

## **TITLE 2**

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### **Government and Administration**

- Chapter 1 Village Government and Election**
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# Chapter 1

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## Village Government and Elections

**2-1-1 Village Government**

**2-1-2 Election Poll Hours**

**2-1-3 Nomination of Candidates for Elective Village Office**

### **Sec. 2-1-1 Village Government.**

- (a) **Village Government Form.** The Village of Fredonia is a body corporate and politic with the powers of a municipality at common law and governed by the provision 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.
- (b) **Division of Government.**
  - (1) **Legislative Branch.** The Village Board is the legislative branch of the Village government. Its primary business is the passage of law in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Village Board shall fix the salaries of all officers and employees of the village, and be charged with the official management of the Village's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the Village.
  - (2) **Executive Branch.** The Village President shall be the chief executive officer. He shall take care that all Village ordinances and state laws are observed and enforced, and that all Village officers, boards and commission discharge their duties. When present, he shall preside at the meetings of the Village Board. He shall from time to time give the Village Board such information and recommend such measures as he may deem advantageous to the Village.

*State law Reference:* Wis. Const., Art. XI, Sec. 3

### **Sec. 2-1-2 Election Poll Hours.**

The voting polls in the Village of Fredonia, Ozaukee County, Wisconsin shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

### **Sec. 2-1-3 Nomination of Candidates for Elective Village Office.**

- (a) All candidates for elective Village office in the Village of Fredonia, Wisconsin, shall be nominated by a nonpartisan primary, under Sec. 8.05(4) and 8.05(5), Wis. Stats.
- (b) Nomination papers shall be signed by not less than twenty (20) nor more than one hundred (100) electors of the Village of Fredonia. The papers shall be circulated not sooner than December 1 preceding the election and shall be filed with the Village Clerk-Treasurer not later than on the first Tuesday in January or the next day if Tuesday is a holiday.
- (c) No additional candidates may be nominated, by caucus or otherwise, except as above provided.
- (d) Notice to the nonpartisan primary shall be given by the Village Clerk-Treasurer in accordance with Wisconsin Statutes.

## **Chapter 2**

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### **Village Board**

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#### **Sec. 2-2-1 Village Board.**

The Trustees of the Village of Fredonia 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 Fredonia shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his office as President. The six (6) Trustees shall constitute the Village Board. Three (3) Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

*State Law Reference:* Sections 61.20 and 61.325, Wis. Stats.

## **Sec. 2-2-3 Village President.**

- (a) **Election.** The Village President shall be elected at the annual spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his election.
- (b) **Duties.** The Village President shall by virtue of his office be a trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and right of constable.

*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) shall consist of not less than three (3) Trustees and may include other Village officials or citizen members appointed by the Village President subject to Board approval. The appointments to each committee shall be made at the annual organizational meeting of the Village Board or the first regular Board meeting thereafter. 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) Utilities (Sewer, Water, Cable TV).
  - (2) Finance and Budget Committee.

- (3) Public Safety Committee.
- (4) Public Works Committee.
- (5) Personnel Committee.
- (6) Parks and Recreation Committee.

**(c) President to Designate Chairpersons; Committees-of-the-Whole; Special Committees.**

- (1) The Village President shall designate the chairperson of all standing committees. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the Board.
- (2) All Trustees shall service on at least one standing committee. The Village President shall be a committee member or committee chairperson of only those committees he has been appointed to and confirmed.
- (3) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
- (4) The Village President may, from time to time, appoint such special committee or committees as he deems advisable or as provided for by motion or resolution by the board stating the number of members and object thereof to perform such duties as may be assigned to them. All special committees shall cease to exist after the second April Board meeting unless reappointed by the Village President or extended by the Village Board.

**(d) Committee Reports.**

- (1) All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board. If there is any disagreement between the board and any committee, the Village Board has the responsibility and the authority to make any changes, corrections, or decisions it deems necessary. Committees are serving at the pleasure of the Board.
- (2) Each committee shall submit 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 only if the member notifies the committee, either at the meeting or by written notice after the committee meeting, that such member intends to support the minority position before the Village Board. Upon such notification, the Board shall permit one (1)

committee member supporting the majority position equal time to address the Board on such issue.

