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## GENERAL GOVERNMENT 1.01

1.01 FORM OF GOVERNMENT. The City shall be organized and governed under the provisions of Ch. 62, Wis. Stats., known as Mayor-Alderman plan.

### GENERAL PROVISIONS AS TO OFFICERS

1.02 ELECTED OFFICIALS. (Am. #181) Elected officials of the City shall be a mayor, one alderman from each aldermanic district, a city clerk and a municipal judge. The office of constable is dispensed with pursuant to Sec.62.09(1)(b), Wis. Stats.

1.03 APPOINTED OFFICIALS. The following shall be appointed officials:

<b><u>Official</u></b>	<b><u>How Appointed</u></b>	<b><u>Term</u></b>
Assessor	City Council	2 Year Even Numbered
Building Inspector (Cr.#171)	Mayor, Subject to Confirmation by Council	2 Years Even Numbered
Chief of Police	Police and Fire Commission	Indefinite
City Attorney	City Council	1 Year
City Comptroller (Am. #655, 7/20/04)	City Council	2 Years Odd Numbered
City Engineer (Am. #135)	City Council	1 Year
City Forester	Mayor, Subject to Confirmation by Council	1 Year
City Sealer	Mayor, Subject to Confirmation by Council	2 Years Even Numbered
Director of Parks and Recreation	City Council (Am. #655, 7/20/04)	Indefinite
Director of Public Works (Cr. #235 and Am. #333, 1991)	City Council	Indefinite

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<b><u>Official</u></b>	<b><u>How Appointed</u></b>	<b><u>Term</u></b>
Electrical Inspector	Mayor, Subject to Confirmation by Council	2 Years Even Numbered
Fire Chief	Police and Fire Commission	Indefinite
Gas Inspector	Mayor, Subject to Confirmation by Council	1 Year
Health Officer	Mayor, Subject to Confirmation by Council	1 Year
Plumbing Inspector (Cr.#171)	Mayor, Subject to Confirmation by Council	2 Years Even Numbered
Safety Inspector	Mayor, Subject to Confirmation by Council	1 Year
Sanitation Superintendent (Am. #135)	City Council	1 Year
Treasurer	City Council	2 Years Even Numbered
Water Department Superintendent	City Council	Indefinite
Weed Commissioner	Mayor, Subject to Confirmation by Council	1 Year
Deputy Treasurer	City Council	2 Years Even numbered
Zoning Administrator (Am. #322)	Mayor, Subject to Confirmation by Council	1 Year

## GENERAL GOVERNMENT 1.035

1.035 CITY ADMINISTRATOR (Created by Direct Legislation - Referendum 4-7-92; effective date 1-1-93)

- (1) Creation: To provide the City with a more efficient, effective and responsible government under a government system of a part-time Mayor and Council, there is hereby created the office of City Administrator.
- (2) Appointment: The Common Council shall appoint the City Administrator who shall hold office for an indefinite term subject to suspension or removal for cause by the Council.
- (3) Duties and Responsibilities: The duties and responsibilities of the City Administrator shall be established by resolution of the Common Council but shall include directing the effective and efficient performance of all City employees and coordinating and expediting all City services, functions and programs.

### 1.04 TERMS.

#### (1) ELECTED OFFICIALS.

- (a) Mayor. (Am. Ref. 4/15/86) The Mayor shall be elected for a term of 3 years. (Effective for the term commencing 4/15/86)
- (b) Aldermen. One alderman shall be elected for a 2-year term in even numbered years in Aldermanic Districts 1, 3, 5 and 7. One alderman shall be elected for a 2-year term in odd numbered years in Aldermanic Districts 2, 4, 6 and 8.
- (c) City Clerk. The City Clerk shall be elected to a 2-year term in odd numbered years.
- (d) Municipal Judge. The Municipal Judge shall be elected to a 4-year term in even numbered years. (Am. Ord. #400, 1993)

(2) TIME OF TAKING OFFICE. The regular term of office of the Mayor and alderman shall commence on the third Tuesday of April succeeding their election. The regular term of all other elected and appointed officials shall commence on May 1, following their election or appointment, except officers appointed for indefinite terms who shall take office upon appointment and qualification.

