

CHAPTER 1

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GENERAL PROVISION AS TO OFFICIALS

1.01 ELECTED OFFICIALS. The elected officials of the Village shall be a Village President, who shall be elected for a term of 2 years in the odd-numbered years, 6 trustees, 3 to be elected each year to a 2-year terms.

1.02 APPOINTED OFFICIALS. The appointed officials of the Village shall be:

<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
(1) Assessor	Village Board	2 years
(2) Building Inspector	President, Subject to confirmation by the Board	1 year
(3) Chief of Police	Village Board	2 years
(4) Clerk/Treasurer	Village Board	2 years
(5) Election Officer	Village President	2 years
(6) Emergency Government Director – Local	Village Board	Indefinite
(7) Health Officer	Village Board	Indefinite
(8) Park Commissioner	Village Board	2 years

1.03 OATHS AND BONDS. Elected and appointed officials shall take and file the official oath within 5 days after notice of their election or appointment as provided in Sec. 61.21, Wis. Stats., and shall execute and file the official bond as required by State Statutes and this Municipal Code.

1.04 REMOVALS. (1) ELECTED OFFICIALS. Elected officials may be removed by the Village Board as provided in Sec. 17.13(2), Wis. Stats., or by the judge of the Circuit Court for Cause pursuant to Sec. 17.13(3), Wis. Stats., or as provided by Sec. 17.16, Wis. Stats.

(2) APPOINTED OFFICIALS. Appointed officials may be removed as provided in Sec. 17.13(1), 17.13(3) and 17.16, Wis. Stats

1.05 VACANCIES. (1) HOW OCCURRING. Vacancies in elective and appointive positions are caused as provided in §§17.03 and 17.035, Wis. Stats.

(2) HOW FILLED. Vacancies in elective and appointive offices shall be filled as provided in §17.24, Wis. Stats.

1.06 SALARIES. The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the Village Board from time to time, provided the salary of the President and members of the Board shall not be increased during their terms of office. (See §66.196, Wis. Stats.)

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

(a) Has or is seeking to obtain contractual or other business or financial relationships with the Village or Village Board; or

(b) Conducts operations or activities which are regulated by the Village or Village Board; or

(c) Has interests which may be substantially affected by the Village or Village Board.

(2) PENALTY. The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the Village and is punishable as provided in §946.12, Wis. Stats. **See fine schedule.**

OFFICIALS

1.10 VILLAGE PRESIDENT AND TRUSTEES. (1) ELECTION AND TERM. See Section 1.01.

(2) DUTIES AND POWERS. (a) VILLAGE PRESIDENT. See Section 61.24, Wis. Stats.

(b) As Village Board. The Village President and Trustees shall constitute the Village Board and shall have such duties and powers as are enumerated in Ch. 61, Wis. Stats., and elsewhere in the statutes.

(c) Police Powers. See Sec. 4.05 of this Municipal code.

(3) Authority. The Village Board shall have all powers of the Village not specifically given to some other body or officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, utilities and the public service and may act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public and may carry its powers into effect by license, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The Village Board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the Village Board shall have the powers enumerated in Sec. 61.34, Wis. Stats. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language. The Village Board may create and maintain a Police Department per Sec. 61.65 Wis. Stats under (1)(a)1. The Board shall act as the police commission or committee with all its powers, except as defined by Wis. Stats. 61.65 under (1)(a)(am) and (1)(a)(am)2.

(4) OTHER PROVISIONS. See also Ch. 2 of this Municipal Code.

1.11 ASSESSOR. (1) APPOINTMENT AND TERM. See Sec. 1.02.

(2) APPLICABLE STATUTE. See Sec. 61.27, Wis. Stats.

(3) DUTIES AND POWERS. (a) See Sec. 70.12, 70.13, 70.17, 70.18, 70.23, 70.29, 70.30, 70.32, 70.325, 70.34, 70.345, 70.35, 70.365, 70.43, 70.44, 70.45, 70.48, 70.49, 70.50, 70.501 and 70.503, Wis. Stats., in particular.

(b) Other Duties Prescribed by Law. He shall perform such other duties as shall be prescribed by State Law, supervisory personnel of the State Department of Revenue and the

Village Board, including attendance at all meetings of the Board of Review.

1.12 BUILDING INSPECTOR. (1) APPOINTMENT AND TERM. See Section 1.02.

(2) DUTIES. See Chapter 17 of this Code.

1.13 CHIEF OF POLICE. (1) APPOINTMENT AND TERM. See Section 1.02.

(2) DUTIES. See Section 4.02 of this code.

1.14 CLERK/TREASURER. (1) APPOINTMENT AND TERM. See Section 1.02.

(2) DUTIES. The Village Clerk/Treasurer shall perform those duties prescribed by Section 61.25 and Section 61.26, Wis. Stats., and by order the Village Board.

1.16 EMERGENCY GOVERNMENT COORDINATOR. (1) APPOINTMENT AND TERM. See Section 1.02.

(2) See Chapter 6 of this code.

1.18 HEALTH OFFICER. (1) APPOINTMENT AND TERM. See Section 1.02.

(2) DUTIES. See Chapter 11 of this code.

1.19 PARK COMMISSIONER. (1) The position of Park Commissioner shall be filled by the Chairman of the Parks Committee. The term shall be according to Section 1.02.

(2) DUTES. The Park Commissioner shall perform those duties prescribed by order of the President and Village Board.

1.20 DIRECTOR OF VILLAGE AND FLOODPLAIN ZONING. The Director of Village and Floodplain Zoning shall be the Chairman of the Building Committee. The duties of this position shall be the enforcement of Chapters 17 and 20 of the municipal code of the Village.