- (e) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.
- (f) **Cooperation of Village Officers.** All Village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any Village Department.
- (g) **Constitution of Committees.** This ordinance designates all standing committees and boards. All other committees and boards shall be constituted on an as needed basis not as a standing committee/board and as such is a special committee/board as shown in 2-2-4(c)(4). This ordinance takes precedence over all other ordinances establishing committees, boards, or other governing bodies.

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

- (a) **General.** The Village Board (includes the Village President at all times) 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. This section does not convey authority to any one member of the Board to give, sell at a discount, barter, trade or convey by any means, property or gifts to anyone where village monies have been used to procure or village ownership is understood. To give any awards of any type to anyone or any organization, the award (or anything called by any other name) will only be legal if it is approved clearly by the entire Board and is not hidden in other appropriations. The amount, type, to who, why, and any service or savings to the public shall be spelled out in the appropriation. If these procedures are not followed the individual will be responsible for the amount of the award or gift and for the fine amount of \$300 for violation of this ordinance. The only exception to this rule is for flowers for the funeral of immediate family members of any board member or employee as spelled out in our policy statement (due to time constraints). The Village Board (including the Village President) shall be held to the same requirements as any other member of the village. They shall not be allowed to circumvent any rules governing any directive or objective by any means such as back dated checks, paying for other individuals, etc. The requirements may not be changed for a Board member if the rule would not have been changed for any citizen of the Village. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking

areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes' and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.

- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** The Village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to the villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

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

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

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

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

## **Sec. 2-2-7 Internal Powers of the Board.**

The Village Board has the power to preserve order at its meetings. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.



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

## **Sec. 2-2-8 Salaries.**

The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that a salary be paid the President, Trustee, and other Village officials and employees. The salaries and compensation to be paid to the Village officers and employees shall be annually determined by resolution or motion of the Village Board. Salaries heretofore established shall so remain until changed by resolution or motion and shall not be increased or diminished during their terms of office.

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

## **Sec. 2-2-9 Meetings.**

- (a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the first and third Thursday of each calendar month, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held 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 Village Hall in the Village of Fredonia prior to such rescheduled meeting date. Regular meetings of the Village Board shall be held at 7:00 p.m. All meetings of the Board shall be held at the Fredonia Village Hall, 242 Fredonia Avenue, Fredonia. 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 following the spring election, or the first regular Board meeting thereafter, 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 forty-eight (48) hours prior to the time specified for such meeting. The Village Clerk-Treasurer shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his usual place of abode a minimum of

twenty-four (24) hours prior to the meeting time. The Village Clerk-Treasurer shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him.

- (b) In the event all of the Trustees file a written consent or waiver of notice, any special meeting shall be held forthwith, but not less than two (2) hours after the required notice is provided under Sec. 19.84(3) Wis. Stats.
- (c) The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

**State Law Reference:** Sections 61.32 and 985.01(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 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 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.
- (e) **Attendance of Village Officers.** Each Village officer 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.

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

## **Sec. 2-2-12 Quorum.**

- (a) Four (4) members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Clerk-Treasurer shall proceed to call the roll in alphabetical order, noting who are

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

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

## **Sec. 2-2-13 Presiding Officers.**

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside. 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) **President Pro Tem.** The Village Board, at its annual organizational meeting following regular spring election and qualification of new members, shall, after organization, choose from its members a President Pro Tem, who, in the absence of the President, shall preside at meetings of the Board and, during the absence or inability of the Village President, shall have the powers and duties of the Village President, except that he shall not have the power to approve an act of the Board which the Village President has disapproved, by filing objections with the Village Clerk-Treasurer.
- (c) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

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

## **Sec. 2-2-14 Meeting Agendas; Order of Business.**

- (a) **Agenda.**
  - (1) The order of business at all regular or special meetings shall be according to the agenda prepared by the Clerk-Treasurer. All matters to be presented at a Board meeting shall be filed with a Clerk-Treasurer no later than 10:00 a.m. on the Monday 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 10:00 a.m. on the Monday preceding the Board meeting will not be placed upon the agenda. The President may waive the filing deadline for good cause shown. All other matters may be introduced by a Trustee from the floor under suspension of the By-Laws in this Chapter, except ordinances and resolutions introduced for referral only.