### 1.05 QUALIFYING. (Am. #135)

- (1) OATH. Every person elected or appointed to an office shall take and file the oath within 10 days after notice of his election or appointment.

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(2) **CERTIFICATE OF APPOINTMENT.** When and appointive official has filed the oath and bond as required, the Clerk shall issue to him a certificate of appointment. If the appointment is to a board of commission, the appointee shall file the certificate with the secretary thereof.

### 1.06 REMOVALS.

(1) **ELECTED OFFICERS.** Elected officers may be removed by recall as provided in Sec.9.10, Wis. Stats., or by the City Council for cause pursuant to Sec.17.12(1)(d) and 17.16, Wis. Stats.

(2) **APPOINTED OFFICERS.** Appointed officers may be removed as provided in Sec.17.12(1)(c) and (d) and Sec.17.16, Wis. Stats., except as provided otherwise by charter ordinance.

### 1.07 VACANCIES.

(1) **HOW OCCURRING.** Vacancies in elected or appointed positions are caused as provided in Sec.17.03 and 17.03(5), Wis. Stats.

(2) **HOW FILLED.** Vacancies in elective and appointive offices shall be filled as provided in Sec.17.23, Wis. Stats.

### 1.08 SALARIES. (Am. #354, 1992)

(1) Any aldermen elected after January 1, 1993 shall receive a salary of \$200 per month. All other aldermen shall receive a salary of \$150 per month. In addition, any mayor and any aldermen elected after January 1, 1981 shall receive \$10 for each special meeting of the City Council attended in addition to the regular monthly meeting. The term "special meeting" shall include a reconvened session of an adjourned regular monthly Council meeting.

(2) Salaries of all other City officers and employees shall be established from time to time by resolution of the City Council in accordance with law. (See Sec.66.196, Wis. Stats.)

1.09 RETIREMENT. The City elected pursuant to charter ordinance #185 to include all eligible City personnel under the Wisconsin Retirement Fund.

1.10 CONTINUITY OF GOVERNMENT.

(1) DEFINITIONS

(a) Unavailable. Either a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his authorized deputy are absent or unable for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

(b) Attack. Any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property, or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or others weapons or processes.

(c) Authorized Deputy. A person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office if the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

(d) Emergency Interim Successor. A person designated pursuant to this section for possible temporary succession to the powers and duties, but not the office, of a City office if such officer or any authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

(2) DESIGNATION, STATUS, QUALIFICATIONS AND TERM OF EMERGENCY INTERIM SUCCESSORS

(a) Elective Officers. Within 30 days after qualifying for office, the Mayor, each member of the Council, the City Clerk, the City Treasurer, the City Attorney, and the Municipal Justice shall, in addition to any authorized deputy, designate such number of emergency interim successors to his office and specify their rank in order of succession after any authorized deputy so there will not be less than 3 authorized deputies or emergency interim successors or combination thereof for the office.

(b) Appointive officers. The City Council shall within the time specified in (a), in addition to any authorized deputy, designate for appointive officers including the Chief of Police, the Fire Chief and the Health Officer such number of emergency interim successors to these officers and specify

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their rank in order of succession after any authorized deputy so there will be no less than 3 authorized deputies or emergency interim successors or combination thereof for each officer.

(c) Review of Designations. The incumbent of the elective officers specified in sub. (2), and the City Council in the case of those appointive officers specified in (b), shall review, and as necessary promptly revise the designations of emergency interim successor to insure that at all times there are at least 3 such qualified emergency interim successors or authorized deputies or any combination thereof for each officer specified.

(d) Qualifications. No person shall be designated or serve as an emergency interim successor unless, under State law or City ordinance, he holds the office of the person to whose powers and duties he is designated to succeed; but no provision prohibiting an officer or employee of the City from holding another office shall be applicable to an emergency interim successor.

