

CHAPTER 1

Village Bylaws

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ARTICLE I TITLE

This Chapter shall be known as the “Bylaws of the Village of Hales Corners”, and shall regulate the government of the Village.

ARTICLE II NAME

The name of this municipal corporation shall be the “Village of Hales Corners”.

ARTICLE III THE VILLAGE BOARD

(1) Meetings.

- (a) Regular Meetings. Regular Meetings of the Village Board shall be held at the Village Hall at 6:45 p.m. as follows:
 - 1. On the second and fourth Monday of each month, excepting the months of July and August when such regular meeting shall be held only on the second Monday of each said month; but when the day so designated shall fall on a legal holiday, such meeting shall be held on the first secular day following such holiday.
- (b) Special Meetings. Special meetings of the Village Board shall be held at the place where regular meetings of the Board are held unless otherwise specified in the call and notice of the special meeting. Special meetings may be called by any two trustees, in writing, filed with the Village Clerk, who shall thereupon seasonably notify all of the trustees, including the President, of the time, purpose, and place thereof, by causing written notice of such meeting to be delivered to each member of the Village Board personally if he can be found, and if he cannot be found, by leaving in the presence of a member of the family of such Board member of suitable age and discretion, or if not such member of his family can be found, then by mailing such notice to such Board member by registered mail; the Clerk shall cause an affidavit showing the service of such notice as above provided for, to be filed in his office prior to the time fixed for such special

meeting. The Clerk shall give notice immediately upon the call for such meeting being filed with him.

Special meetings may be held without such notice when all members of the Village Board are present in person or consent in writing to the holding of the meeting, such written consent shall be filed with the Clerk prior to calling of the meeting.

(2) **Rules of Village Board.**

- (a) General Rule. The deliberations of the Village Board while in session shall be governed by the manual of parliamentary procedure commonly known as “Roberts’ Rules of Order, Revised”, except when otherwise limited or modified by these bylaws.
- (b) Order of Business. The business of the Village Board shall be conducted in the following order:
 - 1. Roll Call
 - 2. Approval of Minutes
 - 3. Petitions, oral and written
 - 4. Reports of Standing Committees
 - 5. Reports of Select or Special Committees
 - 6. Reports of Village Officials
 - 7. Allowance of Accounts
 - 8. Adjournment
 - 9. Notwithstanding the foregoing, the Village Board may take up business in any order it sees fit, unless there be objection by any member of the Village Board, in which event the foregoing shall control.
- (c) Disposition of Petitions, Communications, 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 President 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 President, without motion, to the appropriate committee or officer, unless objected to by some member of the Village Board.
- (d) Member to Present all Business. No business shall be considered by the Village Board unless presented by a member.
- (e) Precedence of Motions. When a question is in debate, no action shall be in order except:
 - 1. To adjourn
 - 2. To lay on the table
 - 3. The previous question
 - 4. To postpone to a certain date
 - 5. To refer to a standing, select, or special committee
 - 6. To amend
 - 7. To postpone indefinitely
 - 8. The foregoing several motions shall have precedence in the order in which they stand.
- (f) Members to Speak not More than Twice. No member of the Village Board shall speak more than twice on the same question except by leave of the Village Board.

- (g) Every Member to Vote Unless Excused. Every member shall vote when a question is put, unless the Village Board shall excuse him.
- (h) Division of Ayes and Nos. On all questions, it shall be in order to call for a division or for the ayes and nos, if made previously to the decision of the President.
- (i) Call for the Previous Question. Any member of the Village Board desirous of terminating the debate may call the previous question when the question announced by the President shall be: "Shall the main question be put?" If a majority of the members of the Village Board present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Village Board to a direct vote, first upon the pending amendments, if any, and then upon the main question.
- (j) Reconsideration of Votes. Any member of the Village Board if in the majority may move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular or adjourned meeting. A motion to reconsider being put and lost shall not be renewed.
- (k) Suspension of Rules. Any of the provisions of this Article may be suspended temporarily by a majority of the members of the Village Board present at any meeting.

(3) **Village Board Committees**

- (a) Appointments. All appointments to the Village Board committees shall be made by a majority vote of all of the members of the Village Board, and by a like vote the membership of such committees shall be changed from time to time, but unless so changed, all such appointments shall terminate on the third Tuesday in April of each year.
- (b) Standing Committees. The standing committees of the Village Board shall consist of six (6) committees which shall have three (3) members of the Village Board. The committees shall have general responsibility of, and to which there shall be referred, questions pertaining to the subject matter which the committee has responsibility of according to the committee classifications.
 - 1. Public Finance
 - a. Recommend general financial policy of municipal government.
 - b. Assist Village Commissioner in preparation of annual budget and budgetary control.
 - c. Audit claims against the Village and against others.
 - d. Provide the number, title, and compensation range of each officer and each position in the Village service and the proposed appropriation for the same for the ensuing year.
 - e. Provide a recommended compensation schedule of uniform rates of pay for offices of the Village service and other positions.
 - f. Authorize borrowing of funds (bonds, bank loans).
 - g. Recommend Village insurance policy and policies.
 - h. Review and recommend schedule of costs for fees and permits.
 - i. Investment of Village surplus funds.
 - j. Purchase or sale of Village property (financial aspect).
 - k. Apportionment of assets and liabilities between the Village and other municipalities.
 - l. All expenditures not included in the annual budget shall be referred to the Finance Committee for approval, prior to approval of the Village Board.

- m. Approve all transfer of funds within a fiscal budget, for major outlays.
2. Public Safety
 - a. Recommend installation of pedestrian and vehicle traffic lanes, walk lights, stop signs, street lighting, warning signals, and signs, etc.
 - b. All matters pertaining to the police and fire departments.
 - c. Proper lighting of public buildings, grounds.
 - d. All safety matters pertaining to streets, such as parking, loading, and unloading zones, sight clearance, etc.
 - e. School guard program (crossing guards).
 - f. Speed limitations on local streets and highways.
 - g. Civil defense.
 - h. Provide for adequate safety and protection of persons and property within the Village.
 3. Public Health – The Public Health Committee shall be responsible for all matters pertaining to the sanitary conditions of the Village, viz., sanitary sewer, water, and general health. It shall recommend to the Village Board the installation, repair, and maintenance of sanitary sewer, water mains.
 - a. Creek enclosures, widening of creeks, relocation of drainage ditches.
 - b. Inspection of sewage treatment plant.
 - c. Installation and assessment of storm and sanitary sewers.
 - d. Claims pertaining to sanitary sewers and sewer laterals.
 - e. Pollution of rivers, streams, ditches.
 - f. Recommendations for water mains to be installed.
 - g. Recommendation for sanitary sewer installations.
 - h. Request or denial of utility services.
 - i. Complaints against smoke, odors, noise, etc.
 - j. General sanitation control and inspection.
 - k. Sanitary code.
 - l. Village dumping operations.
 4. Public Buildings and Grounds – The Building and Grounds Committee shall have the responsibility for all municipal buildings pertaining to construction of new buildings, purchase of land, maintenance, repair, and remodeling of existing buildings. The Committee shall also be charged with the responsibility of roadway and streets pertaining to recommendations for construction, repair, and maintenance. Also, sidewalks, if and when, repaired.
 - a. Recommend construction, repair, and maintenance of buildings, roadways, and streets, sidewalks which will include widening of streets, resurfacing and paving of streets, extension and vacating of streets.
 - b. Recommendations for curb and gutter, driveways, etc.
 - c. Purchase and sale of property.
 - d. Recommend planting strips, fences, walls separating Village-owned property from private property.
 5. Public Ordinances, Licenses, Permits – The Ordinance Committee shall, with the assistance from the Village Attorney, consider and prepare all matters referred to them for the creation of ordinances, and the

amendment and revision of existing ordinances. This shall apply to licenses, permits, etc. Various boards and commissions may prepare ordinances which shall be submitted to the Ordinance Committee and Village Attorney for review and presentation to the Board of Trustees.

- a. Preparation of all Village ordinances.
 - b. Review Village ordinances, codes, license applications, etc. and recommend the same to the Village Board.
 - c. Study all referrals to the Committee for amendment and revision of existing ordinances, building, electrical, plumbing, heating, and zoning codes.
6. Personnel Committee – The Personnel Committee shall assist the Village Commissioner in developing personnel policies and objectives within the framework of the Village governmental structure which shall be recommended to the Village Board who shall determine and create the overall policy of personnel programs.
- a. Recruitment of personnel.
 - b. In-service activities (discipline, health, safety and welfare programs, transfers, promotion, demotion, etc.)
 - c. Salaries, working hours, good conduct, vacations, sick leave, working conditions, etc.
 - d. Position classification and compensation recommendations.
 - e. Grievances, layoffs, suspensions, dismissals, retirement of personnel.
 - f. Training programs.

The final power of decision on personnel policy matters rests with the Village Board.

ARTICLE IV VILLAGE OFFICERS

- (1) **Elective Officers.** The elective officers of the Village are:
 - (a) President
 - (b) Six Trustees
 - (c) Justice of the Municipal Court
- (2) **Terms of Elective Officers.** The term of office of all elective officers shall be two (2) years and until their respective successors are elected or appointed and qualify. All officers shall be elected at the annual spring election in even-numbered years, except that three (3) trustees shall be elected at the annual spring election in odd-numbered years.
- (3) **Appointed Officers.** In addition to the elective officers, the Village Board may appoint such additional officers for such terms, with such duties, and for such compensation as the Village Boards shall determine.
- (4) **Village Administrator.**
 - (a) Appointment. The Village Administrator shall be appointed by the President with the advice and approval of the Village Board.
 - (b) Duties. Subject to the supervision and control of the Village Board, the Village Administrator shall have general and supervisory control of all the departments of Village government, and more particularly shall:
 1. Appoint, and, when necessary or desirable for the good of the Village, and with just cause, suspend or remove any Village employee after

consultation with the departmental supervisor, except statutory or elected Village officials, the Village attorney, and such personnel under the jurisdiction of separate Village boards or commissions or chiefs having specific statutory powers on appointment, suspension, or removal.

2. Have general and supervisory control over the equipment and clerical help in the Village.
 3. Prepare annually and submit to the Finance Committee of the Village Board, a budget for the upcoming fiscal period which complies with appropriate statutes, provisions of the Village code, and other directives of the Village Board.
 4. Have superintendence of all expenditures and purchases of the Village.
 5. Have charge and superintendence of all streets, alleys, highways, sidewalks, crosswalks, parks, public playgrounds, municipal buildings, garages, and all other public buildings and grounds belonging to the Village; of all ditches, drains, sewers, water mains, and of the construction, operation, and maintenance of all public works.
 6. Have superintendence over personnel and the training of personnel, with the responsibilities of developing training programs and participating in labor negotiations.
 7. Develop from time to time plans of administrative organization and procedure, including a general organizational chart. Such plans shall define job descriptions, administrative authority, and responsibility.
 8. Prepare an agenda for all regular and special meetings of the Village Board and Plan Commission.
 9. Be a member of all committees and commissions, but without vote.
 10. Make recommendations to the Village Board and its committees with the objective of increasing economy, efficiency, and improved service.
 11. Have such other duties as may be prescribed from time to time by the Village Board.
- (c) The Village Administrator, as long as he is the Village Clerk, is designated the custodian of and shall keep and preserve all property and things received from his predecessor or other persons and required as specifically provided by statute or by the Wisconsin Committee on Public Records, no water stubs, receipts of current billings and customer's ledgers of any municipal utilities shall be destroyed until two (2) years shall have elapsed and no other public records shall be destroyed until seven (7) years shall have elapsed.