- (2) The submitting agency shall include copies of all material necessary to consider the agenda item.
  - (3) Communications and petitions shall be placed upon the agenda for referral only, with no debate by the Village Board at the time of referral. Informational matters shall be distributed to the Board when available.
  - (4) The Village President has no rights to advise the Clerk Treasurer about any items to exclude from any agenda. All Agenda items submitted by the Board (Trustee or Village President) shall be on the agenda if submitted by the due date and time as shown earlier in this section. If after discussion and Board action an item needs to be reopened it may be by request of any Board member, if it needs to be reopened a second time it needs the request of two Board members, if it needs to be reopened a third time then it needs a request by three Board members, etc.
  - (5) The Clerk-Treasurer shall afford the trustee and the Village Attorney maximum reasonable notice of agenda items as each situation allows.
- (b) **Order of Business.** Generally, the following order may be observed in the conduct of all regular Board meetings.
- (1) Call to order.
  - (2) Roll call.
  - (3) Approval of Minutes of preceding regular and special meetings.
  - (4) Public hearings.
  - (5) Public appearances.
  - (6) Reports of Village officers
  - (7) Committee reports.
  - (8) Unfinished business.
  - (9) New business, including the introduction of Ordinances and Resolutions.
  - (10) Communications and miscellaneous business as permitted by law.
  - (11) 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) All ordinances or bylaws submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title.
  - (2) The sponsor of an ordinance or resolution may be the President, one (1) or more trustees, a department head or a committee, board, or commission. The Clerk-Treasurer or the Village Attorney may sponsor ordinances or

resolutions when changes in state law make it necessary or desirable for the Village to act rapidly.

- (3) Resolutions shall be in writing at the request of any Village Board member.
- (4) All ordinances, resolutions, or bylaws shall be provided to the Board at least 2 weeks in advance of any vote (the time between meetings), so that full consideration may be given to that document, unless waved by the Board for good cause.
- (5) 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, Communications, Etc.** Every petition or writing of any kind, addressed to the village Board, Village Clerk-Treasurer, or Village Employee for action by the Village Board, shall be delivered to the Board, as soon as possible or by the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.
- (e) **Reference and Reports.** The presiding officer may refer new business coming to the Board to the appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, may 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 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, posting and recording thereof.
- (b) All ordinances shall take effect and be in force one (1) day after passage and posting thereof, unless otherwise provided.

***State Law Reference:*** Sections 61.32 and 61.5, 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) When required by the state statutes of Wisconsin.
- (b) **Record of Votes.** All aye and nay votes shall be recorded in 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.
- (c) **Parliamentary Procedure.** Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, Revised (1984)*, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:
- (1) No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to Board and confine his remarks to the question under discussion and avoid all personalities.
  - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
  - (3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with permission of the presiding officer as to matters which are being considered by the Board at the time.
  - (4) When a question is in debate, no action shall be in order except:
    - a. To adjourn;
    - b. To lay on the table;
    - c. The previous question;
    - d. To postpone to a certain date;
    - e. To refer to a standing, select or special committee;
    - f. To amend;
    - g. To postpone indefinitely;And these several motions shall have precedence in the order in which they stand.
  - (5) The movant may request leave to withdraw a motion at any time prior to voting on the question. Such a request requires no second. If any member objects, the presiding officer shall put the question of granting the request to vote.
- (d) **Compelling Votes.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "nay". In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye."

- (e) **Majority Vote.** Unless a larger number is required by statute, ordinances or by law, 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 Sec. 36, *Robert's Rules of Order, Revised*.

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

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

### **Sec. 2-2-20 Amendment of Rules.**

The rules of 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 be suspended by a simple majority vote of all the members of the Board.

