

TITLE 2

Government and Administration

Chapter 1	Village Government and Elections
Chapter 2	Village Board
Chapter 3	Municipal Officers and Employees
Chapter 4	Boards and Commissions
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CHAPTER 1

Village Government and Elections

§ 2-1-1	Village Government
§ 2-1-2	Election Poll Hours
§ 2-1-3	Election Board

SEC. 2-1-1 VILLAGE GOVERNMENT.

The Village of Bear Creek is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

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

SEC. 2-1-2 ELECTION POLL HOURS.

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

SEC. 2-1-3 ELECTION BOARD.

The Village President, subject to confirmation by the Village Board, shall appoint four (4) persons in odd-numbered years and three (3) persons in even-numbered years to the Election Board for a term of two (2) years. The seven (7) members of the Election Board shall serve as election inspectors pursuant to State law at regular and special elections. Persons so appointed shall be qualified electors of the Village and shall be appointed not later than February 15 of each general election year. The appointed officials shall within ten (10) days of his or her notice of appointment, file with the Village Clerk an oath of office as provided for by law.

SEC. 2-1-3 ELECTION BOARD.

- (a) The Village President, subject to confirmation by the Village Board, shall appoint four (4) persons in odd-numbered years and three (3) persons in even-numbered years to the Election Board for a term of two (2) years. The seven (7) members of the Election Board shall serve as election inspectors pursuant to State law at regular and special elections. Persons so appointed shall be qualified electors of the Village and shall be appointed not later than February 15 of each general election year. The appointed officials shall within ten (10) days of his or her notice of appointment, file with the Village Clerk an oath of office as provided for by law.

State Law Reference: Sec. 7.30, Wis. Stats.

SEC. 2-1-4 OFFICIAL NEWSPAPER; LEGAL POSTING.

- (a) **Publication.** When publication is used instead of legal posting, the official newspaper of the Village of Bear Creek shall be the Clintonville Chronicle - 8-13-2016
- (b) **Legal Posting.** When legal posting is used instead of publication, the Village shall post notices in three (3) designated posting locations:

State Law Reference: Sec. 985.06, Wis. Stats.

CHAPTER 2

Village Board

§ 2-2-1	Village Board
§ 2-2-2	Trustees
§ 2-2-3	Village President
§ 2-2-4	Standing Committees
§ 2-2-5	General Powers of the Village Board
§ 2-2-6	Cooperation With Other Municipalities
§ 2-2-7	Internal Powers of the Board
§ 2-2-8	Salaries
§ 2-2-9	Meetings
§ 2-2-10	Special Meetings
§ 2-2-11	Open Meetings
§ 2-2-12	Quorum
§ 2-2-13	Presiding Officers
§ 2-2-14	Order of Business
§ 2-2-15	Introduction of Business, Resolutions and Ordinances; Disposition of Communications
§ 2-2-16	Publication and Effect of Ordinances
§ 2-2-17	Conduct of Deliberations
§ 2-2-18	Reconsideration of Questions
§ 2-2-19	Disturbances and Disorderly Conduct
§ 2-2-20	Amendment of Rules
§ 2-2-21	Suspension of Rules

SEC. 2-2-1 VILLAGE BOARD.

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

State Law Reference: Section 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 years, commencing on the third Tuesday of April in the year of his or her election.

ORDINANCE

The Village Board of Trustees for the Village of Bear Creek, Outagamie County, Wisconsin, do ordain as follows:

1. SECTION 2-2-4 STANDING COMMITTEES shall be deleted in its entirety and the following inserted in its place:

SECTION 2-2-4 STANDING COMMITTEES.

A. COMMITTEE APPOINTMENTS. There shall be three (3) standing committees, each composed of two (2) trustees and two (2) citizen members. At the annual organizational meeting of the Village Board, the Village President, subject to confirmation by the Village Board, shall appoint two (2) trustees as co-chairpersons to each of the following standing committees. The chairpersons of each committee, upon confirmation, shall then appoint two (2) citizen members to their committee for a one (1) year term.

(1) Water - Sewer - Park and Recreation - Hall Rental Committee.

(2) Fire Department - Police - Health and Welfare - Ambulance Building Committee.