(e) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, he shall be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

(3) **ASSUMPTION OF POWERS AND DUTIES OF OFFICER BY EMERGENCY INTERIM SUCCESSOR.** If in the event of attack, any officer named in sub. (2)(a) and (b) and any authorized deputy is unavailable, his emergency interim successor highest in rank in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successor, exercise the powers and discharge the duties of such officer. An emergency interim successor exercises, or resumes and discharges these duties only until such time as the lawful incumbent officer or authorized deputy or emergency interim successor higher in rank in order of succession exercises or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

(4) **RECORDING AND PUBLICATION.** The name, address and rank in order of succession of each duty authorized deputy shall be filed with the City Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with City Clerk the successors' name, address and rank in order of succession. The City Clerk shall keep on file all such data regarding authorized deputies and emergency interim successors which shall be open for public inspection.

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(5) FORMALITIES OF TAKING OFFICE. At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they succeed.

(6) QUORUM AND VOTE REQUIREMENTS. In the event of an attack:

(a) Quorum requirements for the City Council shall be suspended, and

(b) Where the affirmative vote of a special proportion of members for approval of an ordinance, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

### 1.11 CODE OF ETHICS. (Cr. #284)

(1) DECLARATION OF POLICY. 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 a Code of Ethics for all City officials and employees, elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all officials and employees by setting forth acts incompatible with the best interests of the City citizens and by directing disclosure by officials and employees of private financial or other interests in matters affecting the City. The provisions and purpose of this Code of Ethics and rules and regulations as may be established are hereby declared to be in the best interests of the City.

(2) 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 United States Constitution and the State Constitution and carry out impartially the laws of the nation, state and municipality and 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 shall be their prime concern. Their conduct in both official and private affairs should be above reproach to foster respect for all government.

(3) DEDICATED SERVICE. All officials and employees of the City should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so. They should work in full

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cooperation with other public officials and employees unless prohibited by law or by officially recognized confidentiality of their work.

### (4) FAIR AND EQUAL TREATMENT.

(a) Use of Public Property. No official or employee shall request or permit unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit.

(b) Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen.

### (5) CONFLICT OF INTEREST.

(a) Financial and Personal Interest Prohibited. No official or employee, 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 his official duties in the public interest contrary to the provisions of this section or would tend to impair his independence of judgment or action in the performance of his official duties.

#### (b) Definitions.

1. 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.

2. Personal Interest. Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

#### (c) Specific Conflicts Enumerated.

1. Incompatible Employment. No official or employee shall engage in or accept private employment or render service, for private interest, which employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided herein.

2. Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential

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information concerning the property, government, or affairs of the City, nor shall he use the information to advance the financial or other private interests of himself or others.

3. Gifts and Favors. No official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person which to his knowledge is interested, directly or indirectly, in business dealings with the City; nor shall any official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Gifts received under unusual circumstances should be referred to the Ethics Board within 10 days for recommended disposition.

4. Representing Private Interests before City Agencies or Courts. No officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children, before any City agency or Municipal Court. However, a Council Member may appear before City agencies on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

(6) DISCLOSURE OF INTEREST IN LEGISLATION. Any Council member who has a financial interest or personal interest in any proposed legislation before the Council shall disclose on the records of the Council or the Ethics Board the nature and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Council and who participated in discussion with or gives an official opinion or recommendation to the Council shall disclose on the records of the Council the nature and extent of the interest.

(7) ETHICS BOARD.

(a) The Ethics Board shall consist of 3 members. The membership shall be the same as the Licensing and Investigation Committee. The City Attorney shall furnish the Board necessary legal assistance to carry out its function.

(b) Membership on the Ethics Board shall be synonymous with appointment to the Licensing and Investigating Committee and shall develop written rule of procedure which shall be submitted to the Council for approval.

(c) The Ethics Board may take recommendations with respect to amendments of this section.

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(d) Upon sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of the section, the Board shall conduct a public hearing in accordance with all common law requirements of due process and, in written findings, of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject official or employee and, if appropriate, refer the matter to the Council or other proper City authority.

(8) **APPLICABILITY OF CODE.** When an official or employee has doubt as to the applicability of a provision of this Code of Ethics to a particular situation or definition of terms used in the Code, he should apply to the Ethics Board for an advisory opinion and will be guided by that opinion when given. The official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability provisions of the Code before such advisory decision is made. This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the Ethics Board to be more appropriate or desirable.