## Chapter 3

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### Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Village Clerk-Treasurer
2-3-3	Deputy Clerk-Treasurer
2-3-4	Village Attorney
2-3-5	Village Marshal
2-3-6	Fire Chief
2-3-7	Weed Commissioner
2-3-8	Director of Public Works
2-3-9	Assessor
2-3-10	Building Inspector; Plumbing Inspector; Heating, Ventilation and Air Conditioning Inspector; Electrical Inspector
2-3-11	Eligibility for Office
2-3-12	Oaths of Office
2-3-13	Vacancies
2-3-14	Removal from Office
2-3-15	Custody of Official Property

#### Sec. 2-3-1 General Provisions.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.



- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office, shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his official capacity is proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

### **Sec. 2-3-2 Village Clerk-Treasurer.**

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19, 61.23 and 61.25(2), Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section.
- (b) **Appointment.**
  - (1) The officer of the Village Clerk-Treasurer shall be an appointive office. The Clerk-Treasurer shall be appointed by the Village President and confirmed by the Village Board.
  - (2) The appointed Clerk-Treasurer shall hold office for an indefinite term, subject to removal as provided in Sec. 17.12(1)(c) and (d), Wis. Stats.
- (c) **Duties.** The Village Clerk-Treasurer shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board. (Charter Ordinance.)

### **Sec. 2-3-3 Deputy Clerk-Treasurer.**

- (a) **Appointment.**
  - (1) The office of Village Deputy Clerk-Treasurer shall be an appointive office. The Deputy Clerk-Treasurer shall be appointed by the Clerk-Treasurer and confirmed by the Village Board.
  - (2) The appointed Deputy Clerk-Treasurer shall hold office for an indefinite term, subject to the removal as provided in Sec. 17.12(1)(c) and (d), Wis. Stats.
- (b) **Duties.** 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.
- (c) **Bond.** 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. 2-3-4 Village Attorney.**

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed by the Village Board, subject to Village Board confirmation, and shall serve at the pleasure of the Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
  - (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
  - (2) He shall, when requested by Village officer, give written legal opinions, which shall be filed with the Village.
  - (3) He shall draft ordinances, bonds and other instruments as may be required by Village officers.
  - (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
  - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
  - (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

## **Sec. 2-3-5 Village Marshal.**

- (a) **Appointment.**
  - (1) The Village Marshal shall be appointed by a majority vote of the members of the Village Board for an indefinite term, subject to removal by a two-thirds (2/3) vote of the members of the Board, pursuant to the procedures established in Sec. 61.65(1)(am), Wis. Stats. The Village Marshal shall exercise the powers and duties of Village marshals and Village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes.
  - (2) The compensation to be paid the Village Marshal for his services, the hours of active duty and other involvement of his employment shall be such as may be determined by the Village Board from time to time.
- (b) **General Duties.**
  - (1) The Village Marshal shall perform all duties prescribed to him by the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Board or appropriate Committee thereof.
  - (2) The Village Marshal shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Village Marshal shall cooperate with other law enforcement officer in the arrest or apprehension of person charged with crime. He shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to his knowledge, he shall cause the requisite

complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.

## **Sec. 2-3-6 Fire Chief.**

- (a) **Appointment.** The Fire Chief shall be appointed pursuant to Section 5-2-1. He shall be the Village Fire Inspector by virtue of his office.
- (b) **Powers and Duties of Chief.**
  - (1) The Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department. The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment, subject to the ordinances of the Village and the Rules and Regulations of the Department. He may suspend, reduce, suspend and reduce or remove any officer or member of the Department for neglect or refusal to perform Department duties, subject to the right of any member demoted or expelled to appeal to the Public Safety Committee.
  - (2) It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this Ordinance and the bylaws.
  - (3) It shall be the duty of the Chief or ranking officer of the Department, to be present at all fires, to have complete command of and entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the company when they arrive at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
  - (4) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to the fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
  - (5) At a time designated by the Village Board the Chief shall file with the Village Clerk a detailed estimate of the appropriations needed for the operations of the Department during the ensuing fiscal year.
  - (6) He shall perform such other duties as are incumbent on the commanding officer of the Fire Department.
  - (7) He shall keep a fire record book of every fire to which the Department was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

**Cross-Reference:** Title 5, Chapter 2.

### **Sec. 2-3-7 Weed Commissioner.**

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk-Treasurer and shall hold office for 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. 2-3-8 Director of Public Works.**

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

### **Sec. 2-3-9 Assessor.**

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section (Charter Ordinance).
- (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 members-elect of the Village Board. Said person or assessment firm so appointed to perform the duties of such office shall hold office for one (1) year or as otherwise negotiated 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. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, “independent contractor” means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

- (c) Whenever the Assessor, in the performance of the Assessor’s duties requests or obtains income and expense information pursuant to Section 70.47(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 said information may be revealed to and used by persons; in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor’s office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wisconsin Statutes.

**SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provision, section or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

***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. 2-3-10 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.**

### **(a) Qualifications.**

- (1) There are created the positions of Building Inspector; Electrical Inspector; Heating, Ventilating and Air Conditioning (HVAC) Inspector; and

Plumbing Inspector. One (1) person may be appointed to serve in all capacities.

- (2) Each Inspector shall:
  - a. Be of good moral character;
  - b. Possess such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his area of responsibility.
  - c. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his area of responsibility, and any orders, rules and regulations issued by authority thereof;
  - d. Have sufficient experience in the installation of equipment to enable him to understand and apply the appropriate codes adopted by the Village of Fredonia.
- (3)
  - a. Each Inspector shall be certified by the State of Wisconsin in his area of responsibility;
  - b. The Building Inspector and HVAC Inspector shall be certified by the Wisconsin Department of Industry, Labor and Human Relations to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.
  - c. The Electrical Inspector and his assistant inspectors shall be certified by the State of Wisconsin as electrical inspectors.
  - d. The Plumbing Inspector shall be certified by the State of Wisconsin as plumbing inspectors.

**(b) Appointment and General Powers.**

- (1) The Plumbing Inspector, Electrical Inspector, HVAC Inspector and Building Inspector shall be annually appointed by the Village President, subject to Board confirmation starting on May 1<sup>st</sup> of each year.
- (2) Each Inspector shall enforce the provisions of this Code of Ordinances and all other Ordinances and laws and orders of the State of Wisconsin 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 official duties.
- (4) Any person feeling himself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (5) Each Inspector shall be subject to removal from office during his term for cause after a hearing by the Village Board.

- (c) **May Employ Additional Assistants.** Each Inspector may employ, subject to approval of the Village Board, any assistant inspectors and clerical assistants necessary for the proper conduct of his office and the inspection of installations in his area of responsibility.
- (d) **Authority to Enter Premises.**
  - (1) In the discharge of their respective duties, each Inspector under this Section or his authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his authorized agent while in the performance of his 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 special inspection warrant under Sections 66.122 and 66.123, Wis. Stats.
- (e) **Duties and Authority.** The Inspectors shall have such duties as are prescribed in this Section and Title 15 of this Code of Ordinances.
- (f) **Records.**
  - (1) Inspectors shall keep a record of all applications for permits and regularly number each permit in the order of issuance. They shall keep a record showing the number, description and size of all buildings erected during their terms of office, indicating the kind of material used, the cost of each project and the aggregate cost of the buildings and the various classes. They shall keep a record of all inspections made and a record of all fees collected by them showing the date of their receipt and transfer to the Village Clerk-Treasurer.
  - (2) The Plumbing Inspector shall make such reports to the Department of Health and Social Services as are required under Sec. 145.04(3), Wis. Stats.
- (g) **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 written order within a reasonable period of time.

## **Sec. 2-3-11 Eligibility for Office.**

- (a) No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States, and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.

- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

*State Law Reference:* Sec. 62.09(2), Wis. Stats.

## **Sec. 2-3-12 Oaths of Office.**

- (a) **Oath of Office.** Every officer of the Village, including members of Village board and commission, shall, before entering upon his duties and within five (5) days of his election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

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

## **Sec. 2-3-13 Vacancies.**

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.24, Wis. Stats.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

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

## **Sec. 2-3-14 Removal from Office.**

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.13 and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.13 and 17.16, Wis. Stats.

*Annotation:* 62 Atty. Gen. Op. 97.

## **Sec. 2-3-15 Custody of Official Property.**

Village officers must observe the standards of care imposed by Sec. 19.12, Wis. Stats., with respect to the care and custody of official property.

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



## Chapter 4

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### 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      **Architectural Board**
- 2-4-5      **Election Commission**
- 2-4-6      **General Provisions Regarding Meetings and Public Notice**
- 2-4-7      **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 Fredonia shall consist of the members of the Village Board and Clerk-Treasurer.
- (b) **Compensation.** The members of the Board of Review shall receive compensation as determined by the motion of the Village Board.
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (d) **Meetings.** In accordance with Section 70.47 the annual Board of Review will be held during the 30-day period beginning the 2<sup>nd</sup> Monday of May. The first session shall be at least two hours. 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. The Assessor shall attend sessions of the Board of Review.