(3) Streets - Compost Site - Weeds - Garbage - Smart Growth Committee.

B. PRESIDENT TO DESIGNATE SPECIAL COMMITTEES. The President shall appoint all special committees and designate the chairpersons of each.

C. COMMITTEE REPORTS. Each committee shall at the next regular Board meeting submit a report on all matters referred to it. The special report shall recommend a definite action on each item and shall be approved by the majority of the committee. Any committee may require any Village officer employed to confer with it and supply information in connection with any matter pending before it.

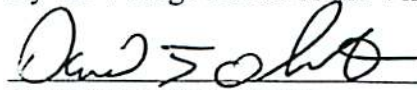
2. Any remaining portions of the Code of Ordinances of the Village of Bear Creek shall be amended, as may be required, to refer to the newly created standing committees.

3. This Ordinance shall become effective upon passage and publication.


IT IS SO ORDAINED.

Dated this 14 day of July, 2003.

By the Village Board of the Village of Bear Creek


Daniel Olmsted, President

ATTEST:


Priscilla Miller, Clerk

Votes: Aye: 4
Nay: 0

POSTED

7-14-03

SEC 2-2-4 STANDING COMMITTEES

COMMITTEE APPOINTMENTS: There shall be (3) standing committees, each composed of (1) Trustee and two (2) citizen members. At the annual organizational meeting of the Village Board, the Village President, subject to confirmation by the Village Board, shall appoint one (1) Trustee as chairman to each of the following standing committees. The chairman of each committee upon confirmation, shall then appoint two (2) citizen members to his committee for a one (1) year term.

1. Water/Sewer; Park and Recreation; Hall Rental
2. Fire Dept.; Health & Welfare; Ambulance building
3. Streets; Garbage; Weeds & Compost site; land use-smart growth.

- (b) DUTIES. The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board 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 rights of constables.

State Law Reference: Section 61.24, Wis. Stats.

SEC. 2-2-4 STANDING COMMITTEES.

Revised 7-14-2003

- (a) COMMITTEE APPOINTMENTS. There shall be six (6) standing committees, each composed of one Trustee and two (2) citizen members. At the annual organizational meeting of the Village Board, the Village President, subject to confirmation by the Village Board, shall appoint one (1) Trustee as chairman to each of the following standing committees. The chairman of each committee, upon confirmation, shall then appoint two (2) citizen members to his committee for a one year term.
- (1) Fire Department Committee.
 - (2) Police Committee.
 - (3) Building Committee.
 - (4) Streets Committee. *- Park*
 - (5) Sewer Committee. *- WATER*
 - (6) Weed Committee.
- 2. Health Safety*
- See next page*
- (b) PRESIDENT TO DESIGNATE SPECIAL COMMITTEES. The President shall appoint all special committees and designate the chairman of each.
- (c) COMMITTEE REPORTS. Each committee shall at the next regular Board meeting 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. Any committee may require any Village officer or employee to confer with it and supply information in connection with any matter pending before it.

SEC. 2-2-5 GENERAL POWERS OF THE VILLAGE BOARD.

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

- (c) **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **VILLAGE FINANCES.** The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

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

SEC. 2-2-6 COOPERATION WITH OTHER MUNICIPALITIES.

The Village Board, on behalf of the Village, may join with other counties, villages, cities, towns or other governmental entities in a cooperative arrangement for executing any power of 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, compel attendance of Trustees and punish nonattendance. 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: Section 61.32, Wis. Stats.

SEC. 2-2-8 SALARIES.

The 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 an annual salary be paid the President and Trustees. Salaries

heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

State Law Reference: Section 61.32, Wis. Stats.

SEC. 2-2-9 MEETINGS.

- (a) **REGULAR MEETINGS.** Regular meetings of the Village Board shall be held on the second Monday of each calendar month at 7:00 p.m. local time, or at such other times as the Board may direct. Any regular meeting falling on a legal holiday shall be held on a day selected by a majority of the Board at a previous meeting. All meetings of the Board shall be held at the Bear Creek Community Center, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village of Bear Creek.
- (b) **ANNUAL ORGANIZATIONAL MEETING.** The Village Board shall hold an annual meeting during the third week of April for the purpose of organization.