(5) **Village Attorney.**

- (a) How Appointed. The Village Attorney shall be appointed by the President with the advice and approval of the Village Board. His appointment may be cancelled by a majority of the Village Board upon the giving of 30 days' written notice of such cancellation to such Village Attorney.
- (b) Duties. The Village Attorney shall conduct all the law business in which the Village is interested; he shall when requested by Village officers give written legal opinions, which shall be filed with the clerk; he shall draft ordinances, bonds, notices, and other instruments as may be required by Village officers.
- (c) Compensation. The compensation of the Village Attorney shall be fixed from time to time by the Village Board.
- (d) Assistant Village Attorney. The Village Attorney may appoint an assistant, who shall have power to perform his duties and for where noted shall be responsible

to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.

- (e) Special Counsel. 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) **Justice of the Municipal Court**

- (a) Municipal Court. Pursuant to the authority granted by §755.01 and Chapter 755 Wis. Stats. (1986) there is hereby established a municipal court for the Village of Hales Corners.
- (b) Municipal Judge. Pursuant to the authority granted by §755.01, there is hereby created the office of justice of the municipal court of the Village of Hales Corners. A municipal justice shall be licensed to practice law in the State of Wisconsin.
- (c) Election; Term. The municipal justice shall be elected at-large at the spring election of 1989 for a term of two (2) years commencing on May 1 succeeding the election.
- (d) Salary. The municipal justice shall receive a salary as determined from time to time by the Village Board, which shall be in lieu of fees and costs. No salary shall be paid to the justice for any time during term for which he has not executed and filed his official bond and oath as required by paragraph (e).
- (e) Bond; Oath. The municipal justice shall, pursuant to §755.03 execute and file with the clerk of the circuit court for Milwaukee County the oath prescribed by §757.02(1) and a bond in the penal sum \$500.00.
- (f) Jurisdiction. The municipal justice shall have such jurisdiction as provided by law and §755.045 of the Wisconsin Statutes.
- (g) Procedure.
 - 1. The court of the justice of the municipal court shall be called the “Municipal Court for the Village of Hales Corners, Wisconsin”, and shall be open as determined by order of the municipal justice.
 - 2. The municipal justice shall keep his office and hold court in the municipal building.
 - 3. The procedure in such municipal court shall be as provided by this bylaw and State law, but not excluding because of enumeration, Chapters 66, 755, 800, and 943 of the Wisconsin Statutes.
 - 4. The municipal justice shall collect all forfeitures, fines, and taxable costs in any action or proceeding before him and shall pay over such moneys to the Village Treasurer not later than the 7th day of succeeding his receipt thereof.
- (h) The municipal justice may impose a forfeiture for contempt of court as defined in §785.01 Wis. Stats., and in accordance with §800.12 Wis. Stats., in an amount not to exceed \$50.00 or upon non-payment of the forfeiture, penalty assessment under §165.87 Wis. Stats., and jail assessment under §53.46, Wis. Stats., the jail sentence not to exceed seven (7) days.

ARTICLE V BOARDS AND COMMISSIONS

(1) **Village Plan Commission.**

- (a) Creation. Pursuant to §61.35 and 62.23, Wis. Stats., there is hereby created a Village Plan Commission, which Commission is vested with all the authority and powers specified and delegated to city plan commissions pursuant to §62.23, Wis. Stats.

(b) Membership. The Village Plan Commission shall consist of the Village President, one (1) Trustee, and five (5) citizens. The Village President shall be the Commission's presiding officer. Members of this Commission shall hold office during their respective terms and until their successors are appointed. Citizen members shall be persons of recognized experience and qualifications and shall receive such compensation for service on the Commission as may be fixed by the Village Board at its organizational meeting.

(c) Appointments.

1. Trustee Member. The Trustee member shall be annually appointed by the Village President, subject to a two-thirds (2.3) vote at the organizational meeting of the Village Board.

2. Citizen Members. The five (5) regular citizen members of the Commission shall be appointed at the organizational meeting by the Village President, subject to confirmation by the Village Board, for staggered three (3) year terms of office.

3. All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to approve a Village President appointment confirmation timely made by the Village President under this ordinance, the authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.

(d) Powers and Duties. The Village Board, or any officer having final authority thereon, shall refer to the Village Plan Commission, for its consideration and report before final action is taken by the Board or officer, the following matters:

The location and architectural design of any public building; 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 playgrounds; the location, extension, abandonment, or authorization for any public utility whether publicly or privately owned; all plats of land in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236; 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 ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the Village Board, the Board may take final action without it.

(e) Limitation on Application for Rezoning. In event an application for rezoning is denied, no person may apply for a rezoning for the same classification within one (1) year after the public hearing on the initial request for rezoning. This

limitation shall not prohibit the Plan Commission, on its own motion, requesting a second and subsequent public hearing for rezoning to the same classification.

- (f) Any party requesting a special meeting of the Village Plan Commission at a time other than a regularly scheduled meeting shall file such request with the clerk, together with a filing fee of \$200. Such filing fee shall not be required if the special meeting is scheduled at the instance and request of the Hales Corners President, Administrator, or professional planning consultant.

(2) **Board of Appeals**

- (a) Creation. Pursuant to §62.23, Wis. Stats., there is hereby created a Board of Appeals, whose purpose shall be, in appropriate cases and subject to hereinafter enumerate conditions, to make special exception to the terms of the Zoning Code and Building Code in harmony with its general purpose and intent.
- (b) Powers and Duties. The Board of Appeals shall have the following powers: to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official of the Zoning Code and of the Building Code; to hear and decide all special exceptions to the terms of the Zoning Code or Building Code; to authorize upon appeal in specific cases such variance from the terms of the Zoning Code and Building Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Zoning and Building Codes will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Board may permit in appropriate cases, and subject to the conditions of this bylaw, in harmony with the general purpose and intent of the Zoning Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare; and such other powers and duties as may be prescribed from time to time by the Village Board.
- (c) Variances. An application for a variance from the terms of the Zoning Code or Building Code shall be filed with the Clerk, together with a filing fee as follows: for a sign variance, \$250.00; for a zoning or building code variance in an R-1, R-2, or R-3 residential district, \$150.00; for a zoning or building code variance in an R-4, B-1, B-2, B-3, B-4, M-1, P-1, or RCO district, \$300.00. When the Board of Appeals orders a variation from the terms of the Zoning Code or Building Code, it must make such order in writing based upon written findings:
 - 1. That such variation is permitted by reason of practical difficulty or unnecessary hardship.
 - 2. That a substantial justice would be done in permitting such variation.
 - 3. That the spirit of the Zoning Code or Building Code will be observed and that the public safety and welfare will be secured despite such variations.
- (d) Membership. The Board of Appeals shall consist of five (5) members appointed by the Village President subject to confirmation of the Village Board for terms of three (3) years, except that of those first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. The members of the Board shall receive no compensation for serving unless otherwise enacted by ordinance, and shall be removable by the Village President for cause upon written charges and after public hearing. The Village President shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Members shall hold office for their terms or until their successors are appointed. The Village President may appoint,

for a term of three (3) years, two alternate members of such board, in addition to the five (5) members above provided for, to be designated Alternate Member No. 1 and Alternate Member No. 2, who shall act, with full power only when a member of the board refuses to vote because of interest or when a member is absent. The above provisions, with regard to removal and filling of vacancies, shall apply to alternates. Alternate Member No. 1 shall have priority over Alternate Member No. 2 in filling a vacancy. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.

(e) Procedure. The Board shall adopt rules of procedure and may from time to time amend or supersede such rules, all subject to the approval of the Village Board. Decisions shall be rendered and reduced to writing within one (1) week after any hearing held by the Board upon rendition thereof sufficient copies shall be filed with the Village Clerk so that each member of the Village Board and the Building Inspector may receive one such copy of every decision so rendered by the Board.

(f) State Law. The Board shall in all other matters be governed by the provisions of §62.23(7)(e), Wis. Stats.

(g) Rules of the Board of Appeals.

Rule I. Interpretation. The Board of Appeals shall have no power to legislate, to revise, amend or repeal any zoning ordinances building and related codes. Generally, the powers of review of the Board are limited to practical difficulties, or unnecessary hardships, in the way of carrying out the strict letter of the law. The only power or right vested in the Board is to waive exact compliance with the details of the ordinances. To grant such a variance, the Board must find that exceptional and undue hardship will result to the owners and that such relief may be granted only when it can be done without substantial detriment to the public good and without substantially impairing the intent and purposes of the ordinances.

Rule II. Appeals.

1. Who May Appeal. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village affected by any decision of an administrative officer made pursuant to the Building and Zoning Codes of the Village. The procedures outlined herein shall also apply to the provision of Section 7.09 and 8.24(6), Village Code.

2. Time Within Which to Appeal. Such appeal shall be taken within 30 days of the act or omission of the administrative official.

3. Procedure on Appeal. The aggrieved party shall file with the officer for whom the appeal is taken and with the Board of Appeals a written notice of appeal specifying the grounds thereof. The appellant shall annex to the notice of appeal to the Board such plats, surveys, plans, or specifications which are of probative value in the determination of the appeal together with the name and address of the appellant. The officer from whom the appeal is taken shall forthwith transmit to the chairman

all the papers constituting the record upon which the action appealed from was taken.

4. Effect of Appeal. Upon the filing of notice of appeal, an appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of facts stated in a certificate a stay would, in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer for whom the appeal is taken, and on due cause shown.
5. Fixing a Hearing. Upon the filing of the notice of appeal, the Board of Appeals shall fix a time and place for the hearing of the appeal or other matter referred to it.
6. Date and Notice of Hearing. The hearing of the appeal shall be initiated not less than 10 nor more than 30 days from the date of receipt of the request for the hearing. Notice of the hearing shall be given to the applicant, abutting property owners, and adjacent property owners at least seven (7) days prior to the hearing by first class mail addressed to their last known addresses. In addition, for at least seven (7) consecutive days prior to the date of the hearing, a notice shall be posted on the bulletin board in the lobby of the municipal building. In the event the Board of Appeals determines that parties other than those mandated to receive mailed notice of the hearing will be affected, the Board may send additional notices in such manner and to such persons as the Board shall deem appropriate.
7. The Hearing. Upon the hearing any party may appear in person or by agent or by attorney. The chairman may administer oaths and compel the attendance of witnesses. The order of proceeding shall be as follows:
 - a. The appellant shall be heard. He shall state the facts of the case and the grounds for his appeal. He shall file any exhibits which he has not previously filed. He shall present his witnesses, if any. He shall state his argument.
 - b. The administrative official shall be heard. He shall amend and correct the statement of facts, if necessary. He shall file any exhibits which he has not previously filed. He shall present his witnesses, if any. He shall state the basis for his act or omission.
 - c. The appellant shall replay.
 - d. Anyone present shall be given opportunity to be heard.

Any member of the Board at any time may ask questions of any person present. When a person becomes repetitious, or states matters which are irrelevant, immaterial, or incompetent, the chairman may limit the discussion.