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

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

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

shall consist of five (5) citizen members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for staggered three (3) year terms of office. The members shall serve with compensation as determined by the Village Board and shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman.

(b) **Powers.** The Zoning Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
- (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
- (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.
- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period of longer than six (6) months from the date of such order unless the land use

permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

**(c) Meeting and Rules.**

- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (3) Hearings may be held at any regular or special meeting at the time set by the Chairman.
- (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (5) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Clerk-Treasurer and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (6) No Board members 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.

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

**Cross-Reference:** Sections 13-1-260 through 13-1-265.

### **Sec. 2-4-3 Plan Commission.**

- (a) **Composition.** The Village Plan Commission shall consist of seven (7) members as follows: the Village President, who shall be its presiding officer, and six (6) citizens.
- (b) **Appointment.** The citizen members shall be appointed by the Village President, subject to Board approval, to hold office commencing on May 1<sup>st</sup> for the terms set forth herein. Upon an initial appointment, a citizen member shall serve a one (1) year term. If the citizen member is reappointed, his or her second term shall run

for two (2) years. Any subsequent reappointment of the citizen members shall be for a staggered three (3) year term.

- (c) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

(d) **Duties.**

(1) **The Master Plan.**

- a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
- b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part

thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

- (2) **Matters Referred to Plan Commission.** The Village Board or officer of the Village having final authority thereon, may refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance.
- (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Village and within one and one-half (1 ½) miles of the limits of the Village. All plats or replats of any lands within the limits of the Village or any lands outside the Village and within one and one-half (1 ½) miles of the limits of Village shall be submitted to the Commission for its recommendation to the Village Board before the same are approved by the Village Board.

*State Law Reference:* Sections 61.35, 62.23, and Chapter 236, Wis. Stats.

## **Sec. 2-4-4 Architectural Board.**

- (a) **Establishment.** There is established an Architectural Board for the Village of Fredonia to promote compatible development aesthetics and stability of property values and to prevent impairment or depreciation of existing developments.
- (b) **Composition.**
  - (1) **Membership.** The Architectural Board shall consist of five (5) residents of the Village appointed by the Village President subject to confirmation by the Village Board. At least one (1) Plan Commission, one (1) Village Board member, and three (3) citizen members shall be appointed to such Architectural Board. Terms shall be for staggered three (3) year periods.
  - (2) **Officers.** A Chairman shall be appointed by the Village President. A Secretary shall be selected by members.
  - (3) **Oaths.** Official oaths shall be taken by all members in accordance with Sec. 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice or their appointment.
  - (4) **Vacancies.** Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (c) **Organization.**
  - (1) The Architectural Board shall organize and adopt rules for its own government in accordance with the provisions of this Section.
  - (2) Meetings shall be held at the call of the Chairman or when requested by the Building Inspector and shall be open to the public.
  - (3) Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.
  - (4) A quorum shall be four (4) members, and all actions shall require the concurring vote of at least four (4) members.
- (d) **Powers.** The Architectural Board shall have the power to:
  - (1) Hear applications for permission to erect, move, reconstruct, extend, alter or change the exterior of any structure that the Building Inspector deems may not meet the principles set forth in Section 13-1-223.
  - (2) Deny or conditionally approve the application and may request such modifications as it may deem necessary to carry out the purpose of this Section.
  - (3) Request assistance from other municipal officers, departments, boards and commissions.
  - (4) Request applicant to furnish additional information.

## **Sec. 2-4-5 Election Commission.**

The Election Commission shall conduct elections in the Village. The Commission shall consist of seven (7) members appointed by majority vote of the Village Board at a regular December meeting in even-numbered years. Members shall have a two (2) year term of office, except that at least two (2) persons shall be rotated on the Commission every two (2) years.

