

CHAPTER 3

Municipal Officers and Employees

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SEC. 2-3-1 GENERAL PROVISIONS.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in officer, shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

SEC. 2-3-2 APPOINTED OFFICIALS.

- (a) The Village officials hereinafter set forth shall be appointed by the Village President, subject to confirmation by a majority vote of the Board; and one (1) or more of said offices may be held by the same person. Persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by Sec. 17.12(1)(c) and (d), Wis. Stats.
- (1) Clerk-Treasurer.
 - (2) Director of Public Works.
 - (3) Village Attorney.
 - (4) Building Inspector.
 - (5) Assessor.
 - (6) Plumbing Inspector.
 - (7) Chief of Police.
 - (8) Electrical Inspector.
 - (9) Utility Superintendent.
 - (10) Zoning Administrator.
 - (11) Recreation Director.
- (b) All confirmation votes by the Village Board shall be by simple majority vote, except that in the case of the offices of Clerk-Treasurer and Assessor a confirmation vote by two-thirds (2/3) of the Board members is required.
- (c) The Village President shall not vote on the confirmation of such appointments, except in case of a tie.

SEC. 2-3-3 VILLAGE CLERK-TREASURER.

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of Marshall hereby elects not to be governed by those portions of Sections 61.19, 61.23 and 61.25(2), Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section.
- (b) **Appointment.** The office of Village Clerk-Treasurer shall be filled by appointment in the manner of other appointed officials as provided in Section 2-3-2.
- (c) **Duties.** The Village Clerk-Treasurer shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board. (Charter Ordinance)

SEC. 2-3-4 DEPUTY CLERK-TREASURER.

The Clerk-Treasurer may appoint a Deputy Clerk-Treasurer(s), subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer(s) shall have an indefinite term of office. The Deputy Clerk-Treasurer(s) shall act under the Village Clerk-Treasurer's direction and, during the temporary absence or disability of the Village Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Village Clerk-Treasurer. The acts of the Deputy(s) shall be covered by official bond as the Village Board shall direct.

State Law Reference: Sec. 61.261, Wis. Stats.

SEC. 2-3-5 VILLAGE ATTORNEY.

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

SEC. 2-3-6 CHIEF OF POLICE.

- (a) **Appointment.**
 - (1) The Chief of Police shall be appointed pursuant to Section 2-3-2, subject to removal pursuant to the procedures established in Sec. 61.65(l)(am), Wis. Stats. The Chief shall exercise the powers and duties of Village marshals and Village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes. Upon a permanent vacancy, an officer designated by the Board shall temporarily replace the Chief until the vacancy is filled by the Village Board. A lieutenant assumes the duties of Chief of Police during the Chief's temporary absence.
 - (2) The compensation to be paid the Chief of Police for his services, the hours of active duty, rest days, vacation periods and other involvement of his employment shall be such as may be determined by the Village Board from time to time.
- (b) **General Duties.**
 - (1) The Chief of Police shall have command of the Police Department. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Board or appropriate Committee thereof.
 - (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime. He shall see that all laws and ordinances of

the Village and State are enforced. Whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. He shall exercise supervisory control over all the personnel of his department and may adopt, subject to the approval of the Village Board, rules and regulations for the government, discipline, equipment and uniforms of the police officers. He shall be solely responsible for the care and condition of the equipment used by his Department. He shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

State Law Reference: Sec. 61.65(1)(am), Wis. Stats.

SEC. 2-3-7 FIRE CHIEF.

- (a) **Appointment.** The Fire Chief shall assume office pursuant to the bylaws of the Fire Department. He shall be the Village Fire Inspector by virtue of his office.
- (b) **Powers and Duties of Chief.**
 - (1) The Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
 - (2) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

Cross Reference: Title 5, Chapter 2.

SEC. 2-3-8 WEED COMMISSIONER.