8. Adjournment of the Hearing. For any reasonable cause after the start of the hearing, the Board may adjourn the hearing to a day certain which shall not be more than seven (7) days from the date of the initial hearing. Adjourned hearings thereafter shall be set on consecutive days excluding Saturdays, Sundays, and legal holidays.
9. Determination of the Board. Within one week after the conclusion of the hearing, the Board must make its final determination. The Board may

reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the appellant on any matter which it is required to pass under any such ordinance, or to effect any variation in such ordinance. Whenever the Board orders a variation from the terms of the Zoning Code or Building Code or related codes, it must take such order in writing based upon written findings:

- a. That such variation is permitted by reason of practical difficulty or unnecessary hardship; and
 - b. That substantial justice will be done in permitting such variation;
 - c. That the spirit of the Zoning Code or Building and related codes will be observed and that public safety and welfare will be secured despite the variation.
10. Disposition of the Orders. Upon rendition of its decision, sufficient copies thereof shall be filed with the Village Clerk so that each member of the Village Board and the Building Inspector may receive one such copy of every decision so rendered by the Board.
11. Any decision of the Board of Appeals affecting the acquisition of a building permit shall remain in full force and effect for a period of one year. In event a building permit is not obtained within one year from such date, the decision of the Board of Appeals will be null and void.

Rule III. Meetings

1. At Call of Chairman. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.
2. Open to the Public. All meetings of the Board shall be open to the public.
3. Records. 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 examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

- (3) **Board of Review.** Pursuant to the optional method set forth in §70.46, Wis. Stats., the Board of Review shall consist of five (5) residents of the Village of Hales Corners, none of whom may occupy any public office or be publicly employed. The members shall be appointed by the Village President with the approval of the Village Board for staggered five (5) year terms. One appointee shall be a member of the Board of Appeals; one appointee shall be a member of the Building Board; one appointee shall be a member of the Plan Commission. Additionally, one (1) resident may be appointed to serve as an alternate in the absence of a regular member of the Board of Review. All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to approve a Village President appointment confirmation timely made by the Village President under this ordinance, the

authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.

(4) **Board of Fire and Police Commissioners.**

- (a) The Village President, with the advice and approval of the Village Board, shall appoint five (5) members of the Board of Police and Fire Commissioners for terms expiring upon the appointment of their respective successors in the years 1963 to 1967, both inclusive. After the initial appointments, beginning with the year 1963 each appointment shall be made for the term of five (5) years as provided by statute. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.
- (b) The Board of Police and Fire Commissioners shall have the authority to appoint and remove the Chief of Police and the Chief of the Fire Department, who shall hold their offices during good behavior, subject to suspension or removal by the Board for cause, in accordance with §62.13, Wis. Stats.
- (c) The Board of Police and Fire Commissioners shall serve as an appeals board in case of dismissals and suspensions of Police Department and Fire Department personnel; shall adopt, repeal, or modify the rules calculated to secure the best service in the departments; and shall have such other authority and duties as prescribed by §62.13, Wis. Stats.
- (d) The jurisdiction of the Board of Police and Fire Commissioners shall extend to volunteers designated "Paid-on-Call" firefighters.
- (e) Under the provisions of §62.13, Wis. Stats., the Village Board elects not to have the Village President as a member of said Commission.
- (f) Pursuant to the adoption by the electors at the regular election held on April 1, 1980 of the optional powers of the Board of Police and Fire Commissioners under §62.13(6), Wis. Stats., the Board of Police and Fire Commissioners shall have the further power:
 - 1. To organize and supervise the fire and police departments and to prescribe rules and regulations for their control and management.
 - 2. To contract for and purchase all necessary apparatus and supplies for the use of the departments under their supervision, exclusive of the erection and control of the police and fire station buildings.
 - 3. To audit all bills, claims, and expenses for the fire and police departments before the same are paid by the Village Treasurer.
 - 4. The provisions of this section shall supersede any conflicting provisions which may be contained in the Village Code.

(5) **Election Officials.** Pursuant to §6.23(1a), Wis. Stats., the number of election officials for each election district within the Village is decreased to five (5), consisting three (3)

inspectors of elections and two (2) ballot clerks. The Village Clerk may appoint a Deputy Clerk in charge of elections.

(6) **Hales Corners Recreational Committee.** The Hales Corners Recreational Committee is created for the purpose of coordinating and supplementing the activities of public and private agencies devoted in whole or part to the welfare of youth.

(a) Composition. The Committee shall be appointed by the Village President with the approval of the Village Board to serve for a term starting on September 1 and ending on the next August 31. The Committee shall consist of five (5) voting members, four (4) citizens at-large, and one (1) Whitnall School Board member as recommended by the President of the Whitnall School Board. The Committee shall elect a Chairman, Vice-Chairman, Treasurer, and Secretary from among its membership. There shall be two (2) non-voting ex-officio members appointment in the same fashion: the Director and a Village Board liaison. All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to approve a Village President appointment confirmation timely made by the Village President under this ordinance, the authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.

(b) Powers and Duties. The Recreational Committee shall be responsible for the management of Village-funded or Village-sponsored programs and activities for youth as determined appropriate by such Committee and funded by the Village Board. It shall be under the general supervision and control of the Village Administrator.

(c) Receipt and Disbursement of Funds.

1. The Village may receive and expend monies from the State or Federal government or private persons for the welfare of youth. Any monies received for such purposes shall be held in trust by the Village. The Village may also levy taxes and appropriate money for recreational and welfare project for youth.

2. All expenditures and all revenues whether from the Village funds or any other source such as grants, donations, or sale of advertisements shall be under the direct control of the Village and shall be handled in accordance with Village procedures.

3. All external funds shall be handled in accordance with Village Board policy on external funding of Village-sponsored programs.

(d) Compensation. The Committee, with the exception of the Director, shall serve without compensation. The Director shall serve at such compensation as the Village Board shall determine.

(e) Meetings. The Committee shall meet at the call of the Chairperson using proper notice procedure. Meetings shall be held not less than four (4) times per year.

- (f) Procedures. The Treasurer shall be kept informed by the Director of all financial matters and shall render an accounting to the Village Board of all receipts and disbursements at or near the first regular Village Board meeting in August.
- (7) **Fourth of July Committee.** The Fourth of July Committee shall plan and supervise Village-sponsored festivities for the Fourth of July.
- (a) Composition. The Village President, with the advice of the Village Board, shall appoint 15 members of the Fourth of July Committee who shall serve for terms of three (3) years starting on November 1, except that of those first appointed, five (5) shall serve until October 31, 1990, five (5) shall serve until October 31, 1991, and five (5) shall serve until October 31, 1992; thereafter, at the first meeting in October of each year, the vacancy shall be selected for three (3) year terms. A member of the Village Board shall serve as a non-voting member acting as a liaison to the Village Board and shall be appointed by the Village President for an annual term beginning each November 1. The Village President shall also appoint a youth representative as a non-voting member for an annual term beginning each November 1. All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to approve a Village President appointment confirmation timely made by the Village President under this ordinance, the authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.
 - (b) Powers and Duties. The Committee shall have the responsibility of planning and supervising the Village-sponsored festivities for the Fourth of July. The Committee shall foster volunteerism in carrying out its responsibilities.
 - (c) Receipt and Disbursement of Funds.
 1. All contracts shall be authorized by the Village Board.
 2. All expenditures and all revenues shall be under the direct control of the Village and shall be handled in accordance with Village procedures. All funding from non-Village sources shall be handled in accordance with the Village policy on external funding of Village-sponsored programs.
 - (d) Compensation. The Committee shall serve without compensation. Out-of-pocket expenses shall be reimbursed by the Village under standard budget and financial procedures.
 - (e) Meetings. The Commission shall meet at the call of the Chairperson using proper notice procedure.
 - (f) Procedures. The Committee shall select its own president, vice-president, secretary, and treasurer who shall serve for one-year terms.
- (8) **Building Board**
- (a) Composition of Board. The Building Board shall consist of seven (7) residents of the Village, appointed by the Village President, subject to confirmation of the

Village Board, for terms of three (3) years. Of the initial seven (7) members, two (2) shall serve for a term expiring April 30, 1967, two (2) shall serve for a term expiring April 30, 1968, three (3) shall serve for a term expiring April 30, 1969; thereafter the successors shall serve three (3) year terms. All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to approve a Village President appointment confirmation timely made by the Village President under this ordinance, the authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.

(b) Procedure. The Building Board shall select its own chairman and its own secretary, and in event any applications are pending, shall meet regularly at 7:30 p.m. on each Monday, to consider applications which have been filed by noon of the prior Friday. Three (3) members shall constitute a quorum, but only those members in attendance shall be compensated for serves at a meeting. The Building Inspector shall be an ex-officio member of such board, shall attend each meeting, and shall be compensated in the same manner as regular members of the Board. Members of the Building Board shall be compensated as determined by the Village Board. Two unexcused absences during a term shall be cause for removal by the Village Board.

(9) **Hales Corners Historical Commission.** The Village President with the advice and approval of the Village Board, shall appoint five (5) members of the Hales Corners Historical Commission, who shall coordinate, preserve, and care for all records, both printed and written, and other materials of historical interest illustrative of the history of Hales Corners and one of whose functions shall be the establishment of an affiliated local historical society pursuant to §44.03, Wis. Stats. The term of said members shall be for three (3) years starting on April 30, except that of those first appointed, one shall serve until April 1974, two shall serve until April 30, 1975, and two shall serve until April 30, 1976. A sixth ex-officio member, who shall be a trustee of the Village, shall be appointed by the Village President at a regular board meeting in April to serve for a term of one year. The five members of the Commission shall select their own president, vice president, secretary, and treasurer who shall serve for one year terms commencing on April 30. All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to approve a Village President appointment confirmation timely made by the Village President under this ordinance, the authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days

after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.

(10) **Library Board**

- (a) Composition. The Library Board shall be composed of seven (7) members appointed by the Village President with the approval of the Village Board. The Village President shall appoint as one of the members, a school district administrator or his representative to represent the public school district in which the Public Library is located. Not more than one (1) member of the Village Board shall at any one time be a member of the Library Board.
- (b) Term. The initial appointment shall be made as follows: Two (2) to serve for three years, two (2) to serve for two years, and one (1) to serve for one year from July 1, in the year of their appointment. Thereafter, each regular appointment shall be made for a term of three years.
- (c) Duties. The Library Board shall have the powers and duties set forth in Chapter 43, Wis. Stats.
- (d) Officers. The members of the Library Board shall organize by the election, from among their number, of a President and such other officers as they deem necessary.
- (e) Compensation. No compensation shall be paid to the members of the Library Board for their services, but they may be reimbursed for their actual and necessary expenses incurred in performing their duties outside the municipality if so authorized by the Village Board.
- (f) Meetings. The Library Board shall meet at least once every three months or more at the call of the President.

(11)

- (12) **Board of Canvassers**. Pursuant to §7.53(2), Wis. Stats., the Hales Corners Board of Canvassers for municipal elections shall consist of the municipal clerk and two (2) other reputable citizens appointed by the clerk prior to the date of the election being canvassed to perform the duties imposed by §7.51, Wis. Stats.

(13) **Ethics Board**.