(9) **PENALTY AND SANCTIONS.** Violations of any provisions of this section may constitute cause for suspension, removal from office or employment or other disciplinary action.

### 1.15 MAYOR.

(1) **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer. He shall take care that City ordinances and State laws are observed and enforced and that all City officers and employees discharge their duties.

(2) **RECOMMENDATIONS TO COUNCIL.** He shall, from time to time, give the Council such information and recommend such measures as he may deem advantageous to the City.

(3) **PRESIDING OFFICER.** When present, he shall preside at the meetings of the Council.

(4) **VETO POWER.** He shall have veto power as to all acts of the Council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to him by the Clerk and shall be in force upon his approval evidenced by his signature, or upon his failing to approve or disapprove within 5 days, which fact shall be certified thereon by the Clerk. If he disapproves, he shall file his objections with the Clerk who shall present them to the Council at its next meeting. A 2/3 vote of all the members of the Council shall then make the act effective notwithstanding the objections of the Mayor.

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(5) COUNCIL PRESIDENT. The Council, at its first meeting subsequent to the regular election and qualification of new members shall, after organization, choose from its members a president who, in the absence of the Mayor, shall preside at meetings of the Council and during the absence or inability of the Mayor shall have the power and duties of the Mayor, except he shall not have power to approve and act of the Council which the Mayor has disapproved by filing objections with the Clerk. He shall, when so officiating, be styled "acting Mayor".

(6) APPLICABLE STATUTE. See Sec.62.09(8), Wis. Stats.

(7) MAYOR'S SALARY. (Am. #455, 1996) The salary of the Mayor shall be \$7,200.00 per year, and shall be applicable to any person elected to that position during the ensuing year or thereafter unless such salary is changed by resolution of the Common Council adopted by a three-fourths vote of all members of the Council.

### 1.16 ALDERMEN.

(1) APPLICABLE STATUTE. See Sec.62.11, Wis. Stats.

(2) POWERS. Except as otherwise specifically provided, the Council shall have the management and control of the City property, finances, highways, navigable waters and the public service, and shall have power to act for the government and good order of the City for its commercial benefit and for the health, safety and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, forfeiture, imprisonment, confiscation and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(3) ALDERMEN; POLICEMEN. Every alderman shall have the powers of a City policeman. See Sec.62.09(14), Wis. Stats.

(4) SALARY OF ALDERMEN. The salary of each alderman is hereby established at \$275.00 per month and shall be applicable only to aldermen elected during the ensuing year and thereafter, immediately following such election. Such salary shall remain in effect unless altered by a three-fourths vote of all members of the Common Council, to take effect in the manner provided by Sec. 62.06(6), Wis. Stats. (Am. #456, 1996)

### 1.17 CITY ATTORNEY. (1) APPLICABLE STATUTE. See Sec.62.09(12), Wis. Stats.

1.18 CITY ENGINEER.

(1) BUILDING INSPECTOR. (Am. #135) The City Engineer shall have the powers and perform the duties of Building Inspector under these ordinances and State laws, unless the Council shall appoint some other individual to serve as Building Inspector.

(2) DUTIES. (Am. #171) The City Engineer shall perform the duties of Street Commissioner and Street Foreman and shall perform all engineering and surveying work for the City, including running of all lines and establishing grades in connection with the improvement of streets and laying of sidewalk sewers.

1.19 CITY CLERK.

(1) APPLICABLE STATUTE. See Sec.62.09(11), Wis. Stats.

(2) DUTIES PRESCRIBED BY LAW OR COUNCIL. He shall perform such other duties as are prescribed by State Statutes and by order of the Council. He generally shall perform, under direction of the City Administrator, all duties pertaining to his office as City Clerk, and shall be responsible for all the official acts of his assistants. (Amended #678 4/19/2005)

(3) DEPUTY. In the absence of the City Clerk, the Deputy City Clerk, if appointed shall perform the duties of the Clerk.

1.20 (1) DUTIES OF TREASURER.

(a) Applicable Statute. See Sec.62.09(9), Wis. Stats.

