procedure plan for the Village;
4. Establish when necessary administrative procedures to increase the effectiveness and efficiency of Village government according to current practices in local government, not inconsistent with paragraph 3 above or directives of the Board;
5. Serve as ex-officio nonvoting member of all boards, commissions and committees of the Village, except as specified by the Board or Wisconsin State Statutes;
6. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the Village and submit appropriate reports and recommendations thereon to the Board;

7. Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the Board in obtaining these funds under the direction of the Board;
8. Represent the Village in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the Board;
9. Act as public information officer for the Village with the responsibility of assuring that the news media are kept informed about the operations of the Village and that all open meeting rules and regulations are followed;
10. Establish and maintain procedures to facilitate communications between citizens and Village government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;
11. Promote the economic well being and growth of the Village through public and private sector cooperation.

(b) Responsibilities to the Village Board.

1. Attend all meetings of the Board, assisting the Board as required in the performance of its duties;
2. In coordination with the Board, and the Clerk, ensure that appropriate agendas are prepared for all meetings of the Board, all Board committees, and all other appropriate committees and commissions of the Village, together with such supporting material as may be required with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the Board, or any of its committees and commissions;
3. Assist in the preparation of ordinances and resolutions as requested by the Board, or as needed;
4. Keep the Board regularly informed about the activities of the Administrator's office by oral or written report at regular and special meetings of the Board;

5. In the event that action normally requiring Board approval is necessary at a time when the Board cannot meet, the administrator shall receive directives from the President.

(c) Personnel.

1. Be responsible for the administrative direction and coordination of all employees of the Village according to the established organizational procedures of the Village and the Wisconsin State Statutes;
2. Recommend to the Board the appointment, promotion, and when necessary for the good of the Village, the suspension or termination of department heads, except those officials selected by boards and commissions defined in Wisconsin State Statutes;
3. In consultation with the appropriate department head, make recommendations to the Board regarding the appointment, promotion, and when necessary for the good of the Village, the suspension or termination of employees, except those employees in units governed by other personnel procedures defined in the Wisconsin State Statutes;
4. Serve as personnel officer for the village with responsibilities to see that complete and current personnel records, including specific job descriptions, for all Village employees are kept; evaluate in conjunction with department heads the performance of all employees, with the exception of the Clerk/Treasurer, on a regular basis; recommend salary and wage scales for Village employees not covered by collective bargaining agreements; develop and enforce high standards of performance by Village employees; assure that Village employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances;
5. Assist in labor contract negotiations and collective bargaining issues;
6. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(d) Budgeting and Purchasing.

1. Be responsible for the preparation of the annual Village budget, in accordance with guidelines as may be provided by the Village Board and in coordination with department heads, and pursuant to state statutes, for review and approval by the Board;
2. Administer the budget as adopted by the Board;
3. Report to the Board on the current fiscal position of the Village as the Board requests;
4. Ensure that the accounting system employs methods in accordance with current professional accounting practices and with State Statutes;
5. Serve as the purchasing agent for the Village, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the Board and any limitation contained in the Wisconsin State Statutes.

(e) Planning.

1. Advise the Planning Commission and Board on current and long term planning issues.

(4) COOPERATION. All officials and employees of the Village shall cooperate with and assist the Administrator so that the Village government shall function effectively and efficiently.

BOARDS AND COMMISSIONS

1.30 BOARD OF REVIEW.

- (1) There is hereby constituted a Board of Review, which shall consist of the President or the President's appointee, the Clerk and two of the Trustees of the Village, one of whom shall be an alternate member who shall serve only if another member is removed from the board under §70.47(6m), Wis. Stats., to be elected by the Village Board on the 3rd Tuesday in April of each year. The President or the President's designee, who shall be a voting member of the Board of Review, shall attend a Wisconsin Department of Revenue training session under §73.03(55), Wis. Stats., within two years of the Board of Review's first meeting. The Village Clerk shall provide an affidavit to the Department of Revenue stating whether this training requirement has been fulfilled.

- (2) Such Board shall meet annually at any time during the 30-day period beginning on the 2nd Monday of May at the Municipal Building of the Village, and a majority of such Board shall constitute a quorum except that 2 members may hold any hearing of the evidence if the requirements of § 70.47(9), Wis. Stats., are met
- (3) At least 15 days before the first session of the Board of Review, the Clerk shall publish a class 1 notice, place a notice in at least three public places, and place a notice on the door of Village hall. The notice must state the time and place of the first meeting of the Board of Review and the requirements for challenging an assessment under §70.47(7)(aa) and (ac) to (af), Wis. Stats.
- (4) The Village Clerk shall be Clerk of the Board of Review and shall keep an accurate record of all its proceedings in the minute book.
- (5) After the Assessor shall have laid before the Board of Review the assessment roll of real estate with the sworn statements and valuations of personal property as provided by §70.47, Wis. Stats., the Board of Review shall remain in session on the first meeting of the Board for at least 2 hours, and shall exercise such duties and powers as prescribed by §70.47, Wis. Stats.
- (6) The Board may adjourn from time to time until its business is completed. If an adjournment is for more than one day, a written notice shall be posted on the outer door of the place of meeting stating to what time the meeting is adjourned.
- (7) The Board shall carefully examine the assessment roll and other pertinent information of all property, and shall fulfill all of its duties and obligations under Ch. 70, Wis. Stats.
- (8) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., or any successor statute thereto, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharge of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under §70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, pursuant to §70.47(7)(af), not subject to the right of inspection and copying under §19.35(1), Wis. Stats.
- (9) The Board is authorized to exercise authority, pursuant to §70.47(7)(c), Wis. Stats., to grant a taxpayer a 60-day extension for a hearing upon submission by the