- (a) Composition. The Ethics Board shall consist of five (5) residents of the Village of Hales Corners, none of whom may be Village officials or employees. Upon creation of the Ethics Board, the Village President shall appoint, subject to confirmation by the Village Board, members in three (3) classes: two (2) of such members shall serve for three (3) years, two (2) to serve two (2) years, and one (1) to serve for a period of one (1) year or until the next organizational meeting, whichever is first. Subsequently, members shall be appointed by the Village President at the Board's organizational meeting, subject to confirmation by the Village Board, for staggered three (3) year terms. The Ethics Board shall annually elect a chairperson and secretary. All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to

approve a Village President appointment confirmation timely made by the Village President under this ordinance, the authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.

- (b) Duties. The Ethics Board shall perform those duties prescribed under the Village Ethics Code in Article XV of the Bylaws of the Village of Hales Corners Code of Ordinances.
- (c) Meetings. The Ethics Code shall meet twice a year or as necessary to enforce the Ethics Code or provide ethics opinions.

(14) **Environmental Committee**. The Environmental Committee is created to encourage ecologically sound practices and preservation of natural resources within the Village.

- (a) Composition. The Village President shall appoint, subject to confirmation by the Village Board, seven (7) voting members of the Committee. The Village President shall designate one of those appointed as chairperson. The seven (7) members shall serve staggered terms of three (3) years starting on July 1, except that of those first appointed two (2) shall serve until June 30, 1991, two (2) shall serve until June 30, 1992, and three (3) shall serve until July 30, 1993. A member of the Village Board shall serve as a non-voting member acting as a liaison to the Village Board and shall be appointed by the Village President for an annual term beginning each July 1. All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to approve a Village President appointment confirmation timely made by the Village President under this ordinance, the authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.
- (b) Powers and Duties. The Committee shall:
 1. Assist in the development and implementation of programs related to yard waste reduction and disposal. By way of illustration, but not of limitation, such programs shall include: providing educational material to residents through the Village website, newsletter and other outlets; reviewing policies on open burning practices; and advising the Village Board on new legislation pertaining to yard waste reduction and disposal.
 2. Advise the Village Board on matters relating to its responsibility for environmental protection. By way of illustration, but not of limitation, such matters shall include: advising the Village Board on ecological and recycling programs and legislation; assisting the Village in complying

with ecological and recycling requirements; monitoring new technologies and developments in handling recyclable wastes and materials; investigating methods of pollution abatement; monitoring invasive species threats in the Village; and reviewing lawn care and composting programs.

3. Function as the Village's Tree Board. By way of illustration, but not of limitation, such matters shall include: preparing grant applications for tree programs; advising the Village Board of new treatments, issues or programs for tree preservation and care; providing educational materials for residents regarding tree care; maintaining the Village's Tree City USA eligibility; advising the Village Board on tree management plans; and advising the Village Board on planting choices for Village projects.
- (c) Receipt and Disbursement of funds. All revenues shall be appropriated by the Village Board. All expenditures and all revenues shall be under the direct control of the Village and shall be handled in accordance with Village procedures.
- (d) Compensation. The Committee shall serve without compensation. Out-of-pocket expenses shall be reimbursed by the Village under standard budget and financial procedures.
- (e) Procedures. The Committee shall meet monthly and at the call of the chairperson using proper notice procedure. The Committee shall choose a vice-chairperson and secretary from among its members.
- (f) Quorum. Three (3) members shall constitute a quorum.

(15) **Health Board**

- (a) Composition. The Health Board shall consist of five (5) members: the consulting physician of the health department, a Village trustee, and three (3) resident citizen members appointed by the Village President with the approval of the Village Board. The three citizen members shall have a demonstrated interest or competence in the field of public health or community health. A good faith effort shall be made to appoint a physician and a registered nurse. The health department administrator shall serve as a non-voting, ex-officio member.
- (b) Term. The initial appointment of the citizen members shall be made as follows: one (1) to serve three years, one (1) to serve two years, and one (1) to serve one year, from July 1, in the year of their appointment. Thereafter, each regular appointment shall be made for a term of three years. The Village Board trustee appointment shall be made at the Village Board organizational meeting in April for a term of one year. The term of the consulting physician appointment arises from the office and shall continue for the individual appointed only while the individual holds the consulting physician to the health department position.
- (c) Powers and Duties. The Health Board shall have the powers and duties to enforce all public health laws, rules, and orders; to report to the department; and to make such assessments and determinations of public health needs, all as set forth under §251.04, Wis. Stats., including, but not limited to, adopting regulations, contracting, and employing public health professionals under §251.04(8), Wis. Stats., the final approval authority for which matters shall be in the Village Board.
- (d) Officers. The members of the Health Board shall organize by the election, from among their members, of a Chair and such other officers as they deem necessary.
- (e) Compensation. Members of the Health Board shall serve without compensation. Out-of-pocket expenses may be reimbursed by the Village under standard budget and financial procedures in the sole discretion of the Village Board.

- (f) Meetings. The Health Board shall meet at least quarterly, or more, at the call of the Chair.

ARTICLE VI POLICE DEPARTMENT

- (1) **Police Department.** There is established within the Village of Hales Corners a police department, which shall consist of one Chief and such other officers as may from time to time be determined by the Village Board. The Police and Fire Commission shall have supervisory control over the department.
- (2) **Appointments, Suspension, and Removal.** All members of the Police Department, including the Chief, shall be appointed, promoted, suspended, dismissed, or reduced in rank pursuant to §62.13, Wis. Stats.
- (3) **Chief of Police.**
- (a) General Power. Subject to the provisions of this Article and the lawful orders of the Police and Fire Commission, the Chief of Police shall be in charge of the Police Department. The Chief of Police shall be the Village Marshall ex-officio upon executing and filing his official bond as such Marshall, pursuant to §61.28, Wis. Stats.
- (b) Duties. The Chief of Police, subject to the provisions of this Article, shall cause the public peace to be preserved and see that all ordinances of the Village and the laws of the State of Wisconsin are enforced and obeyed; that the rules and regulations for the government of the Police Department are obeyed and whenever any violation of the ordinance or laws shall come to his attention, he shall cause requisite complaint to be made and see that all available evidence is procured for the successful prosecution of the offender or offenders. He shall be responsible for the efficient and general good conduct of his department, and shall be empowered to make regulations to accomplish efficiency.
- (c) Deposit of Penalty and Costs. The Chief of Police whenever in his opinion circumstances may require, may receive from any person who has been accused of violating any Village ordinance and has been arrested therefor, a deposit in money equal to the whole amount of the penalty and cost prescribed for such violation and may release such person from arrest until the subsequent convening of the court, but in each such case he shall issue a serially-numbered receipt for such payment, a duplicate of which shall be permanently filed at police headquarters within six (6) hours after the issuance of the same.

If the person arrested fails to appear personally or by authorized agent or attorney before the court at the time fixed for hearing, the money deposited with the Chief shall be retained and used for the payment of the forfeiture and cost which may be imposed, and the balance, if any, remitted to the depositor, and evidence of such payment shall be permanently filed at police headquarters. If such person is acquitted, the whole amount shall be refunded to the depositor. The Village shall in no case be liable for any money so deposited. No member of the Police Department shall furnish bail for any person arrested. The Chief shall file verified reports of all such moneys received and disbursed by him with the Village Treasurer on the first day of January, April, July, and October. The Chief may empower any member of his department to accept such deposits; however, the Chief is solely responsible for all payments, rebates, and accounting of funds so deposited.

- (d) Regulations of Department. The Chief shall regulate and assign the hours and duties for each of the members of the Department.
 - (e) Hours of Duty. The normal hours of duty and vacation for the Chief of Police shall be as prescribed by the Police and Fire Commission. He shall be on duty during such hours as are necessary to enable him to properly supervise and participate in the work of the Department to the satisfaction of the Village Board. Except in case of an emergency, the Chief of Police is prohibited from leaving Milwaukee County during his on-duty hours without the express consent of the Commission Chairman.
 - (f) No Other Employment. The Chief shall devote his entire time and attention to the business of the Department, and he is prohibited from following any other calling or being employed in any other business.
 - (g) Records. The Chief shall cause a record to be kept on all complaints and applications calling for the service of the Police Department. He shall also cause to be made a daily record of all violators of law and ordinances, fires within the Village, dangerous places and accidents with cause and proofs, and such other data as may be prescribed from time to time by the Police and Fire Commission.
 - (h) Reports. Three (3) days prior to the first regular meeting each month of the Police and Fire Commission, the Chief shall submit to the Commission Secretary a written report of the principal activities of the Police Department, of the schedule of on-duty hours for all members of the Police Department from the preceding report, and of such other matters as may be prescribed from time to time by the Commission.
- (4) **Salaries.** Salaries of the Chief and all other members of the Department shall be as determined by the Village Board from time to time.
- (5) **Hours of Duty; Overtime Pay; Vacations.** The hours of duty, overtime pay, and vacations shall be as prescribed by the Village Board.
- (6) **Uniform and Allowances.** Each policeman shall furnish his own uniform and shall receive such uniform allowances as the Village Board shall prescribe. No policeman shall have a vested right in the uniform allowance, and in event he shall terminate his employment with the Village as a policeman prior to any time hereinbefore set for payment of the uniform allowance, he shall not receive any pro-rata payment.
- (7) **Equipment.** The Village shall furnish firearms, ammunition, raincoats, and badges to the Chief and subordinates and such equipment shall remain the property of the Village under the care and charge of the Chief.
- (8) **Examinations.** All examinations for appointment to the Police Department shall be carried on according to regulations and under the supervision of the Board of Police and Fire Commissioners. The Board of Police and Fire Commissioners shall certify to the Chief of Police the three (3) most qualified applicants for each appointment (less than three permitted if less than three qualify). The Chief of Police shall make an appointment from the three applicants so certified; in the event less than three applicants are so certified, the Chief of Police may make an appointment or may request the Board of Police and Fire Commissioners to continue examining applicants until three are certified.
- (9) **Probationary Period.** Any member of the Police Department may be suspended for a period of 30 days or removed by the Chief of Police during his first year of service.

- (10) **Rules.** The rules of the Department shall be promulgated by the Chief, subject to approval of the Police and Fire Commission.

ARTICLE VII FIRE DEPARTMENT

- (1) **Disbandment and Creation.** The volunteer fire company organized under Chapter 213, Wis. Stats., under the tile of Hales Corners Volunteer Fire Department, Inc., is disbanded pursuant to §213.04, Wis. Stats. In lieu thereof the members of such fire organization are officially recognized as the Fire Department of the Village of Hales Corners, and the duty of fire fighting and the prevention of fires in the Village of Hales Corners is delegated to such Department.

- (2) **Rules.** The rules for the control, management and government and for the regulation of business and proceedings of the Department are as follows:

Rule I. Purpose of Department

- (a) To aid and assist in the extinguishment of fires, to protect life and property in the work of extinguishment of fires, to provide emergency rescue and first aid services, and otherwise to do, perform, and engage in such things as are especially necessary and incidental to fully carry out the general purposes of said department.

Rule II. Name

- (a) The name of the Department shall be the Hales Corners Fire Department and its location and principal office shall be in the Village of Hales Corners.

Rule III. Membership. The Chief shall select the “paid-on-call” firemen. The Fire and Police Commission shall select all full-time firemen. Within a period of one year from the date of appointment, full-time firemen shall serve a probationary period and shall be subject to removal during such probationary period without cause by a majority vote of the Board of Police and Fire Commissioners.

Members are only those who actively participate in fire fighting or rescue squad activities of the Department and those who are certified as adequately trained therefore by the Chief.