State Law Reference: Section 61.32, Wis. Stats.

SEC. 2-2-10 SPECIAL MEETINGS.

Special meetings of the Board may be called by the Village President, or by two (2) Trustees by filing a written request with the Village Clerk at least twenty-four (24) hours prior to the time specified for such meeting. The Village Clerk shall 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. The Village Clerk 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 Section 61.32 and Chapter 19, Subch. IV, Wis. Stats.

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

SEC. 2-2-11 OPEN MEETINGS.

All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.

State Law Reference: Section 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 President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Clerk 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: Section 61.32, Wis. Stats.

SEC. 2-2-13 PRESIDING OFFICERS.

- (a) THE VILLAGE PRESIDENT SHALL PRESIDE. The Village President shall preside over meetings of the Village Board. In case of absence of the President, the Village Clerk shall call the meeting to order and preside until the Trustees present select a Trustee to preside temporarily.
- (b) DUTIES. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.
- (c) PARTICIPATION IN DEBATE. The presiding officer may speak upon any question or make any motion if he vacates the chair and designates a Trustee to preside temporarily.

State Law Reference: Section 61.32, Wis. Stats.

SEC. 2-2-14 ORDER OF BUSINESS.

- (a) ORDER OF BUSINESS. At all meetings, the following order may be observed in conducting the business of the Village Board:
 - (1) Call to Order by presiding officer;
 - (2) Roll call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date);
 - (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings;
 - (4) Presentation of petitions; business from the floor; communications
 - (5) Presentation of bills;
 - (6) Committee reports;
 - (7) Ordinances and resolutions;
 - (8) Unfinished business;
 - (9) New and miscellaneous business;
 - (10) Adjourn.
- (b) ORDER TO BE FOLLOWED. No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

SEC. 2-2-15 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES;
DISPOSITION OF COMMUNICATIONS.

- (a) ORDINANCES TO BE IN WRITING. All ordinances, resolutions, bylaws or other communications submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter, a title and the name of the Trustee introducing same and shall be referred to the appropriate committee by the President. The committee shall report back to the Board on the matter at the next

Board meeting. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.

- (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.**
 - (1) The Village Board may take action on an ordinance or resolution only if it appears on the written agenda for meeting at which action is requested.
 - (2) Resolutions or ordinances will be placed on the agenda for Board action only if they are submitted to the Village Clerk in written form a minimum of seven (7) days prior to the meeting at which action is requested.
- (d) **DISPOSITION OF PETITIONS, COMMUNICATION, ETC.** Every petition or other writing of any kind, addressed to the Village Board or to the Clerk or other Village officer for reference to the Village Board, shall be delivered by the Clerk or such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.

SEC. 2-2-16 PUBLICATION AND EFFECT OF ORDINANCES.

All general ordinances of the Village and all regulations imposing any penalty shall be published in the official paper of the Village once or posted according to state law, and shall be immediately recorded, with the affidavit of publication, by the Village Clerk in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.

State Law Reference: Section 61.32, Wis. Stats.

SEC. 2-2-17 CONDUCT OF DELIBERATIONS.

- (a) A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and noes are requested by any member.
 - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Village or any fund thereof.
 - (3) When required by the state statutes of Wisconsin.
- (b) All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board, or the President, and the Clerk shall call the roll in alphabetical order, and the Clerk shall call the roll starting with "A" and then in alphabetical order one time and then starting with "Z" and in reverse alphabetical order the next time.
- (c) 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, 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 the 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 the permission of the presiding officer as to matters which are being considered by the Board at the time.

SEC.2-2-18 RECONSIDERATION OF QUESTIONS.

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof; but if a motion to reconsider be made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it.

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 guilty of such disorderly conduct except the Trustees.

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 of all the members of the Board.

SEC. 2-2-21 SUSPENSION OF RULES.

These rules shall not be suspended except by a two-thirds vote of all the members of the Board.

