

## **GENERAL PROVISIONS AS TO OFFICIALS**

**1.01 TOWN GOVERNMENT.** The Board of Supervisors of the Town is operated pursuant to Ch. 60, Wis. Stats.

**1.02 TOWN BOARD.** The Town Board shall consist of 5 members at large. Three supervisors shall be elected in odd numbered years at the annual spring election and 2 supervisors shall be elected in the even numbered years.

**1.03 ELECTED OFFICIALS.** (Rep. & 98-467)

**1.04 APPOINTED OFFICIALS.** (Rep. & rec. 2009-005)

(1) Annually the following officials shall be appointed by the Town Chairman, subject to the approval of the Town Board: Attorney, Assessor, Highway Superintendent, Building Inspector, Animal Control Officer, Fire Chief, Plumbing Inspector, Electrical Inspector, Chief of Water Safety Patrol and Weed Commissioner; and

(2) In addition to the Town officials appointed under Section 1.04(1), the Town Board shall appoint by a majority of the members-elect of the Town Board as defined by Wisconsin Statute § 59.001(2m) a Town Clerk-Treasurer as authorized by the Town meeting under Wisconsin Statute §§ 60.10(1)(b)2m, 60.0305(1), and 60.10(1)(b)(2). The initially appointed Town Clerk-Treasurer shall be appointed pursuant to Wisconsin Statute § 60.30(1)(e), (f) and (g) and shall not take office until the term of the incumbent Town Clerk expires, which shall be the earlier of December 31, 2009, or the date that a vacancy in such office occurs under Wisconsin Statute § 17.03. The initial term of office of the appointed Town Clerk-Treasurer shall commence upon the filing of the appointed Clerk-Treasurer's oath of office under Wisconsin Statute § 19.01 and end on December 31, 2010. The term of office for the Town Clerk-Treasurer thereafter shall be for one calendar year commencing on January 1<sup>st</sup> of each year. The person appointed to the position of Town Clerk-Treasurer may be reappointed and may be dismissed by the Board only for cause as defined in Wisconsin Statute § 17.001.

**1.05 OATHS AND BONDS.** Elected and appointed officials shall take and file the official oath within 5 days after notice of their election or appointment as provided in §60.20, Wis. Stats., and shall execute and file the official bond as required by State Statutes and this General Code.

**1.06 REMOVALS.**

(1) **ELECTED OFFICIALS.** Elected officials may be removed by the judge of the Circuit Court for cause pursuant to §17.13(3), Wis. Stats.

(2) **APPOINTED OFFICIALS.** Appointed officials may be removed as provided in §§17.13(1) and 17.13(3), Wis. Stats.

**1.07 VACANCIES.**

(1) **HOW OCCURRING.** Vacancies in elective and appointive positions are caused as provided in §17.03, Wis. Stats.

(2) **HOW FILLED.** Vacancies in elective and appointive offices shall be filled as provided in §17.25, Wis. Stats.

**1.08 COMPENSATION.** The compensation of all elected and appointed officials, including members of boards and commissions, shall be as determined by the annual Town meeting, or the Town Board where applicable, provided salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office. (See §60.60, Wis. Stats.)

**1.09 RECEIPT OF GIFTS AND GRATUITIES.**

(1) RESTRICTED. No Town employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who:

- (a) Has or is seeking to obtain contractual or other business or financial relationships with the Town or Town Board; or
- (b) Conducts operations or activities which are regulated by the Town or Town Board; or
- (c) Has interests which may be substantially affected by the Town or Town Board.

(2) PENALTY. The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the Town and is punishable as provided in §946.12, Wis. Stats. Such conduct shall also be punishable under §25.04 of this General Code.

**1.10 DUTIES.** The duties of all elected or appointed officials and employees of the Town shall be as prescribed by the applicable Wisconsin Statutes pertaining to town officials and such additional duties and responsibilities as set from time to time by the Town Board.

**1.11 NONDISCRIMINATION.** The Town and its representatives shall not discriminate against or interfere with any employee on account of membership or nonmembership in any labor organization. Nor shall the Town or its representatives discriminate with respect to any employee because of race, creed, color, national origin or sex.

**1.12 TOWN CHAIRMAN AND SUPERVISORS.**

(1) ELECTION AND TERM . See §1.01.