Rule IV. Appointments, Suspension, and Removal. All full time members of the fire department including the Chief, shall be appointed, promoted, suspended, dismissed, or reduced in rank pursuant to §62.13, Wis. Stats.

Rule V. Administrative Officers.

- (a) The administrative officers of the Fire Department shall be as follows: a “Fire Chief”, and “Assistant Fire Chief”, a “Deputy Fire Chief”, “Captains”, “Lieutenants”, and “Fire Inspector”.

(b) Fire Chief.

1. Duties. The Fire Chief shall have charge of all fire and rescue apparatus and equipment, and shall be in full command and charge of directing the performance of said Fire Department in attendance upon the extinguishment of any fire or protection of any life or property in such work and duties. The Chief of the Fire Department is authorized to give aid, whenever possible, to any municipality which maintains a Fire Department in case of serious fire or emergency provided that mutual aid

will not jeopardize the fire defenses of the Village of Hales Corners. The Chief of the Fire Department is authorized to request aid, whenever necessary, from any neighboring municipality which maintains a Fire Department in the event of a serious fire or emergency within the limits of the Village of Hales Corners.

2. Selection. The Fire Chief shall be subject to tenure, removal, and suspensions, as provided in §62.13, Wis. Stats., and Article V(4)(e) of the Bylaws of the Village of Hales Corners. Selection, tenure, removal, and suspension shall be in accordance with §62.13, Wis. Stats., and Article V(4)(e) of the Bylaws of the Village of Hales Corners.
 3. Probationary Period and Residence. The Fire Chief, within the period of one year from the date of his appointment, shall serve a probationary period and shall be subject to removal during such probationary period without cause by a majority vote of the Board of Police and Fire Commissioners. As soon as practicable, the Fire Chief shall be a resident of the Village, and arbitrary refusal to comply with such residency requirement shall be cause for removal.
- (c) Fire Inspector. It shall be the duty of the Fire Inspector to inspect at least very six (6) months all buildings, premises, and thoroughfares within the Village for the purpose of noting and causing to be corrected any condition liable to cause a fire. The Inspector shall also investigate and issue permits in accordance with the regulation of the State Industrial Commission for the storage and handling of explosives and flammable liquids within the Village. He shall perform such other duties as required by the State Industrial Commission.
- (d) Additional Rules and Regulations. The Fire Chief may from time to time publish such further rules and regulations not in conflict with these rules or the ordinances of the Village as to the duties of the Fire Chief, Assistant Fire Chief, Deputy Fire Chief, Captains, Lieutenants, Fire Inspector, and the members of the Fire Department.

Rule VI. Members Subject to Authority. Every member in attendance upon any fire or alarm of fire, or at the Fire House attending at the alarm for any fire or training session, shall be under the command of the Fire Chief or Line Officer, and shall in no way interfere with their duties, and any member violating this provision or acting in an insubordinate manner shall be subject to suspension or expulsion in the manner herein provided.

- (3) **Funds and Disbursements.** The Village Board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency, properly protect life and property from fire, and properly provide rescue service.
- (4) **Police Power of Department.**
- (a) The Fire Chief and assistants and officers in command at any fire are vested with police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
 - (b) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come. The Chief may cause the removal of any property whenever it shall become necessary for the

preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of the fire.

- (c) Firemen May Enter Adjacent Property. Any fireman while acting under the direction of the Chief or other officer in command may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and in case of any person shall hinder, resist, or obstruct any fireman in the discharge of his duty as is herein provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (d) Duties of Bystander to Assist. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

(5) **Fire Inspections.**

- (a) Whenever any inspection by the Fire Inspector or his deputies reveals a fire hazard, the Inspector or his deputies shall serve a notice in writing upon the owner of the property giving said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire Inspector or his deputy may have the same removed by the Village and the cost of such removal shall be recovered in an action by the Village against the owner of the property.
- (b) The Fire Inspector shall keep a written record card of each property inspected which shall conform to the requirements of the Industrial Commission and shall make the quarterly report of inspections required by the Industrial Commission.
- (c) No person shall deny the Fire Inspector or his deputies free access to any property within the Village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of his duty or refuse to observe any lawful direction given by him.

(6) **Apparatus**

- (a) The Fire Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the officer then in charge of the Department.
- (b) No person shall willfully injure in any manner any hose, hydrant, or fire apparatus belonging to the Village of Hales Corners, and no vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street, private driveway, or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

- (7) **Effective Date.** This ordinance shall take effect and be in force from and after its passage. Until the appointment of a full-time Fire Chief, the present Assistant Fire Chief shall assume the responsibilities and duties of the Fire Chief.

ARTICLE VIII DEPARTMENT OF PUBLIC WORKS

(1) **Creation and Jurisdiction.** There is created the Department of Public Works for the Village of Hales Corners, which shall be charged with ministerial and administrative functions to carry out the authority of the Village Board with respect to all streets, alleys, highways, sidewalks, crosswalks, parks, public grounds, Village Hall, public buildings, ditches, drains, sewers, water mains, culverts, weed cutting, garbage and rubbish collection, incineration, dumping, snow and ice removal, street lights, street numbering, and street signs, except as otherwise provided by law or the Hales Corners ordinances.

(2) **Commission of Public Works.**

(a) The Village President with the advice and approval of the Village Board, shall appoint five (5) regular members and two (2) alternate members of the Commission of Public Works, who shall hold office during their respective terms and until their successors are appointed, and who shall be persons of recognized experience and qualification. The term of said regular and alternate members shall be for three years starting on April 30, except that of those first regular members appointed, one (1) shall serve until April 30, 1974, two (2) shall serve until April 30, 1975, and two (2) shall serve until April 30, 1976. An ex-officio member who shall be a trustee of the Village, shall be appointed by the Village President at a regular Village Board meeting in April to serve for a term of one year. Upon and subject to call by the Director of Public Works, an alternate member shall be counted in a quorum determination and shall have the full powers and duties of the five (5) regular members.

All members shall be appointed by the Village President, subject to the confirmation of the Village Board; provided, however, that should the Village President fail to make any such appointment and file the same in writing with the Village Administrator no later than 60 days from the date of expiration of the term of the position to be filled, or within any subsequent 60 day period following a Village Board action denying or failing to approve a Village President appointment confirmation timely made by the Village President under this ordinance, the authority to select and appoint thereafter shall be with the Village Board. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor and no such appointee shall thereafter have any of the power, authority, or duties of a member, de facto, holdover, or otherwise.

(b) The Village Board shall refer to the Commission of Public Works for its consideration and report the following matters: the annual budget of the Department of Public Works; the location plan and design of all ditches, culverts, sanitary sewers, drains, water mains, culverts, street lights, street signs, and street numbering; the plans for patching and paving of streets, alleys, and sidewalks; such other matters as the Village Board may refer to its attention from time to time. Said Commission is specifically empowered to determine which public works projects should require bidder's proof of responsibility pursuant to §66.29(2), Wis. Stats., to prepare a standard form of questionnaire and properly evaluate the sworn statements of bidders filed relative to financial ability, equipment, and experience.

(3) **Personnel**

- (a) Superintendent of Public Works. The Superintendent of Public Works, appointed by the Village Board with the advice of the Commission of Public Works, shall by virtue of his appointment as such, also be the street commissioner, weed commissioner, engineer of sanitary facilities, and a member of the committee on Streets, Public Works and Utilities of the Village Board but without a vote. He shall have charge and superintendence, subject to such directions as may be given from time to time by the Village Board of the Department of Public Works.
- (b) Operator and Maintenance Man. The operator and maintenance man shall be hired by the Village Board upon the recommendation of the Superintendent of Public Works. He shall perform such services as may be delegated to him by the Superintendent of Public Works.
- (c) Engineer. The Engineer shall be appointed by the Village Board with the advice of the Commission of Public Works. He shall render professional engineering services for the Village for such jobs and projects as the Village Board shall determine upon the recommendation of the Commission of Public Works. There may be more than one Engineer for the several jobs and projects within the Village. The said Commission must certify for approval to the Village Board the compensation to be paid to the Engineer.
- (d) Incidental Laborers. Incidental Laborers may be hired by the Superintendent of Public Works at a compensation to be determined by the Commission of Public Works. The Superintendent of Public Works must certify for approval to the Village Board the payroll for incidental laborers.
- (e) Clerical Help. The Village Clerk shall furnish all clerical help to the Department of Public Works.

ARTICLE IX VILLAGE PERSONNEL

- (1) **Scope and Intent.** The Village Board intends to promote personnel policies which aid in the recruitment and retention of high quality employees. This article applies to any full-time employee of the Village of Hales Corners except for those whose employment is covered by a collective bargaining agreement. It shall apply to part-time and temporary employees as specifically indicated in each section. This article may be amended by the Village Board from time to time as warranted by the Board.
- (2) **Hours of Work.** All full-time employees shall normally work 40 hours per week at straight time pay. Each employee's work week shall be specified and agreed to between the employee and the Village Administrator or the Administrator's designee. Emergency hours over 40 per week may be compensated with overtime pay or a compensatory time agreement. Department heads are not overtime eligible under this provision.
- (3) **Salaries, Etc.** Salaries, compensation, per diem, mileage reimbursement rates and other allowances shall be determined by the Village Board from time to time and shall be approved by resolution.
- (4) **Wisconsin Retirement Fund.** Employees eligible under §66.90, Wis. Stats., shall be covered under the State of Wisconsin Retirement Fund. In support of the employee's share of earnings contributions to the Wisconsin Retirement Fund, the Village will pay up to 5% of non-protective personnel earnings and 6% of protective personnel earnings. Effective January 1, 1986, the Village will pay up to 6% of non-protective personnel earnings and 7% of protective personnel earnings.

- (5) **Insurance Carriers.** The Village Board shall have the sole authority to select the carrier(s) for all insurance programs provided by the Village with the concurrent right to change carrier(s) at its discretion.
- (6) **Insurance Continuation.** If an employee is absent because of illness the Village will pay medical and surgical insurance coverage during the period in which the employee received wages or salary for time not worked. At the expiration of salary continuance the Village will pay for both members and dependent hospital, medical, surgical, and disability insurance coverage for the period of total disability but not for more than a period of 120 days from the start of disability.
- (7) **Sick Leave.** Employees shall be entitled to and earn sick leave at the rate of one (1) day per months from the time of hire. Earned sick leave credits may be accumulated to 130 days. The Village Administrator may require a physician's statement prior to authorizing payment.
- (8) **Funeral Leave.** Each full-time employee shall be given immediate family funeral leave with pay. Two (2) workdays may be taken for funerals conducted Friday through Monday and three (3) workdays for those conducted Tuesday through Thursday. Such days must fall within a period commencing three (3) days prior and ending three (3) days following the funeral day. The funeral day is a leave day when conducted on a workday. Immediate family means: spouse, children, grandchildren, and either spouses' parents, grandparents, siblings, or sibling spouses or children. Regularly scheduled part-time employees shall receive such leave pro rata.
- (9) **Jury Duty or Temporary Military Service.**
- (a) Any employee with more than one (1) year of service required to take leave for military training or military service because of riot or disturbance shall receive full salary for the workdays for the period of up to two (2) weeks in any calendar year. An employee who has less than a year's service as an employee of the Village may also be absent for the reasons and periods set forth above, but shall not be eligible for the military pay differential.
 - (b) Any employee of the Village who is required to serve on jury duty shall be granted a pay differential for such period of service.
 - (c) In the computation of the pay differential, such items as subsistence, rental, and travel allowance shall not be included in determining pay received from the government. Any other payment received for such service or training shall be assigned to the Village. Any payment for military training, military service, or jury duty in excess of the prevailing Village salary of the employee shall be paid over to the employee.
- (10) **General Leave of Absence.**
- (a) A leave of absence may be granted to any full-time employee who has 12 consecutive months or more of service, provided the reason given for the leave of absence is a valid reasons in the opinion of the approving authority.

