

## **CHAPTER I**

### **GENERAL GOVERNMENT**

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**1.01 ELECTED OFFICIALS.** The elected officials of the Village shall consist of the following:

<u>Official</u>	<u>Year of Election</u>	<u>Term</u>
(1) Village President	Odd-numbered years	2 years
(2) Six Trustees	Three even-numbered years	2 years
	Three odd-numbered years	2 years

**1.02 APPOINTED OFFICIALS.** The appointed officials of the Village shall consist of a Clerk-Treasurer and an Assessor, each of which shall be appointed by vote of two-thirds (2/3) of the members-elected of the Village Board, said members-elect being those elected at the last election preceding the beginning of the term for which the officers are selected, for a two-year term.

**1.03 BOARD OF APPEALS.** The Board of Appeals shall be appointed by the Village President and confirmed by the Village Board in accordance with the procedure required by Section 62.23, Wisconsin Statutes, and shall have the duties and powers enumerated in Section 16.24 of the Municipal Code of the Village of Elkhart Lake.

**1.04 PLAN COMMISSION.**

**(1) Appointment of Commission.**

- (a) The Village Plan Commission shall consists of seven members as follows: the Village President, who shall be its presiding officer, a Village Board Member, and five citizens. Citizen members shall be of recognized experience and qualifications.
- (b) The Village Board Member of the Village Plan Commission shall be elected by a two-thirds (2/3) majority vote of the Village Board, at the Village Board's April meeting.
- (c) The five citizen members shall be appointed by the Village President, two to hold office for a period of one year, two to hold office for a period of two years, and one to hold office for a period of three years from the first day of May, 1964; and with such appointments to be made annually thereafter in April of each year, each for a term of three years.
- (d) All vacancies on the Plan Commission shall be filled for the unexpired term in the same manner as appointment for the full term.

- (d) No compensation shall be paid for service on the Village Plan Commission. Citizen members shall take the official oath required by Statute 19.01 of the Wisconsin Statutes, which shall be filed with the Village Clerk-Treasurer.

**(2) Organization of the Commission.**

(a) As soon as all members of the Plan Commission shall have been appointed, the Village Clerk-Treasurer shall give each member a written notice of appointment, and thereon shall fix the time and place of the first meeting, which shall be not less than five (5), nor more than ten (10) days thereafter. Thereupon the Plan Commission shall organize by the election of a Vice Chairman, Secretary and such other officers as may in their judgment be necessary.

(b) 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 the members of the Plan Commission.

(c) The Plan Commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and property within the limits of the budget established by the Village Board or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board.

(d) As far as possible, the Plan Commission shall utilize the services of existing Village officials and employees.

(e) Powers and Duties. The Plan Commission shall have the power and duties prescribed in Section 62.23 of the Wisconsin Statutes, and such other powers and duties vested in them from time to time by the Village Board.

**1.05 BOARD OF REVIEW.**

(1) **Composition.** The Board of Review of the Village of Elkhart Lake shall be composed of

(a) The Village President, or in the absence of the Village President, a Village Trustee, who shall be appointed by the Village President and subject to confirmation by the Village Board in April of each year.

(b) Two Village Trustees, or in the absence of one or more Village Trustee, two resident property owners, who shall be appointed by the Village President and subject to confirmation by the Village Board in April of each year.

(c) Two Alternates, either Village Trustees or resident property owners, who shall be appointed by the Village President and subject to confirmation by the Village Board in April of each year.

(2) **Compensation.** Refer to 1.06(6).

(3) **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 provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**1.06 SALARIES.** The salaries of officials of the Village shall be annually updated during the budget process.

**1.07 NONPARTISAN PRIMARY.** Candidates for elected Village offices shall be nominated by a nonpartisan primary conducted pursuant to Statute 5.27(6), Wisconsin Statutes. Each candidate shall file with his nomination papers a declaration that he will qualify for the office to which he may be elected.

**1.08 MUNICIPAL EMPLOYEES.**

- (1) Any person employed by the Village for any purpose, either temporarily or on a permanent basis, shall first be approved for such employment by the Village Board.
- (2) No compensation will be paid to any person claiming to have been employed by the Village unless so approved prior to such employment in advance of any work completed.
- (3) No person shall have the authority to perform any duty to commit any act on behalf of or in the name of the Village unless so approved in advance, except in the case of an emergency.
- (4) The Board may, from time to time, set salary and compensation schedules, or may set salary or compensation as the occasion arises.
- (5) Any person employed by the Village and so approved by the Board, as provided in this section, shall serve at the pleasure of the Board, and may be removed by the Board without notice or hearing, except only as is consistent with existing federal or state law.