(2) POWERS AND DUTIES . The Town Board shall have all powers of the Town not specifically given to some other body or officer. Except as otherwise provided by law, the Town Board shall have the management and control of the Town property, finances, highways, streets, utilities and the public service, and may act for the government and good order of the Town, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The Town Board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the Town Board shall have the powers enumerated in §60.24, Wis. Stats. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

**1.13 TOWN CONSTABLE, OFFICE OF ABOLISHED.** (Rep. & recr. 4/24/90) Pursuant to the direction issued by the Town electors at the annual meeting of April 17, 1990, the office of Town Constable is hereby abolished with the provision that this action shall take effect at the conclusion of the term of the person presently serving in that office.

## **BOARDS AND COMMISSIONS**

**1.15 BOARD OF REVIEW.** (Rep. & recr. 2011-006). The Supervisors shall constitute the Board of Review for the Town. The Town Clerk shall be the clerk of the Board of Review and shall keep an accurate record of all of its proceedings. In addition, alternate members may be appointed and may serve as follows. Alternate members shall be Town residents, and may include public officers and public employees. One alternate member shall be appointed annually by the Town Chair, subject to the confirmation of the Town Board, for a term of three years, provided that initially three alternate members shall be appointed for terms of one, two and three years respectively. At the time of their appointment, each alternate members shall be designated either as first, second or third alternate, to establish the priority of all alternate members, and this priority may be revised annually by the Town Chair subject to the confirmation of the Town Board. The first alternate member shall act with full power when one member is absent, refuses, or is otherwise unavailable to hear an objection. The second alternate

member shall act with full power when two members (or one member and the first alternate member) are absent, refuse, or are otherwise unavailable to hear an objection. The third alternate member shall act with full power when three members (or two members and the first or second alternate member; or one member and the first and second alternate members) are absent, refuse, or are otherwise unavailable to hear an objection. The members and alternate members of the Board, except those who are full-time officials of the Town, shall receive such compensation as shall be fixed by resolution of the Town Board.

**1.16 PLAN COMMISSION.**

(1) **APPOINTMENT AND TERM.** (Rep. & rec. #92-326) The Plan Commission is hereby established and shall consist of the Town Chairman, one Town Supervisor and 5 citizens who reside in the Town and are persons of recognized experience and qualifications. The 5 citizen members shall be appointed by the Town Chairman, subject to confirmation by the Town Board. Following the initial appointment to the Plan Commission, the Town supervisor member shall be elected each April by 2/3 vote of the Town Board. The initial term of the 5 citizen members of the Plan Commission shall terminate in the April following initial appointment. Thereafter, the 5 citizen members of the Plan Commission shall be appointed for periods commencing as follows: one citizen member for a period ending one year thereafter, 2 citizen members for a period ending 2 years thereafter and 2 citizen members for a period ending 3 years thereafter. Succeeding appointments of the citizen members shall be for a full term of 3 years. All vacancies on the Plan Commission shall be filled for the unexpired term in the same manner as appointment for the full terms. Citizen members shall receive compensation for services on the Commission as the Town Board may determine. The chairman of the Plan Commission shall be determined by a 2/3 vote of the Town Board.

(2) **EXPENSES.** The Plan Commission shall have power and authority to employ experts and a staff and to pay their wages and such other expenses as may be necessary and proper, not exceeding the appropriation that may be made for such Commission by the Town Board or placed at its disposal through gift and subject to any ordinance or resolution enacted by the Town Board.

(3) **POWERS AND DUTIES.** The Plan Commission shall have the powers and duties as prescribed by §62.23, Wis. Stats., and such other duties as may be prescribed by the Town Board.

(4) **RULES OF PROCEDURE.** The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

(5) **MASTER PLAN.** It shall be a function and duty of the Commission to make and adopt a master plan and from time to time amend, extend or add to the master plan as provided in §62.23(2), Wis. Stats.

**1.17 BOARD OF ZONING APPEALS.** The Board of Zoning Appeals shall consist of such members and have such powers and duties as are set forth in the Zoning Code.

**1.18 HIGHWAY COMMISSION.** See §8.01.

**1.19 ARCHITECTURAL CONTROL COMMISSION.** The Architectural Control Commission shall be appointed by the Town Board and shall advise the Board, Plan Commission and Building Inspector on matters pertaining to aesthetics and related matters as designated by the Board.

