

CHAPTER 2

VILLAGE GOVERNMENT

2.01 CONTINUITY OF GOVERNMENT.

A. Definitions. Terms used in Section mean as follows:

- (1) **Attack:** Any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological chemical, bacteriological, or biological means or other weapons or processes.
- (2) **Duly authorized deputy:** A person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.
- (3) **Emergency interim successor:** A person designated pursuant to this section for possible temporary succession to the powers and duties, but not the office, of a Village officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.
- (4) **Unavailable:** Either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

B. Designation, Status, Qualifications, Term of Emergency Interim Successors.

- (1) **Elective Officers.** Within 30 days after first entering upon the duties of his office, each member of the Village Board and all Village elected officers shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to his office and specify their rank in order of succession after any duly authorized deputies or emergency interim successors or combination thereof for the office.

- (2) Appointive Officers. The Village Board shall in addition to any authorized deputy, designate for appointive officers such number of emergency interim successors or combination thereof for each officer.
- (3) Qualifications. No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes of this state and the ordinances of this Village hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this Village from holding another office shall be applicable to an emergency interim successor.
- (4) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator, provided that he must be replaced if removed. He shall retain this designation as emergency interim successor until replaced by another appointed by the authorized designator.

C. Assumption of Powers and Duties of Officer by Emergency Interim Successor.

If, in the event of an attack, any officer named in subsections B(1) or B(2) of this section and any authorized deputy is unavailable, his emergency interim successor highest in rank in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such an officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

D. Recording and Publication.

The name, address and rank in order of succession of each duly authorized deputy shall be filed with the Village Clerk-Treasurer and each designation, replacement or change in order of succession of an emergency interim successor shall become effective when the designator files with the Village Clerk-Treasurer the successor's name, address and rank in order of succession. The Village Clerk-Treasurer shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.

E. Formalities of Taking Office.

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

2.02 Municipal Court and Justice.

- A. There is created an office known as Municipal Judge for the Village of Allouez. The court of the Municipal Judge shall be called the Municipal Court and shall be open daily except Saturdays, Sundays and legal holidays; and may be open Saturdays.
- B. The Municipal Judge shall be a resident of the Village of Allouez and shall be elected to office at an election-at-large of the Village for a four-year term for any term of office commencing after April 30, 1985.
- C. The Municipal Judge shall receive a salary in lieu of fees and costs. Such salary may be increased by the Village Board before the start of any year of service after the initial year of the term of the Judge, but shall not be decreased during the term of the Judge. No Judge shall be paid a salary for any time during his term during which such Judge has not executed and filed his official bond or official oath.
- D. The Municipal Judge shall have the jurisdiction provided in the Wisconsin Statutes.
- E. The Municipal Judge shall have such powers to punish a violation of a Village ordinance as is provided by law. Any prisoners confined in the county jail or in some other penal or correctional institution for violation of a Village ordinance shall be kept at the expense of the Village and the Village shall be liable therefor.
- F. The procedure in the Municipal Court shall be as is provided by law. The Municipal Judge shall keep such dockets as required by law. The taxable costs shall be as provided by law and shall be paid to the Village treasury.
- G. CONTEMPT OF COURT

1. DEFINITIONS. As used in this Section, the following words and phrases shall have the following meanings:

a. "Contempt of Court" shall mean intentional:

i. Misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the

respect due the court;

- ii. Disobedience, resistance or obstruction of the authority, process or order of the court;
 - iii. Refusal as a witness to appear, be sworn or answer a question; or
 - iv. Refusal to produce a record, document or other object.
- b. "Punitive Sanction" shall mean a sanction imposed to punish a past contempt of court for purposes of upholding the authority of the court.
- c. "Remedial Sanction" shall mean a sanction imposed for the purpose of terminating a continuing contempt of court.
- 2) VIOLATION. No person shall show, exhibit, evidence or act in a manner, as defined herein, which shows contempt for the authority of the Municipal Court.
- 3) PENALTY. The Municipal Court may impose a forfeiture for contempt of court as defined herein, as a punitive sanction or as a remedial sanction in an amount not to exceed \$50.00; or, upon non-payment of the forfeiture, penalty assessment under § 165.87, Stats., and a jail assessment under § 302.46, Stats., and an applicable domestic abuse assessment under § 973.055(1), Stats., a jail sentence not to exceed seven (7) days.

State Law Reference: §§785.01 and 800.12, Wis. Stats.