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk-Treasurer and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

SEC. 2-3-9 DIRECTOR OF PUBLIC WORKS.

- (a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2.
- (b) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:

- (1) He shall have general charge and supervision of all public works in the Village.
- (2) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
- (3) He shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning, mosquito and rodent control.
- (4) He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board, his job description or employment contract.

SEC. 2-3-10 ASSESSOR.

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section (Charter Ordinance).
- (b) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed pursuant to Section 2-3-2. Said person so appointed to perform the duties of such office shall have an indefinite term or as determined by contract. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

State Law Reference: Public Official's oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sections 61.197 and 61.27, Wis. Stats.; affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.

SEC. 2-3-11 UTILITIES SUPERINTENDENT.

- (a) **Appointment.** The Utilities Superintendent shall be appointed pursuant to Section 2-3-2 on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.

- (b) **Duties and Powers.** The Utilities Superintendent shall have the following duties and powers:
- (1) He shall have general supervision of Village water, electric, and sewer utilities.
 - (2) He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board, his job description or employment contract.

**SEC. 2-3-12 BUILDING INSPECTOR; PLUMBING INSPECTOR;
HEATING, VENTILATING AND AIR CONDITIONING
INSPECTOR; ELECTRICAL INSPECTOR.**

- (a) **Appointment.**
- (1) Building, Plumbing, Electrical and Heating, Ventilating and Air Conditioning (HVAC) Inspectors shall be appointed pursuant to Section 2-3-2.
 - (2) Inspectors shall:
 - a. Have proper state certification in areas of their responsibility;
 - b. Possess such executive ability as is requisite for the performance of their duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in their area of responsibility;
 - c. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in their area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - d. Have sufficient experience in the installation of equipment to enable him to understand and apply the appropriate codes adopted by the Village of Marshall.
- (b) **Authority to Enter Premises; Appeals.**
- (1) In the discharge of their respective duties, each Inspector under this Section or his authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with an Inspector or his authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.
 - (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, an Inspector shall obtain a special inspection warrant under Sections 66.122 and 66.123, Wis. Stats.
 - (3) Any person feeling himself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) **Duties and Authority.** The Building, Plumbing, Electrical and Heating, Ventilating and Air Conditioning (HVAC) Inspectors shall have such duties as are prescribed in this Section and Title 15 of this Code of Ordinances.
- (d) **Stop Work Orders and Revocations.** Inspectors may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be

resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.

SEC. 2-3-13 ELIGIBILITY FOR OFFICE.

- (a) No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

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

SEC. 2-3-14 OATHS OF OFFICE.

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his duties and within five (5) days of his election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer, provided that the Municipal Judge shall take his official oath within ten (10) days after his election and file it with the Dane County Clerk of Circuit Court prior to acting as Judge. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

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

SEC. 2-3-15 VACANCIES.

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

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

SEC. 2-3-16 REMOVAL FROM OFFICE.

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.

- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.12(1) (c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

SEC. 2-3-17 CUSTODY OF OFFICIAL PROPERTY.

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

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

VILLAGE OF MARSHALL

**RESOLUTION
2000-03**

WHEREAS, the Village of Marshall Board of Review shall annually meet at any time during the 30-day period beginning on the 2ⁿ^d Monday of May;

WHEREAS, there may be a need to designate hours that would be more flexible for the general public and the board;

WHEREAS, State Statutes allow governing bodies to set hours which the board shall hold its first meeting;

WHEREAS, the first meeting shall be not fewer than two (2) hours on the first meeting day between 8.00 a.m. and midnight;

THEREFORE BE IT RESOLVED, that the Village Board of the Village of Marshall does hereby designate that the Board of Review shall meet between 3 p.m. and 5 p. m., notice shall be published at least fifteen days prior to their first scheduled meeting.

Adopted the 8th day of February, 2000.

Marlin E. Hensler Jr., Village President

ATTEST:

Sue Peck, Clerk/Treasurer