**1.20 ECONOMIC DEVELOPMENT COMMITTEE.** (Adopted 5/27/97 ord. 97-435)  
The Economic Development Committee is hereby established and shall consist of four members appointed by the Town Chairman subject to confirmation by the Town Board, and the Town Chairman or his/her designee. The Economic Development Committee shall be responsible for researching, investigating and identifying economic activities and economic plans for the Town of Delafield and its environs and to provide information and input to the Plan Commission and Town Board upon their request.

**1.21 PARK AND RECREATION COMMISSION.** (Adopted 8/26/97 ord. 97-441)

(1) CREATION. A Park and Recreation Commission is hereby created which shall have the powers as shall be granted herein pursuant to the authority granted in section 27.08 and 27.13, Wis. Stats.

(2) PURPOSE. The purpose of the Park and Recreation Commission shall be to plan, implement and supervise the park and recreational needs of the Town of Delafield. The Commission will provide for the park and recreation programs for the citizens of the Town of Delafield within the limitations of the funds made available therefor by the Town Board.

(3) MEMBERSHIP. The Commission shall consist of 8 members. The Commission shall be comprised of one Town Supervisor and seven citizen members. The Commission members shall be appointed by the Town Chair, subject to confirmation by the Town Board. The seven citizen members' terms shall be staggered terms of four years beginning on the first Monday in May of each year. The Town Supervisor member shall serve a one year term beginning on the first Monday in May of each year and shall act as a liaison between the Town and the Commission. The Town Supervisor member shall only have voting rights in the instance of a tie vote on the Commission. Commencing on September 1, 1997, 2 citizen members shall be appointed to serve for a term expiring on the first Monday of May, 1999; 2 citizen members shall be appointed to serve for a term expiring on the first Monday of May, 2000; 2 citizen members shall be appointed to serve for a term expiring on the first Monday of May, 2001; and 1 citizen member shall be appointed to serve for a term expiring on the first Monday of May, 2002. Thereafter all citizen members' terms shall be for 4 years. All members shall be residents of the Town.

(a) Officers. The Commission shall elect a chairperson and a vice-chairperson. The Town Clerk or Town Clerk's designee shall act as secretary and record minutes of Commission meetings.

(b) Official Oath. Official oaths shall be taken by all members in accordance with section 19.01, Wis. Stats., within 10 days of receiving written notice from the Town Clerk of their appointment.

(c) Vacancies. Vacancies on the Commission shall be filled by appointment by the Town Chair and confirmed by the Town Board. Such an appointee shall serve the balance of the term of the member that the appointee replaces.

(4) ORGANIZATION. The Commission may make such other bylaws and regulations for its own government not inconsistent with this section as it may deem necessary. Meetings shall be held monthly and at the call of the chairperson, and shall be open to the public. Minutes shall be kept showing all actions taken and a copy shall be filed with the Town Clerk as a public record. A quorum shall be 4 members. All actions shall majority vote. Minutes of each Park and Recreation meeting shall be available within ten days of each meeting.

(5) POWERS. The Commission shall have only the following powers:

(a) To recommend to the Town Board the purchase, lease, sale or exchange of park or recreation lands, facilities and equipment.

(b) To recommend to the Town Board the acquisition of any park or recreation lands or facilities or equipment, or any other interest, right or privilege in real or personal property, whether by gift, grant, devise, bequest or condemnation.

(c) To govern, manage and control the use of all public parks or recreational lands and recreational activities of the Town and to adopt the necessary rules and regulations for this purpose. All rules and regulations so adopted shall be approved by the Town Board and, if necessary, enforcement ordinances shall be adopted by the Town Board.

(d) To employ, with the agreement of the Town Board, all staff and personnel necessary to conduct the recreational programs subject to such limitations as may be set for the appropriations made by the Town Board.

(e) Additional powers as may be assigned by the Town Board.

(6) DUTIES.

(a) To plan for the location, layout and equipping of all parks and recreational lands.

(b) To recommend to the Town Board all recreational equipment needed to equip said parks and recreational lands.