2.03 OFFICIAL MAP.

To conserve and promote the public health, safety, convenience and general welfare there is hereby established a new Official Street Map for the Village of Allouez according to the provisions and requirements of Section 62.23 (6) of the Wisconsin Statutes, said map being incorporated herein and made a part hereof as though fully set forth, said map shall be known as the "Official Street Map of the Village of Allouez", and replaces and supersedes any map previously designated as the Office Street Map of the Town of Allouez.

The Official Street Map of the Village of Allouez shall be deemed to be final and conclusive with respect to the location and exterior lines of streets, highways and parkways and the location and extent of parks and playgrounds shown thereon.

An official Street Map of the Village of Allouez shall be kept in the office of the Village Clerk-Treasurer of the Village of Allouez.

The Village Board may, when it deems it for the public interest, change or add to the Official Street Map so as to establish the exterior lines

of planned new streets, highways, parkways, parks or playgrounds or to widen, narrow, extend or close existing streets, highways, parkways, parks or playgrounds, and such changes or additions to the Official Street Map of the Village of Allouez shall be made in accordance with the procedures required in Section 62.23 (6)(b), Wisconsin Statutes, or other provisions of law.

The placing of any street, highway, parkway, park or playground upon the Official Street Map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street, highway, parkway, park or playground, or the taking or acceptance of any land for such purposes.

For the purpose of preserving the integrity of the Official Street Map of the Village of Allouez, no permit shall hereafter be issued for any building in the bed of any street, highway, or parkway shown or laid out on such Map, except as provided in Section 62.23 (6), Wisconsin Statutes. No permit for the erection of any building shall be issued unless a street, highway, or parkway giving access to such proposed structure has been duly placed on the Official Street Map.

Any person affected adversely by the refusal of the building inspector to issue a building permit because of this Ordinance may appeal such refusal to the Board of Appeals pursuant to the provisions of Section 62.23 (6)(d), (f) and (g), Wisconsin Statutes.

2.04 COMMUNITY RELATIONS, SOCIAL DEVELOPMENT AND FAIR HOUSING.

- A. There is hereby made an election to participate in the Brown County Community Relations-Social Development Commission in accordance with Section 66.433 of the Wisconsin Statutes, as said commission has been granted by the County Board of Supervisors of the County of Brown on an inter-governmental basis.
- B. The Village of Allouez elects to be subject to the provisions of the ordinance adopted by Brown County creating a Brown County Commission on Equal Opportunities in Housing and all persons in the Village of Allouez are subject to the provisions of such ordinance.

2.06. CODE OF ETHICS.

A. Declaration of Policy.

The proper operation of democratic government requires that public officials 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 a code of ethics for all Village of Allouez officials, employees, representatives and members of boards, committees, and

commissions. The purpose of this code is to establish guidelines for ethical standards of conduct that are compatible with the best interests of the Village and by directing disclosure by such officials and persons of private financial and other interests in matters affecting the Village. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Allouez.

B. Responsibility of Public Office.

Elected officials 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. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

C. Dedicated Service.

All officials of the Village should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointed officials should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Officials 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.

D. Fair and Equal Treatment.

(1) Use of Public Property. No official of the Village shall request or permit the unauthorized use of Village owned vehicles, equipment, materials, or property for personal convenience or profit.

(2) Obligations to Citizens. No official of the Village shall grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.

E. Conflict of Interest.

(1) Financial and Personal Interest Prohibited. No official of the Village shall engage in any act or transaction, and no member of the Village Board shall vote on any legislation

in which he or she shall have a financial or personal interest which shall be in conflict with the Village's interest, or which shall impair or tend to impair the proper performance of such person's duties to or on behalf of the Village, either directly or indirectly.

(2) Definitions.

- (a) **Financial Interest.** The following if owned, owed or received by any official, employee or a member of his or her immediate family:
- (i) Capital stock and/or any type of security in and of any corporation, which stock or security has a value of \$10,000.00 or more, or which constitutes 5% or more of the outstanding stock or indebtedness.
 - (ii) Indebtedness to or from any person, in the amount of \$10,000.00 or more, but excluding any mortgage of the official=s or employee=s principal residence providing the mortgage does not include other real estate.
 - (iii) Any interest in real estate, which interest has a value of \$10,000.00 or more, or which constitutes 10% or more of the total interests, but excluding the official=s or employee=s principal residence.
 - (iv) Earned income of \$1,000.00 or more.
 - (v) Gifts of \$500.00 or more, received or promised during any one 12-month period, excepting those gifts exempt in Section E.(3)(c) of this ordinance.
 - (vi) Any interest in any sole proprietorship, partnership, joint venture, trust, association or other entity, which interest has a value of \$10,000.00 or more, or which constitutes 5% or more of the total interests, if such entity has at any time within the last 5 years, done or is now doing or is likely to do, business or engage in any transaction with, or advocate a particular position to be taken by, the Village.
- (b) **Personal Interest.** Any non-economic interest referred to in Section 19.44, Wisconsin Statutes, and as the same may be amended from time to time.
- (c) **Person.** Any natural person, firm, corporation,

association, partnership, and/or joint venture.