CHAPTER 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	Village Clerk
2-3-4	Village Treasurer
2-3-5	Municipal Judge; Municipal Court
2-3-6	Village Attorney
2-3-7	Chief of Police (Village Marshal)
2-3-8	Fire Chief
2-3-9	Weed Commissioner
2-3-10	Assessor
2-3-11	Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector
2-3-12	Eligibility for Office
2-3-13	Oaths of Office
2-3-14	Vacancies
2-3-15	Removal from Office
2-3-16	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/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings, subject to prior approval by the Village Board.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his/her official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

VILLAGE OF BEAR CREEK

VILLAGE CHARTER ORDINANCE NO. 04-12-04

A CHARTER ORDINANCE TO CHANGE THE METHOD OF SELECTION OF THE VILLAGE TREASURER AND VILLAGE CLERK FOR THE VILLAGE OF BEAR CREEK

The Village Board of the Village of Bear Creek do ordain as follows:

SECTION I: The Village of Bear Creek pursuant to Wisconsin Statutes Section 61.195 and Section 66.0101 hereby changes the method of selection of the Office of Village Treasurer and the Office of Village Clerk from elected to appointment by the Village President subject to the confirmation by the Village Board.


SECTION II. The position of Village Treasurer and the position of Village Clerk will become appointed for the term beginning April of 2005 unless the position of Treasurer or the position of Clerk becomes vacant, after the effective date of this ordinance and prior to April of 2005.

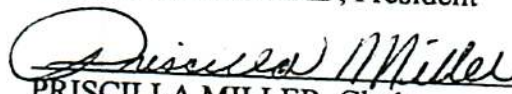
SECTION III. All Village Ordinances or parts of Ordinances in conflict herewith are repealed.

SECTION IV. This a Charter Ordinance and shall take effect 60 days after its passage and publication subject to the provisions of Wisconsin Statutes 66.0101.

Dated this 12 day of April, 2004.

VILLAGE OF BEAR CREEK
By:


DANIEL OLMSTEAD, President


PRISCILLA MILLER, Clerk

Adopted:

Aye 6
Nay 0

Published (posted) April 17, 2004

Mun\Bear Creek\Village Charter

SEC. 2-3-2 APPOINTED OFFICIALS.

The Village of Bear Creek officials hereinafter set forth shall be appointed;

<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
Assessor	Village President subject to confirmation by the Village Board	By Contract
Attorney	Village President subject to confirmation by the Village Board	One Year
Engineer (Consulting)	Village President subject to confirmation by the Village Board	Pleasure of Board
Weed Commissioner	Village President subject to confirmation by the Village Board	One Year
Chief of Police	Village President subject to confirmation by the Village Board	Indefinite
Director of Public Works	Village President subject to confirmation by the Village Board	Indefinite
Building Inspector	Village President subject to confirmation by the Village Board	By Contract

SEC. 2-3-3 VILLAGE CLERK.

SEE: CHARTER ORDINANCE
APPROVED 7-14-2004

- (a) **Term.** The office of Village Clerk shall be an ~~elected~~ position. The Clerk shall be elected in odd-numbered years for a term of two (2) years commencing on the third (3rd) Monday of April in the year of his/her election.
- (b) **Duties as Clerk.** The Village Clerk shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
 - (2) Public all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
 - (3) Issue all licenses required by ordinance or statute except as otherwise provided;

CLERK & TREASURER - 7-14-2004

- (4) Attend meetings, take minutes and maintain files for the Village Board, and such other official boards and commissions as may be directed;
 - (5) Maintain a file on all Village records, ordinances, resolutions and vouchers;
 - (6) Type and distribute reports for the Village Board and for federal and state agencies;
 - (7) Audit and obtain approval on claims charged against the Village;
 - (8) Assist the Assessor in maintaining property assessment records;
 - (9) Administer oaths and affirmations;
 - (10) Issue licenses to various vendors in the Village;
 - (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
 - (12) Develop and implement improved internal control and financial reporting procedures as necessary or as directed;
 - (13) File financial and other reports with various state agencies;
 - (14) File insurance claims on behalf of the Village;
 - (15) Locate suppliers of goods or services and obtain quotes;
 - (16) Advertise for bids, receive them and summarize the results;
 - (17) Identify and evaluate ideas to achieve more efficient and effective operation;
 - (18) Coordinate, supervise and conduct elections;
 - (19) Confer with Village President, department heads and Village Board committees about projects and problems;
 - (20) Maintain personnel files;
- (c) **Duties Prescribed by Law.** The Clerk shall perform such other duties as are prescribed by State Statutes and by order of the Village Board. The Clerk generally shall perform, under direction of the Village President or other presiding officer of the Board, all duties pertaining to his/her office as Clerk, and shall be responsible for all the official acts of assistants.