(c) To plan for, implement and manage all recreational activities of the Town of Delafield as may be assigned to the Commission. To hire and supervise all personnel necessary to carry out the recreational programs of the Town in coordination with the Town Administration.

(d) To recommend to the Town Board any purchases necessary unless the Town Board has approved said purchase in the budget.

(e) To spend only within the budget limits set by the Town Board. No budgetary amount shall be exceeded unless specifically authorized by the Town Board.

(f) To recommend to the Town Board all contracts necessary to make capital improvements, maintenance and repair to the parks, park equipment, recreational lands and recreational equipment.

(g) To request of the Town Board all use of Public Works Department personnel and equipment needed for maintenance in the parks and recreational lands. The Town Highway Superintendent shall direct when and what equipment and personnel will be utilized for maintenance on parks and recreational lands.

(h) To maintain records of all Commission meetings and to keep accurate records and accounts of recreation program costs and income and to segregate those expenses and funds from those of other departments. Said records shall be filed with the Town Clerk on a regular basis.

(7) FINANCES. The Commission shall submit to the Town Board by October 1 of each year a proposed program and budget for the ensuing year. The Park and Recreation Commission shall not contract any liability in excess of the budget appropriated unless specifically authorized by the Town Board. All monies received for the purpose of the Commission, whether from the general fund or from approved donation, or from such reasonable fees as may be charged for activities, facilities or services shall be deposited in the general fund of the Town and segregated on the books of the Town. The Town Treasurer shall act as Treasurer of the Commission without additional compensation. All expenditures shall be made only upon approval of the Town Board and by the issuance of an order for the expenditure by the Town Clerk.

(8) REPORTS. The Commission shall issue an annual written report of its findings and activities and an inventory of all its public parks, recreational lands, facilities and equipment, to the Town Board by March 31 of each year.

## ELECTIONS

### **1.22 APPOINTMENT OF ELECTION OFFICIALS.** (Rep. and Re-cr. #2010-001)

(1) The Town Board provides for the selection of 2 sets of officials to work at different times on election day. The Town Clerk may establish different working hours for different election officials assigned to the same polling place.

(2) Any such additional officials shall be employed in such a manner that the total number of officials is an odd number and the predominant party under §7.30(2), Wis. Stats., is represented by one more official than the other party.

(3) The current and future provisions of §7.30, Wis. Stats., are adopted and made a part of this section by reference.

**1.25 REGISTRATION OF VOTERS.**

(1) STATE STATUTES ADOPTED. The statutory provisions describing and defining the registration of electors in the following enumerated sections of the Wisconsin Statutes are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section:

- (a) 6.28 When to Register
- (b) 6.30 How to Register
  
- (c) 6.33 Registration Forms
  
- (d) 6.35 Filing Registration Cards
  
- (e) 6.36 Official Registration List
  
- (f) 6.40 Transferring Registration
  
- (g) 6.45 Registry Lists Public
  
- (h) 6.48 Challenging Registration
  
- (i) 6.50 Revision of Registration List
  
- (j) 6.55 Failure to Register; Rights
  
- (k) 6.57 Registry List for School & Special Elections
  
- (l) 6.77 Place for Voting
  
- (m) 6.78 Poll Hours
  
- (n) 6.79 Recording Electors

(2) REGISTRY. The Town Clerk shall have control of elector registration within the Township and shall prepare, continue and revise the registry, and is required to proceed with the registration of voters, all in the manner provided by law.

(3) REGISTRATION REQUIRED. No elector in the Town shall be permitted to vote unless registered in the manner provided by law, unless exempt from such requirement.

**1.26 BOARD OF CANVASSERS.**

(1) Pursuant to §7.53(2)(b), Wis. Stats., the Town Board does hereby establish a Board of Canvassers as follows:

- (a) One member shall be the Town Clerk who shall be chairman of the Board. The Town Clerk shall receive no extra compensation for work on the Board of Canvassers.
  
- (b) Two members shall be electors of the Town with a demonstrated interest in municipal, county and State government. They shall not be current election workers. They shall be compensated at the same rate as election workers.
  
- (c) The Board members described in par. (b) shall be appointed by the Town Chairman,

subject to confirmation of the Town Board. They shall serve for a term of 3 years and shall take and file an oath of office with the Town Clerk.