The taking of full-time employment elsewhere or part-time employment on leave of absence without the consent of the Village Board shall be cause for discharge.

A leave of absence of up to two (2) weeks duration may be granted by the Village Administrator.

A leave of absence in excess of two (2) weeks duration may be granted by the Village Board upon the recommendation of the Village Administrator and Personnel Committee.

- (b) The Village recognizes that a disability relating to pregnancy or childbearing must be treated the same as any other sickness, illness, or disability. Accumulated sick leave may be utilized during such disability consistent with the provisions in the applicable collective bargaining agreements and Village resolutions, including the provisions relating to the submission of a doctor's certificate.

Requests for a leave of absence without pay for childbearing purposes as well as for adoptions, pre-adoption placement of a child, and care for an employee's child, spouse, or parent during a period of serious health condition will be handled in the same manner as other requests for a leave of absence without pay. Such requests will be handled consistent with the provisions in the applicable collective bargaining agreements, Village bylaws, Wisconsin and Federal law.

- (c) Insurance While on Leave of Absence – While on leave of absence, an employee may continue his hospital and medical insurance coverage, both employee and dependent coverage, and his life insurance protection provided the employee pays the full cost of the aforesaid insurance protection.

(11) **Work Rules.** The Village shall have authority to establish work rules where necessary to conduct safe, efficient operations.

(12) **Normal Retirement.** The normal retirement date for all Village employees shall be the end of the month during which the employee reaches his 65th birthday, except for those whose retirement benefits are to be received in whole or part from the protective services. For those employees, the normal retirement age shall be 55 years of age.

(13) **Terminal Leave Pay.**

- (a) A portion of accumulated unused sick leave time shall be paid as provided under Section 7 of this article. Any employee covered by this article who began employment with the Village of Hales Corners on or before January 1, 1976 shall be entitled to a 50% pro-rata payment at separation; all other employees shall receive a pro-rata payment of 50% or 45 days, whichever is less. In addition, those employees shall be required to have at least seven (7) years of continuous employment with the Village in order to be eligible for this benefit.
- (b) Unused and earned vacation shall be paid in accordance with the provisions of a duly approved resolution.
- (c) The vacation time indicated in such resolution shall be paid in accordance with prevailing pay scale at termination.
- (d) In the event that retroactive pay scales have been authorized but not implemented at time of termination, such pay scales will be used in establishing termination pay. However, if the employee is terminated through discharge for just cause, any terminal pay for which he may be eligible will be based on his rate prevailing immediately prior to the retroactive rate.

ARTICLE X FINANCE

- (1) **Adopt Section 66.044.** The Village Board elects the alternative system of approving claims pursuant to Section 66.044, Wis. Stats. Payments may be made from the Village treasury after the Clerk of the Village shall have audited and approved each such claim as a proper charge against the treasury, and shall have endorsed his approval thereon after having determined that the following conditions have been complied with:
 - (a) That funds are available therefore pursuant to the budget approved by the governing body.
 - (b) That the item or service covered by such claim has been duly authorized by the proper official, department head, or board or commission.
 - (c) That the item or service has been actually supplied or rendered in conformity with such authorization.
 - (d) That the claim is just and valid pursuant to law. The Clerk may require the submission of such proof and evidence to support the foregoing as in his discretion he may deem necessary.

- (2) **Clerk's Bonding and Duties: Annual Audit.**
 - (a) The clerk shall be covered by a fidelity bond in the sum of \$25,000.
 - (b) The clerk shall file with the Village Board not less than monthly a list of the claims approved, showing the date paid, name of claimant, purpose, and amount.
 - (c) The annual audit under section 4 hereof shall be performed by a public accountant licensed under Chapter 442, Wis. Stats.

- (3) **Order Checks.** Payment of all accounts and demands against the Village included in such orders, all lawful disbursements of the Village, including investments, shall be by order checks against any Village depository signed by any two (2) of the following: the President, the Treasurer, the Clerk, a Deputy Clerk designated by the Village Board, and a Deputy Treasurer designated by the Village Board.

- (4) **Annual Audit.** The financial records of the Village shall be audited annually following the closing of the calendar year by a certified public accountant.

- (5) **Surplus.** Any surplus funds of the Village may be segregated for a specific purpose or purposes pursuant to a resolution adopted by a vote of 2/3 of the members of the Village Board. Any such surplus funds so segregated may only be expended or used for a purpose or purposes other than that designated by such resolution by a vote of 2/3 of the members of the Village Board.

- (6) **Investments.** The Village Administrator may determine whether any Village funds are not immediately needed, to designate the time and amount of investments made, and to specify the type of investment authorized by Section 66.04(2), Wis. Stats.

- (7) **Village Purchasing.**
 - (a) Purchases up to \$300.00, Requisitions. All Village purchases up to and including the sum of \$300.00 must be requisitioned by the authority of the Village Administrator, Fire Chief, Police Chief, Building Inspector, Health Administrator, Public Works Director, to be evidenced by initialing by the issuing authority on forms supplied by the Village.
 - (b) Purchases over \$300.00, Purchase Orders. All Village purchases exceeding the sum of \$300.00 must be made by the Village Administrator, or in his absence, by the Deputy Clerk or Treasurer, on purchase order forms to be supplied by the Village.

- (c) Violations Cause for Dismissal. It is a cause for dismissal for any Village employee to attempt to purchase items for the Village in contravention of this section.
- (8) **Duplicate Treasurer's Bond.** As a substitute for the filing of a bond with the Milwaukee County Treasurer, the Village Board agrees and binds the Village to pay, in case the Village Treasurer, or his successor in office, shall fail to do so, all taxes of any kind, required by law to be paid by the said Village Treasurer, or his successor, to the Milwaukee County Treasurer, or his successor in office.
- (9) **Special Assessment Fund.**
- (a) There shall be a segregated Special Assessment Fund into which all special assessment receipts shall be deposited.
 - (b) Loans obtained for assessable special assessments shall be repaid from the Special Assessment Fund.
 - (c) General operating funds shall be used for general budgeted items only and for the Village's share of special assessment levies.
- (10) **Tax Stabilization Fund.** A Tax Stabilization fund shall be established into which shall be transferred surplus available in cash from the Special Assessment Fund or from the general fund.
- (11) **Public Construction Contracts.** The Village Board elects that the provisions of Section 62.15, Wis. Stats., shall apply to Village contracts. References therein to city officials, departments, and boards shall refer to the comparable Village officer, department, or board.
- (12) **Installment Payment of Real Estate Taxes and Special Assessments.**
- (a) Pursuant to the authority under Sec. 74.85, Wis. Stats., commencing in the tax levy year of 1989, payment of real estate taxes and special assessments then due may be made to the Village Treasurer in three (3) installments as follows: January 31, 50% of all tax and special assessment; April 30, 25%; and July 31, 25%. However, all aggregate real estate taxes not in excess of \$50, all special assessments then due not in excess of \$50, all service charges for garbage and refuse collection, and all personal property taxes shall be due and payable in full on or before January 31 in the succeeding year of the tax levy.
 - (b) Any ordinances or resolutions in conflict with subsection (12) hereof are hereby repealed, including Ordinances 83-11, 84-6, and 84-12, and Resolutions 239 and 81-35.
 - (c) Penalty.
 - 1. Delinquent First Installment. If the first installment is of real property taxes and special assessments is not paid on or before January 31, the entire amount of the remaining unpaid taxes and special assessments on that parcel is delinquent as of February 1.
 - 2. Delinquent Second or Subsequent Installment. If the second or any subsequent installment payment of real property taxes or special assessments is not paid by the due date specified herein, the entire amount of the taxes or special assessments that remain unpaid on that parcel are delinquent as of the first day of the month after the payment is due.

3. Delinquent Annual Payment. If all special charges, special taxes, and personal property taxes that are due under subsection (a) hereof are not paid in full on or before January 31, the amounts unpaid are delinquent as of February 1.
 4. All general property taxes, special assessments, special charges, and special taxes that become delinquent and are paid on or before July 31 shall be paid, together with interest and penalties charged from the preceding February 1 to the Village Treasurer. All general property taxes, special assessments, special charges, and special taxes that become delinquent and are not paid to the Village Treasurer as hereinabove provided shall be paid, together with interest and penalties charged from the preceding February 1 to the County Treasurer.
- (d) Payment Priority. If the Village Treasurer or County Treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special charges, special assessments, and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order:
1. Special Charges
 2. Special Assessments
 3. Special Taxes
 4. General Property Taxes
- (e) Interest. If any taxes, the payment of which shall have been postponed, shall not be paid in full on or before the final date fixed in subsection (a) for each installment, the unpaid portion of such postponed taxes shall be delinquent and such taxes shall be collected together with interest thereon at one (1) percent per month or fraction thereof, or at such higher rate up to 0.5% per month or fraction of a month, in addition to said one (1) percent, on any delinquent general property taxes, special assessments, special charges, and special taxes included in the tax roll as determined by ordinance of the County Board of Milwaukee County.
- (f) Delinquent Taxes Returned; Collection by County. The Village Treasurer shall retain the tax roll and make collections through July 31. On or before August 15, the Village Treasurer shall return the tax roll to the County Treasurer. The County Treasurer shall collect all returned delinquent real property taxes, special assessments, special charges, and special taxes, together with interest and penalty assessed from the previous February 1, as provided under Sec. 74.47, Wis. Stats.
- (13) **Fees for Returned Checks with Insufficient Funds; Reimbursement of Collection Costs.**
- (a) There shall be a \$25.00 fee for processing checks made payable to the Village of Hales Corners that are returned because of insufficient funds in the account in question.
 - (b) Collection costs and attorneys' fees shall be added to the principal amounts of unpaid bills owed to the Village that are placed with collection agencies.