## **Sec. 2-4-6 General Provisions Regarding Meetings and Public**

## **Notice.**

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the Village shall:
  - (1) Schedule a date, time and place for its meetings:
  - (2) Post, or when necessary publish, notice in or notify newspapers who have requested this information in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
  - (3) Post, at the bulletin board of the Village Hall, 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. 2-4-7 Residency Required for Service on Boards or Commissions; Attendance Standards.**

- (a) **Residency.** Except for non-resident Village employees serving on a board, committee or commission, no person not a resident of and not residing in the Village shall be appointed in a voting capacity to any Village board, committee or commission. Any board or commission member who moves from the Village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of board, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.

## **Chapter 5**

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## **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 Fredonia 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 Fredonia 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 the 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 Fredonia.

## **Sec. 2-5-2 Definitions.**

The following definitions shall be applicable in this Chapter.

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.



- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.
- (c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wisconsin Statutes, campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock.
- (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.
- (h) **Immediate Family.**
  - (1). A person's spouse.
  - (2). An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than ½ of his support from the individual or from whom the individual receives, directly or indirectly, more than ½ of his support.

### **Sec. 2-5-3 Statutory Standards of Conduct.**

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

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

### **Sec. 2-5-4 Responsibility of Public Office.**

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

recognizing that the public interest must be their prime concern.

### **Section 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-Treasurer. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

### **Sec. 2-5-6 Fair and Equal Treatment.**

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **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 sue 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.
- (c) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.
- (d) **Use of Village Stationary.** Copies of any correspondence written on Village stationary shall be filed with the Village Clerk-Treasurer or his designee.

### **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 interest 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 dealing 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 committee of which the official or employee is a member or 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 representative 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. Statutes;

(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 Ethics Board 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 Ethics Board.**

(a) **Membership.** There is hereby created an Ethics Board consisting of five voting members and two alternates who shall be compensated the same as other committee members. The members of the Ethics Board shall be residents of the Village or full time employees of a business located in the village. The members shall not be officials or employees of the village, 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. The members shall not be immediate family members of a village official or employee. Each member shall be appointed by the Village President and subject to confirmation by the Village Board. Terms of office shall be three years, except that when the initial appointments are made, one member shall be appointed for one year, two shall be appointed for two years and two for three years. The alternates shall be appointed for three year terms, except that when the initial appointments are made, one alternate shall be appointed for one year and one shall be appointed for two years. The alternates serve on the Board when one of the citizen members is unavailable. The Board shall elect its own Chairman and Vice Chairman. The Village Attorney shall furnish the Board legal assistance when necessary and when doing so does not present a conflict of interest to the Village Attorney. With the prior approval of the Village Board, the Ethics Board may retain independent counsel when the Village attorney is unable to provide legal assistance to the Board. The Village Clerk shall serve as the Ethics Board Secretary.

(b) **Powers and Duties.**

- (1) The Ethics Board shall adopt and develop written rules which shall be submitted to the Village Board for approval. A copy of such rules shall be filed with the Village Clerk.
- (2) Any person to whom this section applies may apply, in writing, to the Ethics Board for an advisory opinion as to the interpretation and application of this section and shall be guided by the opinion rendered. Such person shall have

the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this section before the advisory decision is rendered. No Trustee may attend a meeting of the Ethics Board unless requested to do so by the Ethics Board. Meetings for deliberations and action upon such applications shall not be open to the public. Opinions rendered by the Ethics Board shall be in writing. Records of the Ethics Board's opinions, opinion requests and investigations of violations shall be closed to public inspection. The Ethics Board, however, may make such records public with the consent of the individual requesting the advisory opinion or in the event that individual makes public any portion of the opinion. In the event the Ethics Board deems it necessary or appropriate, it may request an advisory opinion from the Village Attorney. The Ethics Board may, if it determines that its opinion in response to a request for an advisory opinion as to the interpretation or application of a provision of this Code of Ethics to certain fact situations would be of value to other officials or employees in terms of providing guidance or guidelines in future fact, situations of a same or similar nature, issue a summary opinion setting forth what it deems to be appropriate conduct in such a manner that it does not disclose the identity of the individual whose original request prompted the issuance of such summary opinion.