**1.09 LIABILITY OF ELECTED OFFICIALS, APPOINTED OFFICIALS, APPOINTED MEMBERS OF COMMITTEES AND COMMISSIONS, AND EMPLOYEES.** No person shall be liable to the Village for any loss or damage suffered by it on account of any action taken or omitted to be taken by him as an elected official, appointed official,

appointed member of committees and commissions, or employee of the Village in good faith, if such person:

- (1) Exercised and used the same degree of care and skill as a prudent man would have exercised or used under the circumstances in the conduct of his own affairs, or
- (2) Took or omitted to take such action in reliance upon advice or counsel for the Village or upon statements made or information furnished by officers or employees of the Village which he had reasonable grounds to believe to be true. The foregoing shall not be exclusive of other rights and defenses to which he may be entitled as a matter of law.

## **1.10 INDEMNITY OF ELECTED OFFICIALS, APPOINTED OFFICIALS, APPOINTED MEMBERS OF COMMITTEES AND COMMISSIONS, AND EMPLOYEES.**

**Every person who is or was an elected official, appointed official, appointed member of committees and commissions, or employee of the Village, shall (together with the heirs, executors and administrators of such person) be indemnified by the Village against all costs, damages, and expenses asserted against, incurred by or imposed upon him in connection with or resulting from any claim, action, suit or proceeding, including criminal proceedings, to which he is made or threatened to be made a party by reason of his being or having been such elected official, appointed official appointed member of committees and commissions, or employee, except in relation to matters as to which a recovery shall be had against him by reason of his having been finally adjudged in such action, suit or proceeding to have been guilty of fraud in the performance of his duty as such elected official, appointed official, appointed member of committees and commission, or employee. This indemnity shall include reimbursement of amounts and expenses incurred and paid in settling any such claim, action, suit or proceeding. In case of criminal action, suit or proceeding, a conviction or judgement (whether based on a please of guilty or nolo contendere or its equivalent, or after trials) shall be deemed an adjudication that such elected official, appointed official, appointed member of committees and commission, or employee was acting in good faith in what he considered to be the best interests of the Village and with no reasonable cause to believe that the action was illegal.**

The foregoing rights of indemnifications shall be in addition to all rights to which elected officials, appointed officials, appointed members of committees and commissions, or employees may be entitled as a matter of law.

## **1.11 MUNICIPAL COURT**

(1) Municipal Court Created. Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated "Municipal Court for the Village of Elkhart Lake and the Town of Rhine said court to become operative and function on May 7<sup>th</sup>, 2001

(2) Municipal Judge.

(a) Qualifications: The Joint 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 resides in one of the municipalities that is a party to the agreement forming this joint court.

(b) Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$25,000.00. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirements of §755.03(2) have been complied with.

(c) Salary: The salary of the Municipal Judge shall be fixed by the Village and Town Boards of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(40)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.0301 Wis. Stats.

(3) Elections.

(a) Term: The Municipal Judge shall be elected at large in the spring election for a term of four years commencing on May 1, 2016 and elections being held every 4 years from that time. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selected at a primary election if such is held as provided in §8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.

(b) Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

(4) Jurisdiction. The Municipal Court shall have jurisdiction over incidents occurring on or after April 15, 2001 as provided in Article VII, §14 of the Wisconsin Constitution, §§755.045 and 755.05, Wis. Stats., and as other provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(2), §66.0119, Wis. Stats.

The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

(5) Municipal Court

(a) Hours: The Municipal court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.

(b) Employees: The Judge shall, in writing, appoint such clerks and deputy clerks are authorized and funded by the Village and Town Boards of the municipalities that are parties to the agreement.

(6) Collection of Forfeitures and Costs. The Municipal Judge may impose punishment, fees, and sentences as provided by Chapters 800, 814 and 938 Wis. Stats., and as provided in the ordinance of the municipalities that are parties to the agreement. All forfeitures, fees, assessment, surcharges, and costs shall be paid to the treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and the total amount of judgments imposed in actions and proceedings in which such monies were collected.

(7) Contempt of Court. The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.12 Wis. Stats. and may impose a forfeiture therefor not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

(8) Abolition. The Municipal court hereby established shall not be abolished while the §755.01(4) agreement is in effect.

(9) Inconsistent Ordinances Repealed. All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

(10) Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication as required by law.