ARTICLE XI BUDGET

- (1) On or before September 10 of each year, the Village officer, department head, commission chairman or board chairman charged with fiscal responsibility shall file with the Village Administrator:

- (a) An itemized statement of receipts received and disbursements made to carry out the powers and duties of his Village functions during:
 1. The preceding calendar year;
 2. Estimates during the current calendar year;
 3. Projections for the ensuing calendar year.
 - (b) A detailed accounting of any special fund under his supervision.
 - (c) Such statements shall be in a form prescribed by the Village Administrator, shall be designated as "Departmental Estimates", and shall conform as nearly as possible for the main divisions of all departments to the "Schedule of Accounts" established by the Wisconsin State Bureau of Municipal Audits Class A Appropriation System for Wisconsin municipalities.
- (2) The Village Administrator shall consider such departmental estimates in consultation with the fiscally responsible person and develop a recommendation regarding the departmental estimate. On or before the 15th day of October, he shall submit such recommendations to the Finance Committee.
- (3) The budget shall include the following information:
- (a) The expense of conducting each department and activity of the Village for the ensuing calendar year and corresponding items for the current year and last preceding year, with reasons for increases and decreases recommended as compared with appropriations for the current year;
 - (b) An itemization of all anticipated income of the Village from sources other than the General Property Taxes and bond issues, with a comparative statement of the amounts received by the Village for each of the same or similar sources for the last preceding and current calendar years;
 - (c) An estimate of the amount of money to be raised from General Property Taxes which, with income from other sources, will be necessary to meet proposed expenditures;
 - (d) Such other information as may be required by the Village Board and by State law.
- (4) The Finance Committee shall review the recommended budget. The Finance Committee will hold a meeting with the Village Board to review the proposed budget and draft an appropriation resolution providing for the expenditures proposed for the ensuing year. Upon submission of the proposed appropriation resolution to the Village Board, it shall be deemed to have been regularly introduced therein.
- (5) A summary of such budget and notice of the place where such budget in detail is available for public inspection and notice of the time and place for holding the public hearing thereon shall be published at least one time in the official newspaper at least 10 days prior to the time of such public hearing. The Village Board shall hold a public hearing on the budget and the proposed appropriation resolution. Following the public hearing, the proposed appropriation resolution may be changed or amended and shall take the same course in the Village Board as other resolutions.
- (6) Upon a recommendation of the Finance Committee, the Village Board may at any time by a two-thirds vote of the entire membership transfer any portion of the unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within 10 days thereafter in the official newspaper.

- (7) No money shall be drawn from the treasury of the Village nor shall any obligation for the expenditure of money be incurred, except in pursuance of the approved annual budget, or of any transfers as authorized by Section (6) of this bylaw. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the General Fund and shall be subject to reappropriation; but appropriations may be made by the Village Board to be paid out of income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

ARTICLE XII ADMINISTRATIVE REVIEW PROCEDURE

- (1) **Administrative Review Pursuant to Ordinance.** The Village of Hales Corners elects not to be governed by Chapter 68, Wis. Stats., in respect to any administrative determination by the Village Board or any commission, committee, agency officer, or employee of the Village or any agent acting on behalf of the Village where, pursuant to an existing ordinance or an ordinance adopted after the effective date of this ordinance, a procedure is provided by said ordinance for administrative review of the determination.
- (2) **Expanded Jurisdiction of Board of Appeals.** The Board of Appeals shall be the administrative review appeals board for the Village of Hales Corners, which shall have the duty and responsibility of hearing appeals from administrative determination or decisions of officers, employees, agents, agencies, committees, boards and commissions of the Village filed in accordance with this Article, and making a final determination thereon.
- (3) **Other Ordinances to Remain in Effect.** The provisions of this Article shall not be deemed to repeal or supersede the provisions of any other ordinances in conflict herewith or providing other procedures for review of administrative determination within the Village except when otherwise specifically provided in said ordinance.
- (4) **Determinations Reviewable.** The following determinations are reviewable under this Article.
 - (a) The grant or denial in whole or in part after application of an initial permit, license, right, or privilege, or authority, except a fermented malt beverage or intoxicating liquor license.
 - (b) The suspension, revocation, or non-renewal of an existing permit, license, right, privilege, or authority, except as provided in Section (5)(e) of this Article.
 - (c) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.
 - (d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (5) **Determinations not Subject to Review.** Except as provided in Section (4) hereof, the following determinations are not reviewable under this Article.
 - (a) A Legislative Enactment. A legislative enactment is an ordinance, resolution, or adopted motion of the Village Board of Trustees.
 - (b) Any action subject to administrative or judicial review procedures under Wisconsin Statutes.
 - (c) The denial of a tort or contract claim for money, required to be filed with the Village pursuant to statutory procedures for the filing of such claims.

- (d) The suspension, removal, or disciplining or nonrenewal of a contract of a Village employee or officer.
 - (e) The grant, denial, suspension, or revocation of a fermented malt beverage license under §66.054(13)(b), Wis. Stats., or intoxicating liquor license under §176.11 or 176.12, Wis. Stats.
 - (f) Judgments and orders of a court.
 - (g) Determinations made during municipal labor negotiations.
 - (h) Notwithstanding any other provisions of this Article, any action or determination of a municipal authority which does not involve the constitutionally protected right of a specific person or persons to due process in connection with the action or determination.
 - (i) No department, board, commission, agency, officer, or employee of a municipality who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer, or employee of the same municipality, but may respond or intervene in a review proceeding under this chapter initiated by another.
- (6) **Definitions.**
- (a) Municipal Authority Defined. “Municipal Authority” includes every municipality and governing body, board, commission, committee, agency, officer, employee, or agent thereof making a determination under Section (2) hereof.
 - (b) Persons Aggrieved. A person aggrieved includes any individual, partnership, corporation, association, public or private organization, whose rights, duties, or privileges are adversely affected by a determination of a municipal authority. Personal matters for Village employees shall be excluded for the provisions of this Article in that provisions are made therefore under Article V of the bylaws.
- (7) **Rules for Administrative Review.**
- (a) Time within which to Appeal. Such appeal shall be taken within 30 days of the act or omission.
 - (b) Procedure on Appeal. The aggrieved party shall file with the officer from whom the appeal is taken and with the Board of Appeals a written notice of appeal specifying the grounds thereof. The appellant shall annex to the notice of appeal to the Board of such exhibits which the appellant considers of probative value in the determination of the appeal together with the name and address of the appellant. The officer from whom the appeal is taken shall forthwith transmit to the chairman shall the papers constituting the record upon which the action appealed from was taken. Failure to annex any exhibits to the appeal will not preclude the appellant from introducing them at the hearing.
 - (c) Effect of Appeal. Upon the filing of notice of appeal, an appeal shall stay all legal proceedings in the furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of facts stated in a certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

- (d) Fixing a Hearing. Upon the filing of the notice of appeal, the Board of Appeals shall fix a time and place for the hearing of the appeal or other matter referred to it.
- (e) Date and Notice of Hearing. The hearing of the appeal shall be initiated not less than 10 nor more than 30 days from the date of filing of the notice of appeal. Notice of the hearing shall be given to all interested parties at least seven (7) days prior to the hearing by registered letter addressed to their last known addresses. The appellant shall receive with such notice a copy of the Rules of the Board of Appeals. In addition, for at least seven (7) consecutive days prior to the date of hearing, a notice shall be posted in the municipal building stating the time and date of hearing together with a summary of the matters to be considered. In the event the Board of Appeals determines that parties other than those immediately concerned with the proceedings will be affected, the Board may send additional notices in such manner and to such persons as the Board shall see fit.
- (f) The Hearing. Upon the hearing any party may appear in person or by agent or by attorney. The chairman may administer oaths to compel the attendance of witnesses. The chairman may issue subpoenas. A majority of the Board of Appeals shall constitute a quorum. The order of proceeding shall be as follows:
1. The appellant shall be heard. He shall state the facts of the case and the grounds for his appeal. He shall file any exhibits which he has not previously files. He shall present his witnesses, if any. He shall state his argument.
 2. The administrative official shall be heard. He shall amend and correct the statement of facts, if necessary. He shall file any exhibits which he has not previously filed. He shall present his witnesses, if any. He shall state the basis for his act or omission.
 3. The appellant shall reply.
 4. Anyone present shall be given opportunity to be heard.
 5. Any member of the Board at any time may ask questions of any person present. When a person becomes repetitious, or states matters which are irrelevant, immaterial, or incompetent, the chairman may limit the discussion.
 6. Record of Hearing. The chairman, or a person designated by him, shall take notes of the testimony and shall mark and preserve all exhibits. The chairman may, and upon request of the appellant shall, cause the proceedings to be taken by a recording device, the expense thereof to be paid by the Village. If the appellant desires the proceedings to be taken by a stenographer, the expense thereof shall be paid by the appellant.
 7. Adjournment of Hearing. For any reasonable cause after the start of the hearing, the Board may adjourn the hearing to a day certain which shall be not more than seven (7) days from the date of the initial hearing. Adjourned hearings thereafter shall be set on consecutive days, excluding Saturdays, Sundays, and legal holidays.
 8. Determination of the Board. Within 20 days after the conclusion of the hearing, the Board must make its final determination. The concurring vote of a majority of the members of the Board attending the hearing shall be necessary in the final determination. The Board may reverse, affirm, modify, or remand the matter to the municipal authority from which the appeal is made.
 - a. If there has been procedural error impairing the fairness of any proceeding or correctness of the action, the Board must remand.

- b. If there has been an error of law the Board may reverse or modify if law compels the particular action under a correct interpretation, otherwise it must remand.
 - c. The Board may affirm, reverse, or modify if substantial rights of the appellant have been impaired as a result of a municipal action being contrary to constitutional rights or privileges.
 - d. If the municipal action depends on any determined fact, the Board may not substitute its judgment as to the weight of the evidence, but must set aside and remand if not supported by substantial evidence in the records.
 - e. If the municipal action was made beyond the authority or inconsistent with rule, policies, or practices, the Board may reverse or remand if deviation is not explained to the Board's satisfaction
- (8) **Disposition of the Determination.** The determination of the Board shall be in writing and shall be final. Upon rendition of its decision, sufficient copies thereof shall be filed with the Village Clerk so that each member of the Village Board, the affected municipal authority, and the appellant shall receive one (1) such copy of every decision so rendered by the Board. If a determination subject to this article does not state the reasons therefore the Board shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefore to writing, and mail or deliver such determination and reasons to the person making the request. The determination shall be dated.
- (9) **Judicial Review.** After a party seeking review of a municipal administrative determination has had an evidentiary hearing before an impartial hearing examiner or decision maker, he or she may seek review in the circuit court by writ of certiorari within 30 days of receipt of a final determination. Except where the reviewing court determines that the person seeking the review is impecunious, the record of the proceeding shall be transcribed at the expense of the person seeking the review. By stipulation the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

On review by certiorari the court may affirm or reverse the final determination or remand the matter to the decision maker for further proceeding.

ARTICLE XIII PUBLIC RECORDS

- (1) **Definitions.**
- (a) Authority means any of the following Village entities having custody of a Village record: an office, elected official, agency, board, commission, committee, council, department, or public body corporate and politic created by constitution, law, ordinance, rule, or order; or a formally constituted subunit of the foregoing.
 - (b) Custodian means that officer, department head, division head, or employee of the Village designated under subsection (3) or otherwise responsible by law to keep and preserve any Village records or file, deposit, or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

- (c) **Record** means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is kept by an authority. Record includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. Record does not include drafts, notes, preliminary computations and like materials prepared for the originator's person use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(2) **Duty to Maintain Records.**

- (a) Except as provided under subsection (7), each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited, or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- (b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Village Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(3) **Legal Custodian(s).**

- (a) The Village Clerk, or in his or her absence or disability or in case of vacancy, the Deputy Clerk, is hereby designated the legal custodian of all Village records.
- (b) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subchapter 11 of Chapter 19, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) **Public Access to Records.**

- (a) Except as provided in subsection (b), any person has a right to inspect a record and to make or receive a copy of any records as provided in §19.35(1), Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy, or abstract a record.

- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 1. The cost of photocopying shall be 25¢ per page for hand delivery and 50¢ per copy for mail delivery. Said cost has been calculated not to exceed the actual, necessary, and direct cost of reproduction.
 2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts, and audio and visual tapes, shall be charged.
 4. If mailing or shipping is necessary, the actual cost of postage thereof shall also be charged.
 5. There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
 7. Elected and appointed officials of the Village of Hales Corners shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 8. The charges for incidental fees specified in Resolution 80-20 shall apply. However, the legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to §19.34, Wis. Stats., an the guidelines therein listed, the Village Clerk shall adopt, prominently display, and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the Village Board.