SEC. 2-3-4 VILLAGE TREASURER. SEE: CHARTER ORDINANCE 7-14-2004

- (a) **Election.** The Village Treasurer shall be elected in odd-numbered years for a term of two (2) years commencing on the third (3rd) Monday of April in the year of his/her election.
- (b) **Duties as Treasurer.** The Village Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
 - (1) Prepare the tax roll and tax notices required by the State of Wisconsin;
 - (2) Prepare financial and bank statement;
 - (3) Maintain fiscal records for the Village;
 - (4) Make reports to the State on assessments;
 - (5) Prepare and send invoices for services provided by municipal utilities.
 - (6) Perform record keeping, billing, collections, banking, investments accounting and financial reporting of all Village operations, including utilities;
 - (7) Collect all taxes for the Village and other taxing bodies;
 - (8) Invest idle funds for maximum interest earnings;
 - (9) Prepare monthly financial report;
 - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
 - (11) Prepare check vouchers for payment of approved claims for signature;
 - (12) Coordinate the preparation and compilation of the annual Village budget;

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and preserve all vouchers filed in the office; to deliver to the successor when qualified all books of account, papers and property of the office and all money on hand as Treasurer, and to perform such other duties as are required by law or the Village Board. There shall be kept but one (1) fund in the treasury, except as otherwise provided. The Treasurer shall also execute the bond required by Sec. 70.67, Wis. Stats, and take receipt therefor, which the Clerk shall file in the Village offices. On receipt of the tax roll the Treasurer shall, and while acting as collector of taxes, exercise the same powers and perform the same duties as are by law conferred upon and required of town treasurers while acting in that capacity, and be subject to the same penalties and liabilities.

- (2) **ADDITIONAL DUTIES.** The Village Treasurer shall also be required to perform duties as conferred upon town treasurers in Sec. 60.49(6) and (6M), Wis. Stats.
- (3) **BOND.** The Village Treasurer shall execute and file an official bond which may be furnished by a surety company as provided by Sec. 632.17(2), Wis. Stats.

State Law Reference: Sections 7.15, 61.25, 61.26, 66.044(4), and (5), 69.42, 66.081, 69.68, 174.06, 95.21, 77.61(11) and 69.60, Wis. Stats.

SEC. 2-3-4 VILLAGE ATTORNEY.

- (a) **APPOINTMENT.** The office of Village Attorney is an appointed position with a two year term of office. The Village President shall appoint at the first regular meeting of the Village Board in May of odd-numbered years a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney's term shall commence on the fifteenth day of May succeeding his appointment.
- (b) **DUTIES.** The Village Attorney shall have the following duties:
 - (1) The Attorney shall conduct all of the law business in which the Village is interested.
 - (2) He shall, when requested by Village officers, given 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) **CREATION.** There is created within the Village of Bear Creek the Office of Marshal pursuant to Sec. 61.28 of the Wisconsin Statutes and all related provisions of the Wisconsin Laws.
- (b) **QUALIFICATIONS.** The Village Marshal shall be a person who is an adult resident of the United States and of the State of Wisconsin.

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- (c) **APPOINTMENT.** The Marshal shall be appointed by the Village Board pursuant to Sec. 61.197(c) of the Wisconsin Statutes.
- (d) **DUTIES.**
 - (1) The Village Marshal shall have those duties and powers as provided in Sec. 61.28, Wis. Stats., and as directed from time to time by the Village Board.
 - (2) The Marshal shall maintain a work schedule of hours prescribed by the Village Board and shall at all times maintain the peace, dignity and good order of the Village and protect the public welfare of the community and its citizens and all persons therein in accordance with this ordinance and the laws of the State of Wisconsin and County of Outagamie and the Ordinances of the Village of Bear Creek.
- (e) **ALLOWANCES.** The Marshal shall receive such allowances for uniforms, equipment and all essential needed items that are from time to time authorized by the Village Board and he shall make an annual inventory of all items owned by the Village which are entrusted to his person.