- (d) **Official.** The President; a Trustee; the Clerk-Treasurer; Deputy Clerk; Assessor; Building Inspector; Director of Parks, Recreation and Forestry; Administrator; Public Works Director; Fire Chief; and Village Attorney.
- (e) **Relative.** A person related by blood as a First Cousin, or closer in kinship; or, a person related by blood to one=s spouse as a First Cousin, or closer in kinship; or, a person who through adoption is related to one=s self or one=s spouse as a First Cousin, or closer in kinship.
- (f) **Member of Immediate Family.** The official's or employee's spouse; and, any relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the official or employee, or from whom the official or employee receives, directly or indirectly, more than one-half of his or her support.

(3) Specific Conflicts Enumerated.

- (a) Incompatible Employment. No official 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 his or her independence or 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.
- (b) Disclosure of Confidential Information. No official shall without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall he or she use such information to advance the financial or other private interest of himself or herself, or others.
- (c) Gifts and Favors. No official shall accept any gift or gifts of a total value of more than Fifty Dollars (\$50.00) within any one calendar year, whether in the form of service, loan, thing, or promise, from any person, who or which to his or her knowledge is interested directly or indirectly, in any manner whatsoever in business dealings with the Village; nor shall any such official accept any

gift, favor, or thing of value that may tend to influence such official in the discharge of his or her duties, or to grant in the discharge of his or her duties any improper favor, service, or thing of value. Gifts received under unusual circumstances should be referred to the Ethics Board within ten (10) days for recommended disposition. It shall be presumed, however, that any gift or gifts received during any one calendar year, of a total monetary value of less than Fifty Dollars and one cent (\$50.01) shall be deemed not sufficient to tend to influence the official in the discharge of his or her duties and shall not be reported. More than one gift of Fifty Dollars (\$50.00) or less to the same official from persons other than those related by blood or marriage, who have a business relationship with one another, and who have a common financial or personal interest, shall not be within that exception if the total of all gifts from all such persons shall have a value of more than Fifty Dollars (\$50.00). A gift or favor made or granted to a member of an official's immediate family shall be deemed made or granted to the official.

(d) Representing Private Interests Before Village Agencies of the Court. No official shall appear on behalf of any private person, other than himself or herself, and his or her spouse or minor children, before any Village agency or the municipal court. However, a member of the Village Board may appear before Village agencies on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations.

(e) Employment of Relatives. No official shall participate in a discussion or proceeding which is held for the purpose of interviewing and/or hiring a job applicant, setting the salary, duties and/or conditions or employment of a job applicant or any employee, or firing any employee, who is a relative of such official. No official shall head a department which employs a relative. No employee shall work in a department which is headed by a relative. This section shall not be applicable to any meeting, discussion or proceeding which concerns salary, duties and/or conditions of employment which are, may be or shall be a part of any collective bargaining agreement.

(4) Contracts with the Village. No Village official who in

his or her capacity as such official participates in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his or her part, shall not enter into any contract with the Village unless in compliance with the provisions of Section 946.13, Wisconsin Statutes:

- (a) The contract is awarded through a process of public notice and competitive bidding; or
 - (b) The Ethics Board waives the requirement of this section after determining that it is in the best interest of the Village to do so.
- (5) Disclosure of Interest in Legislation. 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, or of the Ethics Board, the nature and extent of such interest. Any other official who has a financial or personal interest in any proposed legislative action of the Village Board and who participates in discussion with or given an official opinion or recommendation to the Village Board shall disclose on the records of the Village Board the nature and extent of such interest.

F. Disclosure of Certain Financial Interests.

- (1) In addition to the financial and personal disclosures required by subsection E.(5) of this ordinance, all Officials of the Village and such other officers, representatives and employees as shall from time to time be designated by the Ethics Board shall file with the Village Clerk-Treasurer a statement of financial and/or personal interests within a time period specified by the Ethics Board. Individual members of boards, committees and commissions, including members of the Ethics Board, may be required to file a statement of financial and/or personal interest within a time period specified by the Ethics Board if the Ethics Board deems such statement is necessary in the evaluation of a formal written complaint charging any member of a board, committee or commission, with a conflict of interest.
- (2) Within 7 days after a person becomes a candidate for any elective Village office enumerated in subsection (1), or prior to appointment to such office, such person shall file a statement of financial and/or personal interest with the Village Clerk-Treasurer.