taxpayer of an objection form, extension request and \$100 fee. The provisions of §70.47(7)(c), and any amendments thereto, are incorporated herein by reference.

1.31 BOARD OF HEALTH AND HEALTH OFFICER.

- (1) **BOARD OF HEALTH MEMBERS.** The Board of Health shall consist of five members: the Village Health Officer, the Village President, the Village Trustee who is Chairperson of the Community Programs and Health Committee, the Village Building Inspector, and one Village resident. The Village resident shall be appointed by the Village President, subject to confirmation by the Board, for a two-year term commencing January 1. The Board of Health shall annually elect a chairperson and clerk as soon as possible following the Village Board's committee appointments on the third Tuesday of April. The Board of Health shall meet at least quarterly.
- (2) **BOARD POWERS AND DUTIES.** The powers and duties of the Board of Health shall be as prescribed by applicable state law and Ch. 11 of this Municipal Code including, but not limited to, the following:
 - (a) The Board of Health is responsible for governing the Village Health Department and ensuring that such department provides at least Level 1 health services to the residents of the Village as required by Ch. 251, Wis. Stats.
 - (b) The Board of Health is responsible for appointing a qualified Health Officer on such terms as the Board of Health deems appropriate from time to time, subject to approval of such terms by the Village Board.
 - (c) The Board of Health shall take such measures and make such orders and regulations as shall be most effectual for the preservation of the public health. All orders and regulations shall be published as a Class 1 notice under Ch. 985, Wis. Stats., and shall take effect immediately after publication.
- (3) **HEALTH OFFICER.** The Health Officer is appointed by the Board of Health for an indefinite term. The Health Officer shall take the oath of office within five days after being appointed. Failure or neglect to make an affidavit within the time specified shall create a vacancy in such office, and the Board of Health shall immediately appoint a new Health Officer.
- (4) **HEALTH OFFICER POWERS AND DUTIES.** The powers and duties of the Health Officer shall be as prescribed by applicable state law, including Ch. 251,

Wis. Stats., and by Ch. 11 of this Municipal Code, including but not limited to the following:

- (a) Oversee the day-to-day operations of the Village health department to ensure it meets all requirements for providing Level 1 services.
- (b) Enforce state public health statutes and rules, as well as any Board of Health orders or regulations.
- (c) Appoint all necessary subordinate personnel, assure that they meet appropriate qualifications and have supervisory power over all subordinate personnel.
- (d) The local health office shall submit an annual report of the administration of the local health department to the local board of health.
- (e) Promote the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health.

1.32 BOARD OF APPEALS.

See §17.40 of this Municipal Code.

1.33 PLAN COMMISSION.

See §17.45 of this Municipal Code.

1.34 BOARD OF ETHICS.

See §2.40 of this Municipal Code.

1.35 COMMUNITY DEVELOPMENT AUTHORITY.

The Village Board, pursuant to its authority under §§66.436 and 66.4325, Wis. Stats., adopted a resolution declaring that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the Village, and creating a Community Development Authority as a separate entity for the purpose of fulfilling these needs.

ELECTIONS

1.40 NONPARTISAN PRIMARY.

Candidates for elective Village offices shall be nominated by a nonpartisan primary conducted pursuant to §§8.05(4) and (5), Wis. Stats. Such candidate shall file with his nomination papers a declaration that he will qualify for the office to which he may be elected.

1.41 REGISTRATION OF ELECTORS.

- (1) All electors within the Village shall register in the manner provided in the State Statutes.
- (2) The Village Clerk shall provide the forms necessary for registration of electors and shall prepare and file such reports as are required and provided for in the Wisconsin Statutes.
- (3) Registration of electors shall be required for all elections, whether primary, general or special.

1.42 POLL HOURS.

The polls at any election held within the Village shall be open from 7 a.m. to 8 p.m.

1.43 BOARD OF ELECTION INSPECTORS.

There is hereby constituted a Board of Election Inspectors of the Village, whose composition, selection, powers and duties shall be those as are prescribed by the Wisconsin Statutes now in force or which may be enacted in the future, so far as applicable to villages.