- (3) All complaints shall be in writing and verified and shall state the name of the official or employee alleged to have committed a violation of this section and the particulars thereof. Complaints shall be addressed to the Ethics Board and filed with the Village Clerk.
- (4) Within fourteen days after the filing of a properly verified complaint, the Ethics Board shall meet to accept the complaint. Within three days after accepting the complaint, the Ethics Board shall mail a copy of the complaint to the accused by certified mail.
- (5) Following the acceptance of a verified complaint, the Ethics Board may make preliminary investigations with respect to alleged violation of this section. No preliminary investigation of the activities of any official or employee may be initiated unless such official or employee is notified in writing by certified mail. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated and a statement of such person's due process rights. The preliminary investigation shall be completed within thirty days from acceptance of a verified complaint, except that the Ethics Board may extend that period an additional thirty days with like notice to the official or employee and to the complainant.
- (6) If, after such investigation, the Ethics Board finds that probable cause does not exist for believing the allegations of the complaint or believing that the conduct complained of violates the Ethics Code, it shall dismiss the complaint. The Ethics Board shall promptly notify the accused and the complainant of its decision in writing by certified mail. The Ethics Board's decision to dismiss a complaint shall be final. The same complaint or a complaint which is substantially the same shall not be reconsidered by the Ethics Board unless the complainant provides additional material information which was not available to the complainant at the time the original complaint

was filed and which, if true, would probably change the outcome. The Ethics Board's decision to reconsider or not to reconsider shall be final.

- (7) If, after such investigation, the Ethics Board finds that probable cause exists for believing the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than thirty days after such finding. The Ethics Board shall give the accused at least twenty days notice of the hearing date. Such hearings shall be at open session unless the accused petitions for a hearing closed to the public. The rules of criminal evidence shall apply to such hearings. All evidence, including certified copies of records and documents, which the Ethics Board considers, shall be fully offered and made part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
- (8) During all stages of any investigation or proceeding conducted under this section, the accused shall be entitled to be represented by counsel of his own choosing.
- (9) The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing under subpar. 7 above at a reasonable time before the date of the hearing as well as during the hearing to bring witnesses, establish all pertinent facts and circumstances and to question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
- (10) The Ethics Board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissioners under §885.01(3), Wisconsin Statutes.
- (11) Upon conclusion of the hearing, the Ethics Board shall file its decision within five days, in writing, signed by all participating Ethics Board members, with findings of fact, conclusions of law concerning the propriety of the conduct of the official or employee and, if appropriate, refer the matter to the Village Board or other proper authority with a recommendation for suspension, removal from office or employment, or other disciplinary action.
- (12) A four (4) to one (1) vote of the Ethics Board shall be required for any action taken by the Ethics Board with the exception that action taken by the Ethics Board, pursuant to a hearing conducted under subpar. 7 above, shall require a unanimous vote.

## **Sec. 2-5-10 Sanctions.**

A determination that an official or employee's actions constitute improper conduct under the provisions of this Chapter shall constitute a cause for suspension, removal from office or employment or other disciplinary action. Sanctions will require a 2/3 vote of the entire membership of the Village Board.

## **Sec. 2-5-11 Outside Employment.**

No full-time officer or employee of the Village shall engage in other ongoing, significant

remunerative employment outside regular Village employment if it interferes with the employee's ability to satisfactorily and safely perform his primary employment with 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.

## **Sec. 2-5-12 Distribution of Ethics Code.**

- (a) The Village Clerk shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the Village within thirty days after enactment of this section. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon his duties.
- (b) Each public official, the Village President, the Chairman of each board, commission or committee and, head of each department, shall, between May 1<sup>st</sup> and May 31<sup>st</sup> of each year, review the provisions of this code with his fellow Trustees or board, commission, committee members or subordinates, as the case may be, and certify to the Village Clerk by June 15<sup>th</sup> that such annual review had been undertaken. A copy of this Ethics Code shall be continuously posted at the village hall.
- (c) Each public official and employee shall, in connection with pars. (a) and (b) above, also complete and file with the department head, as appropriate, the following statement of understanding:

*"I have read and understand the contents of the Village of Fredonia Ethics Code, including the attached State Statutes. I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the Ethics Code." (SS 946.10 through 946.15)*

## **Sec. 2-5-13 Applicability.**

This section shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action, or when the application of a statutory provision is discretionary but determined by the Board to be more appropriate.