(5) **Access to Procedures.**

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of fee is required under subsection (4)(f)6. A requester may be required to show acceptable identification whenever the

requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in subsection (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under §19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

(6) **Limitations on Right to Access.**

- (a) As provided by §19.36, Wis. Stats., the following records are exempt from inspection under this section:
 - 1. Records specifically exempted from disclosure by State or federal law or authorized to be exempted from disclosure by State law;
 - 2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption for disclosure is a condition to receipt of aids by the State;
 - 3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 - 4. A record or any portion of a record containing information qualifying as a common law trade secret.
- (b) As provided by §43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
 - 1. Records obtained under official pledges of confidentiality which are necessary and given in order to obtain the information contained in them.
 - 2. Records of current deliberations after a quasi-judicial hearing.
 - 3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
 - 4. Records concerning current strategy for crime detection or prevention.

5. Records of current deliberations or negotiations on the purchase of Village property, investing of Village funds, or other Village business whenever competitive or bargaining reasons require nondisclosure.
 6. Communications between legal counsel for the Village and any officer, agent, or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents, or employees is or is likely to become involved, or communications which are privileged under §905.03, Wis. Stats.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If in the judgment of the custodian and the Village Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.
- (e) Whenever the Assessor, in the performance of his or her duties, requests and obtains income and expense information pursuant to §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 discharge 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 pursuant to §70.47(af), Wis. Stats., unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under §19.35(1), Wis. Stats.

(7) **Destruction of Records.**

- (a) Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State public records board pursuant to §196.61(3)(e), and then after such shorter period. The following records may be destroyed within said timeframe:
1. Bank statements;
 2. Cancelled checks;
 3. Receipt forms; and
 4. Vouchers
- (b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State public records board

pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings, and customers' ledgers may be destroyed after two (2) years. The following records may be destroyed within said timeframe:

1. Contracts;
2. Excavation permits;
3. Inspection records;
4. Street opening permits; and
5. Sanitary sewer service charges.

(c) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State public records board pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period. The following records may be destroyed within said timeframe.

1. Old insurance policies;
2. Election notices;
3. Cancelled registration cards;
4. All police records of matters which have been closed for more than seven (7) years.

(d) Unless notice is waived by the State Historical Society, at least 60 days notice shall be given to the State Historical Society prior to the destruction of any records as provided by §19.21(4)(a), Wis. Stats.

(e) Any tape recordings of a governmental meeting of the Village may be destroyed, erased, or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

(8) **Preservation through Microfilm.** Any Village officer, or the director of any department or division of the Village government may (subject to the approval of the Village Board) keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in §16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of State law and subsections (4) through (6) of this ordinance.

(9) **Severability.** The provisions of this ordinance are severable. If a section, subsection, paragraph, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decisions shall not affect the validity of this ordinance.

ARTICLE XIV SMOKING

(1) **Definitions.**

- (a) Smoking means carrying a lighted cigar, cigarette, pipe, or any other lighted smoking materials.
- (b) Village-owned building includes but is not limited to any enclosed Village building including the Library, Fire Station, Public Works garage, Police Department portion of the municipal building, and the Village Hall portion of the municipal building, excepting that area within the Village Hall portion of the

municipal building which has been designated by the Village Board and posted as a “smoking allowed” area, upon a finding by the Village Board that smoking in such area will not require any building modification costs for necessary ventilation purposes.

- (c) Village-owned vehicle includes but is not limited to any Village-owned vehicle including police marked and unmarked squad cars, fire trucks and accessory vehicles, and public work dump trucks, pickups, and accessory vehicles.
 - (d) Person in charge means the Village Administrator or his or her designee.
- (2) In an effort to provide a safe and healthy environment, no person shall smoke or use any lighted tobacco smoking products in any Village-owned building or vehicle.
 - (3) The Village Administrator or his or her designee shall post signs identifying “Smoke-free Workplace” and/or “No Smoking” in all Village-owned buildings.
 - (4) **Penalties.**
 - (a) After January 1, 1995, any person who shall violate the provisions of this Article shall be subject to a penalty as provided in Section 19.04 of this code.
 - (b) After July 1, 1995, the person in charge or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this Article.

ARTICLE XV ETHICS CODE

(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 Hales Corners 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 interest of the Village of Hales Corners 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 this 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 Hales Corners.

- (2) **Definitions.** The following definitions shall be applicable to this Chapter:

- (a) Public Official. Means 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 commission established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
 - (b) Public Employee. Means any person excluded from the definition of a public official who is employed by the Village.
 - (c) Anything of Value. Means any gift, favor, loan, service, or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary, or customary gifts among relatives and friends.
 - (d) Business. Means 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. Means the following specific blood or marriage relationships:
 - 1. A person's spouse, mother, father, child, brother, or sister; or
 - 2. A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his support.
 - (f) Significant Interest. Means owning or controlling, directly or indirectly, at least 10 percent or \$5,000 of the outstanding stock of at least 10 percent or \$5,000 of any business.
 - (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.
- (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 section of the Wisconsin Statutes, as from time to time amended, are made part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:
- (a) §946.10. Bribery of Public Officers and Employees.
 - (b) §945.11. Special Privileges from Public Utilities.
 - (c) §946.12. Misconduct in Public Office.
 - (d) §946.13. Private Interest in Public Contract Prohibited.
- (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.
- (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 Ethics Board. The Ethics Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

(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, committee, or commission.
- (b) Use of Village Stationery. Copies of any correspondence written on Village stationery shall be filed with the Village Administrator, or his designee.
- (c) 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 use 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.
- (d) 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.

(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 a 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 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 or 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 of input, or of which the employee is a member, that is to make a recommendation or decision upon any time 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 interests of such official or employee or others.
- (c) Gifts and Favors.
1. No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
 2. No official or employee personally, or through a member of his immediate family, shall accept any gift of greater value than \$20.00, whether in the form of money, service, loan, thing, or promise, from any person which may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service, or thing of value. However, it is not a conflict of interest for any public official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value of less than \$20.00, such as a meal, and that is not intended to influence the official. Any official or employee who receives, directly or indirectly, any gift or gifts having an aggregate value of more than \$50.00 within any calendar year from any person who is known by said official or employee to be interested, directly or indirectly, in any manner whatsoever in business dealings with the Village upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion, or control shall disclose the nature and value of such gifts to the Ethics Board by January 15 next following the year in which the gift or gifts are received.
 3. 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.

4. Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Ethics Board within 10 days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within 10 days, disclose the details surrounding said offer to the Ethics Board. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.
- (d) 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 the Village Board if the official or employee or any board, commission, or committee of which the official or employee is a member 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 representatives 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.
- (e) 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 Ethics Board that such interest exists.
- (f) Contracts with the Village. No Village official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with such function requiring the exercise of discretion on his part shall enter into any contract with the Village unless, within the confines of §946.13, Wis. Stats.
 1. The contract is awarded through a process of public notice and competitive bidding or the Village Board waives the requirement of this Section after determining that it is in the best interest of the Village to do so.
 2. The provisions of this Subsection shall not apply to the designation of a public depository of public funds.
- (8) **Advisory Opinions.** Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Ethics Board, which, if it deems it necessary or appropriate, may request an advisory opinion from the Village Attorney. With prior authorization of the Village Board, the Ethics Board may utilize special legal counsel if warranted by the facts of the case. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made in public.
- (9) **Hiring Relatives.**

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as Village employees who are members of the immediate family of Village employees or elected officials. “Immediate family” includes those relatives by blood or marriage defined in Section 2(e) of this Bylaws chapter as personal interests.
 - (b) Hiring an immediate family member of any current Village employee or elected Village official is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, Village Administrator, or Village Board) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject to Village Administrator approval, with notice, before the new employee is permitted to begin work. Marriage between two (2) individuals already employed by the Village or their relatives will not be considered a violation of this policy.
 - (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a Village Board, commission, or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification, or compensation of their immediate family if currently employed or being considered for employment by the Village.
- (10) **Jurisdiction of Ethics Board; Investigations.**
- (a) Jurisdiction.
 - 1. The Ethics Board shall have administrative jurisdiction over this Code of Ethics Chapter. The Board may call upon the Village Administrator for staff assistance as the need arises. The Village Attorney shall provide such legal assistance as the Board requires. With prior authorization of the Village Board, the Ethics Board may utilize special legal counsel if warranted by the facts of the case.
 - 2. The Ethics Board may make recommendations to the Village Board with respect to amendments to this Code of Ethics Chapter.
 - (b) Complaints. All complaints regarding violations of this Ethics Code, including those made by members of the Ethics Board, shall be made in writing and submitted to the Village Administrator who shall deliver them to the Chairman of the Ethics Board.
 - (c) Procedure before the Board. Upon receipt of a complaint, the Ethics Board shall:
 - 1. Conduct an investigation of the facts of the complaint.
 - 2. Cause notice to be given to the respondent. Such written notice shall contain a specification of the charges against the respondent as well as a notice that the respondent may file a written statement of his position with the Ethics Board.
 - 3. Schedule and hold hearings on the complaint.
 - 4. Hear the respondent’s position and the testimony of witnesses, if any.
 - 5. Permit the respondent and the complainant to call such witnesses as either desires and to cross-examine the witnesses of the other.
 - 6. Consider the evidence presented and make findings thereon.

7. By its Chairman or his designee, make rulings on motions and objections made by any party in such a manner as to assure due process protection to the parties.
 8. Based upon the evidence presented to it, determine whether or not to recommend to the Village Board commencement of a censure action or the imposition of a forfeiture pursuant to Section 19.04. If a forfeiture is deemed advisable, the Ethics Board may direct the Village Attorney to start an action in the name of the Village against the violator. If the anticipated legal expense to the Village is in excess of \$500.00, the Ethics Board shall first receive authorization from the Village Board for such expenditure.
- (d) Penalties. Village officials found by the Ethics Board to be in violation of the ethics standards of this Chapter are subject to the following penalties:
1. The Ethics Board may recommend that the Village Board censure a Village official or recommend commencement of disciplinary proceedings against a Village employee found in violation of this Chapter.
 2. As an alternative to censure or disciplinary action, the Ethics Board may seek the imposition of a forfeiture. When deciding to seek the imposition of a forfeiture, the Ethics Board shall, at the time of notifying the Village Attorney, serve notice by mail upon the respondent to the effect that a forfeiture will be sought against the respondent, specifying the amount and that court action may be avoided if the amount specified is paid within 30 days of the date of the notice. If a person against whom the Ethics Board decides to seek imposition of a forfeiture fails to pay the amount specified by the Board within 30 days of the date of notice, the Village Attorney shall initiate an action for the collection of the forfeiture.
- (e) Executive Session. Pursuant to §19.85(1)(a) and (f), Wis. Stats., the Ethics Board shall conduct its hearings in executive session unless the person complained of requests open hearings.
- (f) Employees Covered by Collective Bargaining Agreements. In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethics Code.
- (g) Sanctions. A determination that an employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause of suspension, removal from office or employment, or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.
- (h) Police Officers and Firefighters. When a complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be had in accordance with the provisions of §62.13, Wis. Stats.