- (3) No person required to file a statement of interests under this section who has not complied with subsection (2) shall have his or her name appear on the ballot, take the oath of office, or receive any salary or compensation, until he or she files such statements of interests. The Village Clerk-Treasurer is directed to strike from the ballot the name of any candidate who has not complied with the provisions of subsection (2).

G. Form of Statement.

A person required to file a statement of financial and/or personal interests under this ordinance shall file a written statement with the Village Clerk-Treasurer on a form prescribed by the Ethics Board, and shall supply the following information:

- (1) The name and address of the person, his or her spouse and minor children, and all names they use in business and any professional practice.
- (2) All information required to be reported under the provisions of this ordinance.
- (3) The names and addresses of the employers of the person and his or her spouse, and a brief statement of the nature of the employment.
- (4) A description of all parcels of real estate within the Village and adjoining municipalities in which the person, his or her spouse and/or minor children, own any interest, including an option to purchase.
- (5) Any license or permit issued by the Village to the person, his or her spouse and/or minor children, excluding licenses for pets and bicycles.

H. Ethics Board.

- (1) The Board of Ethics shall consist of five members, none of whom shall hold another public office in the Village. The Village Attorney shall furnish the board whatever legal assistance is necessary to carry out its functions.
- (2) The Ethics Board shall elect its own chairman and vice-chairman and shall develop written rules of procedure which shall be submitted to the Village Board for approval.
- (3) The Ethics Board may make recommendations with respect to amendments to this ethics ordinance.

- (4) Upon the sworn written complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this ordinance, the board shall conduct a hearing in accordance with all common law requirements of due process and, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject official or employee and, if appropriate, refer the matter to the Village Board or other proper Village authority. The complaint shall be filed with the Village Clerk-Treasurer, except that if the complaint is of improper conduct of the Clerk-Treasurer, it shall be filed with the Village President. All such hearings therefrom shall be held in open session, unless exempt under the provisions of Section 19.85, Wisconsin Statutes, or other provisions of law.
- (5) The provisions of subject H(4) notwithstanding, all records of the Board's opinions, opinion requests and investigations of violations of this ordinance shall be closed to public inspection, pursuant to the provisions of Section 19.59(3) (d), Wisconsin Statutes.
- (6) Upon the filing of a written complaint, the Village Clerk-Treasurer shall promptly forward to the Ethics Board a copy of the statement of financial and/or personal interests, of each person who is complained about.

I. Applicability of Code.

When an official or employee has doubt as to the applicability of a provision of this code to a particular situation or definition of terms used in the code he or she should apply to the Ethics Board for an advisory opinion and will be guided by that opinion when given. 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 the code before such advisory decision is made. This code 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 by the Ethics Board to be more appropriate or desirable.

J. Penalty and Sanctions.

Violation of any provisions of this ordinance may constitute a cause for suspension, removal from office or employment or other disciplinary action.

2.07 BOARD OF REVIEW.

A. Creation.

There is hereby created a Board of Review to perform the duties as are imposed by the provisions of Section 70.47, Wisconsin Statutes 1977, and as the same may be amended from time to time, and otherwise as provided by law. Said Board shall consist of five members to be appointed by the Village Board, all of whom shall be residents of the Village, and the Village Clerk-Treasurer, or her or his designee, shall serve as the Clerk to the Board of Review.

B. Term.

The members of the Board of Review shall be appointed from persons who are not public officers or public employees. Members shall serve for a term of two years and may be reappointed. Any vacancies on the Board of Review shall be filled by appointment by the Village Board. No member shall serve contemporaneously on any Board of Review of Brown County.

C. Meetings.

The Board shall meet as often as necessary, but not less often than annually, as required by law and/or the Village Board. The Board shall meet at the Village Hall, or elsewhere if designated by the Village Board. A simple majority of the members of the Board shall constitute a quorum. No business of the Board shall be transacted without a quorum being present. All meetings shall be held publicly and be open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of the Board.

D. Procedure.

The Board shall perform all of such duties, give all notices, and follow all procedural and hearing requirements as are provided in Section 70.47, Wisconsin Statutes 1989-90, and as the same may be amended from time to time, and otherwise be imposed by law.

E. Salaries.

The annual salary of each member of the Board of Review shall be \$9.50 per hour.

2.08 SALARIES OF VILLAGE OFFICERS.

Effective April 17, 2001 the annual salary per Village Trustee shall be \$6,732 and the annual salary for Village President shall be \$8,364. Effective April 1, 2005 the annual salary for Municipal Justice shall be \$14,000.