(2) The Board of Canvassers shall perform those duties and functions required by the Wisconsin Statutes.

## MUNICIPAL COURT

### **1.30 MUNICIPAL COURT** (Cr. 2004-05)

(1) **MUNICIPAL COURT CREATED.** There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as "Lake Country Municipal Court," or so many of those municipalities which enact an ordinance identical to the ordinance pursuant to Wis. Stat. § 755.01(4).

(2) **MUNICIPAL JUDGE.** Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac La Belle, Village of Nashotah, Village of Dousman, Town of Lisbon, or Town of Delafield, or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to Wis. Stat. § 66.0301 for the joint exercise of the power granted under Wis. Stat. § 755.01. Such Municipal Judge shall be elected at large in the spring election for a term of two (2) years commencing on May 1. Candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wis. Stat. § 8.10 and selection at a primary election if such is held as provided in Wis. Stat. § 8.11. The Town Board of the Town of Delafield shall provide for a primary election whenever three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in Wis. Stat. § 8.11(l)(a), and such primary election shall be held on the third Tuesday of February as provided in Wis. Stat. § 5.02(22).

(3) **ELECTIONS.** The Municipal Clerk of each municipality shall see to the compliance with Wis. Stat. §§ 5.58(l)(c), 5.60(l)(b), 5.60(2), 7.10(l)(a), 7.60(4)(a), and 8.10(6)(a) to provide for the election of a Municipal Judge under Wis. Stat. § 755.01(4).

(4) **OATH AND BOND.** The judge shall, after his/her election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stat. § 757.02(l) and at the same time execute and file an official bond in the amount of \$5,000. The judge shall not act until his/her oath and bond have been filed as required by Wis. Stat. § 19.01(4)(c) and the requirements of Wis. Stat. § 755.03(2) have been complied with.

(5) **SALARY.** The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his/her term during which such judge has not executed his/her official bond or official oath, as required by Wis. Stat. § 755.03 and filed pursuant to Wis. Stat. § 19.01(4)(c). The municipalities may be separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Wis. Stat. § 66.0301.

(6) **JURISDICTION.** The Municipal Judge of the Municipal Court shall have jurisdiction as provided by Wis. Stat. §§ 755.045 and 755.05 and as otherwise provided by state law. The Municipal Judge is authorized to issue Special Inspection Warrants under Wis. Stat. § 66.0119.

(7) **LOCATION AND HOURS.** The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc, all at 174 East Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

(8) **FINES AND FORFEITURES.** The Municipal Judge may impose punishment and sentences as provided by Wis. Stat. § 800.09 and as provided in the ordinances of the following municipalities: City of

Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac LaBelle, Village of Nashotah, Village of Dousman, Town of Lisbon and Town of Delafield. All forfeitures, fees, penalty assessments, and costs shall be paid to the Treasurer of the municipality with which the case arose within 7 days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessments and cost, if any.

(9) DEPOSITS. The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 of the Wisconsin Statutes and, where applicable, other provisions of the Wisconsin Statutes as referred to in subsection (10) below. The Municipal Judge shall establish in accordance with Wis. Stat. § 800.03(3) a schedule of deposits for violations of city, village, and town ordinances, resolutions, and by laws, except traffic regulations which are and shall be governed by Wis. Stat. § 345.27, and boating regulations which are and shall be governed by Wis. Stat. § 23.67. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

(10) PROCEDURES IN MUNICIPAL COURT. The procedure in Municipal Court shall be as provided by this ordinance and state law including, but not excluding because of enumeration, Chapters 66, 345, 711, 757 and 800 of the Wisconsin Statutes.

(11) CONTEMPT PROCEDURES.

(a) The Municipal judge may impose a sanction authorized under Wis. Stat. § 800.12(2) for contempt of court, as defined in Wis. Stat. § 785.01(l), in accordance with the procedures under Wis. Stat. § 785.03.

(b) The Municipal Judge may impose a forfeiture for contempt under Wis. Stat. § 800.12(l) in an amount not to exceed \$50 or, upon nonpayment of the forfeiture and the penalty assessment under Wis. Stat. § 165.87, a jail sentence not to exceed 7 days.

(12) ABOLISHMENT. The Municipal Court hereby established shall not be abolished while the Wis. Stat. §755.01(4) agreement is in effect.