SEC. 2-3-6 FIRE CHIEF AND FIRE INSPECTOR.

- (a) **APPOINTMENT.** The Fire Chief shall be selected according to the bylaws of the Bear Creek Fire Department.
- (b) **POWERS AND DUTIES OF CHIEF.**
 - (1) The Chief shall have general supervision of the Department, subject to this Code of Ordinances and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
 - (2) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

SEC. 2-3-7 ASSESSOR.

- (a) The Village of Bear Creek hereby elects pursuant to Sections 61.195 and 66.01 of the Wisconsin Statutes, not to be governed by those portions of Section 61.19 of the Wisconsin Statutes relating to the method of selection of the Village Assessor which are in conflict with this Section. (Charter Ordinance.)
- (b) The office of the Village Assessor shall be selected and filled by appointment by majority vote of the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of assessor. The person appointed to perform the duties of Village Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Village Board from time to time. 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.

SEC. 2-3-11 OATHS OF OFFICE.

- (a) REQUIREMENT. Within five (5) days after the election or appointment of any Village officers, the Village Clerk shall notify the person so selected thereof unless he or she voted at the election. Every person elected or appointed to the office of Village President or Clerk shall within five (5) days after election or notice thereof, when required, take and file the official oath.
- (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. 2-3-12 VACANCIES.

- (a) HOW OCCURRING. Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) HOW FILLED. Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.23, Wis. Stats.
- (c) TEMPORARY INCAPACITATION. If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

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

SEC. 2-3-13 REMOVAL FROM OFFICE.

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

Annotation: 62 Atty. Gen. Op. 97.

SEC. 2-3-14 CUSTODY OF OFFICIAL PROPERTY.

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

State Law Reference: Section 19.21, Wis. Stats.

SEC. 2-3-15 OFFICIAL BONDS; OFFICERS NOT TO BE SURETIES.

Every bond required of a Village officer shall be executed with sufficient sureties in a sum fixed by the Village Board when not otherwise prescribed and be approved by the Village President.

State Law Reference: Section 61.22, Wis. Stats.

CHAPTER 4

Boards, Commissions and Committees

- §2-4-1 Board of Review
- §2-4-2 Zoning Board of Appeals
- §2-4-3 General Provisions Regarding Meetings and Public Notice

SEC. 2-4-1 BOARD OF REVIEW

- (a) **COMPOSITION.** The Board of Review shall consist of the Village President, the Village Clerk and the members of the Village Board.
- (b) **DUTIES.**
 - (1) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
 - (2) **Compensation.** Compensation for the members of the Board of Review, shall be as is established by the Village Board for such Village, at the organizational meeting in April. Compensation may include per diem, and may include a mileage quotation, if necessary.
- (c) **MEETINGS.** The Board of Review shall meet annually on or before the second Monday of May, and notice of such meeting shall be published pursuant to the State Statutes. The Board, through the Clerk, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

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

SEC. 2-4-2 ZONING BOARD OF APPEALS.

- (a) **ESTABLISHMENT.** A Zoning Board of Appeals shall be appointed as specified in Section 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, appointed by the Village President subject to confirmation by the Village Board. The members shall serve without compensation 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 the Zoning Code.
 - (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.

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- (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 three 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 requirement of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) MEETING AND RULES. All meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. 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 Clerk and shall be public record. The Board shall adopt its own rules of procedures not in conflict with the Section or with the applicable Wisconsin Statutes.
- (d) OFFICES. The Village Board shall provide suitable offices for holding for hearings and the presentation of records, documents, and accounts.
- (e) APPROPRIATIONS. The Village Board shall appropriate funds to carry out the duties of the Board and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.

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

SEC. 2-4-3 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE.

- (a) REGULAR MEETINGS; PUBLIC NOTICE. Every Board, Committee and Commission created by or existing under the ordinances of the Village of Bear Creek:
 - (1) Fix a regular date, time and place for its meetings.
 - (2) Publish notice in the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof; and/or
 - (3) Post, on the front door of the Bear Creek Community Center, and two (2) other public places, 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 with 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 to 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.