BOARDS AND COMMISSIONS

1.25 BOARD OF HEALTH. (1) ORGANIZATION. The President and Trustees of the Village shall, at the first meeting after each annual elections, elect a Board of Health which shall consist of at least 3 competent persons. The Health Officer shall be an ex-officio member of such board.

(2) POWERS AND DUTIES. See §11.01 of this Code.

1.26 (1) GOLF COURSE BOARD, ORGANIZATION. The Golf Course Board shall be composed of 5 appointed members. The Golf Course Commissioner being a Village Board Trustee, with the other 4 being Village citizens serving 2 year terms in alternate fashion. No compensation shall be paid to the members of the Board.

(2) **POWERS AND DUTIES.** (a) Propose a budget in November for the following year to the Village Board.

(b) Collect all fees, memberships and other income and place these revenues in a separate fund to be controlled by the Village Clerk/Treasurer.

(c) Turn all expenses with proof in to the Village Clerk/Treasurer to be approved by the Village Board and paid by the Clerk/Treasurer.

(d) Employ any people necessary to maintain the golf course with Village Board approval.

1.27 LIBRARY BOARD. (1) **ORGANIZATION.** The Library Board shall be composed of 4 members appointed by the President with approval of the Board. Members shall serve 1, 2 and 3 year terms respectively. An additional member shall be appointed by the President and shall be a school administrator or a representative of the public school system to serve an indefinite term.

(2) **POWERS AND DUTIES.** (a) Fiscal Responsibilities. The Library Board shall have exclusive control of the expenditure of all monies collected, donated, or appropriated for the library fund. Such Board shall further have exclusive charge of all lands, buildings, money or other property devised, bequeathed, given or granted to or otherwise acquired or leased by the municipality for library purposes. The Library Board shall audit and approve all vouchers for the expenditures of the library and shall present the vouchers to the Clerk/Treasurer with a statement thereon signed by the Secretary that the expenditure has been incurred and that the Library Board has audited and approved the bill. The Clerk/Treasurer shall thereupon draw his order and the vouchers shall be paid as are other municipal orders.

(b) Hiring of Employees. The Board may appoint a Librarian and such other assistants and employees as they deem necessary and prescribe their duties and compensation.

(c) Hiring Educational Speakers. The Board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may cooperate with the University of Wisconsin, the State Historical Society, the free Library Commission or Boards of Education to secure such lectures or by other means to foster or encourage the wider use of books and literature upon scientific, historical, economic, literary, educational and other useful subjects.

1.28 PLANNING AND DEVELOPMENT COMMISSION

(1) Purpose. The Planning and Development Commission is responsible for establishing and maintaining the master plan for development of the community of Plain.

(2) Membership. The Commission shall consist of a minimum of seven (7) members as follows: The Village President, who shall be chairperson of the Commission. Two (2) Village Board members and four (4) citizens from the Village of Plain. The Village Board Members of the Commission shall be appointed by the Village President, subject to confirmation by the Village Board Members. The terms of office on the Commission shall commence May 1.

The four (4) citizen members shall be appointed by the Village President, subject to confirmation by the Village Board, during April for terms of two (2) years commencing May 1. The terms of citizen members shall be staggered so that no more than two (2) such regular appointments are made annually.

Additional members to the Commission may be appointed by the Village President, subject to Village Board approval, provided the Village Board members do not exceed citizen members.

(3) POWERS AND DUTIES. The Development and Planning Commission shall have the powers and duties prescribed by Section 62.23 Wis. Statutes and other such powers and duties as shall be assign by the Village Board.

(a) The President shall appoint a recorder to maintain a written record for presentation to the Village Board for approval and action.

(b) The Development and Planning Commission shall maintain the maps, charts, drawings and proposed development projects for the Village.

(c) The Development and Planning Commission present an annual budget proposal to the Village Board to support the development objectives of the Village.

(d) The Development and Planning Commission shall oversee the Building Inspector and the duties of the Building Inspector.

(e) The Development & Planning Commission shall oversee any Village owned properties in the Honey Creek Business Park.

1.29 ZONING BOARD OF APPEALS. (1) ORGANIZATION. A Zoning Board of Appeals shall be appointed as specified in Section 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members and two (2) alternates, who shall be appointed by the Village President and approved by the Village Chairman. The term of office of members and alternates shall be three years and will be staggered terms. The members and the alternates shall serve without compensation. A member shall refrain from serving when he has a personal or financial interest in a case before the Board; in such cases, the alternate shall be eligible to serve as a member. The President will annually designate alternate members as 1st and 2nd alternate

(2) POWERS AND DUTIES. (a) To hear and decide appeals where it is alleged there is error in any order, requirement decision, or determination made by an administrative official in the enforcement of the Zoning Code or Floodplain and Shoreland-wetland Zoning Code.

(b) To hear and decide special exceptions to the terms of the zoning regulations upon which the Board of Appeals is required to pass.

(c) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.

(d) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.

(e) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board or Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to

decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirement of the Zoning Code.

1.30 PARK USE BOARD. (1) ORGANIZATION. The Park Use Board shall be composed of five (5) appointed members, one being the Park Committee Chairman, with the other four serving two-year terms in alternate fashion. To start, the first two appointed by the Village Board President, with approval of the Village Board, shall serve two years; the second two appointed shall serve one year. No compensation shall be paid to members of this board.

(2) POWERS AND DUTIES. (a) To organize and promote group or team activities to utilize park facilities.

(b) To set and collect fees for league activities. These funds are to be controlled by the Village Clerk/Treasurer.

(c) To submit all documented expenses to the Village Clerk/Treasurer to be approved by the Village Board and paid by the Clerk/Treasurer.

(d) To recommend to the Village Board an athletic director to organize group activities for community youth.