(b) Duties Prescribed by Law or Council. He shall perform such other duties as prescribed by State Statutes and by order of the Council. He generally shall perform, under direction of the City Administrator, all duties pertaining to his office as City Treasurer and shall be responsible for all the official acts of his assistants. (Amended #679, 5/17/2005)

(2) DUTIES OF ASSESSOR.

(a) Applicable Statutes. 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, 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 and supervisory personnel of the State Department of Revenue.

1.21 MUNICIPAL JUDGE AND MUNICIPAL COURT. (Am. MSC '80)

(1) MUNICIPAL JUDGE.

(a) Office Created. Pursuant to Sec.755.01, Wis. Stats., there is created the office of Municipal Judge for the City.

(b) Election; Term. The Municipal Judge shall be elected at large at the spring election in even numbered years for a term of 4 years, or until a successor is elected and qualified, commencing on May 1 next succeeding his election. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55 nor more than 70 days after the order of the Council therefor. (Am. #400, 1993)

(c) Salary. The Municipal Judge shall receive a salary of \$1,689 per annum, payable monthly, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath as required by par. (d) of this subsection.

(d) Bond; Oath. The Municipal Judge shall execute and file with the Clerk of the Courts for Monroe County the oath prescribed by Sec.757.02, Wis. Stats., and a bond in the penal sum of \$1,000. The Municipal Judge shall not be qualified to act until a certified copy of the bond is file with the City Clerk and a certified copy of the oath is file with the office of the State Administrator of Courts as required by Sec.755.03, Wis. Stats.

(e) Jurisdiction. (Am. #101) The Municipal Judge shall have jurisdiction as provided by law and Sec.755.045, Wis. Stats., and exclusive jurisdiction of violations of City ordinances, resolutions and bylaws. For violations of this Code by children 14 or older, other than traffic or boating offenses as set forth in Sec.48.17(1), Wis. Stats., the Municipal Court, notwithstanding any penalty provision to the contrary, shall enter any of the dispositional orders permitted under Sec.48.343(1), (2), (5), (6), (7) or (8), Wis. Stats.

(2) MUNICIPAL COURT.

(a) Court Established. The Municipal Court for the City is established pursuant to Ch. 755 and Sec.755.02, Wis. Stats.

(b) Hours. The Municipal Court for the City shall be open as determined by order of the Municipal Judge.

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(c) Location. The Municipal Judge shall keep his office and hold court in the City Hall.

(d) Procedure. (Am. MSC '86) The procedure in Municipal Court for the City shall be as provided by this section and State laws, including, without limitation because of enumeration, Sec.23.66 to 23.99, 345.20 to 345.53, 778.14, 778.15, and 778.18, and Chs. 755 and 800, Wis. Stats.

(e) Collection and Return of Forfeitures. The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before him and shall pay over such moneys to the City Treasurer within 7 days of collection. At such time, the Municipal Judge shall also report to the City Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected.

(f) Contempt of Court.

1. The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt of Municipal Court persons guilty of either of the following acts and no other:

a. Disorderly, contemptuous and insolent behavior toward the Judge while engaged in any judicial proceeding or other conduct which tends to interrupt the proceedings or to impair the respect due the Judge's authority.

b. Resistance of or disobedience to any lawful order or process made or issued by the Judge.

2. The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than \$50 plus the penalty assessment under Sec.165.87, Wis. Stats. Upon nonpayment of the forfeiture and penalty, the person found guilty of contempt may be sentenced to the County jail not to exceed 7 days.

(3) STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT. (Am. MSC '86)

(a) Deposit Schedule to be Established. The Municipal Judge shall establish and submit to the City Council for approval in accordance with Sec.800.03(3), Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws, except traffic regulations which are governed by Sec.345.27, Wis. Stats., and boating violations governed by

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Sec.23.67, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the City Police Department.

(b) Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of City ordinances, resolutions or bylaws for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Sec.800.03, 800.04 and 800.09, Wis. Stats.

(c) Traffic and Boating Deposits. The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chs. 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Sec.345.27 and boating regulations enacted in accordance with Sec.30.77, Wis. Stats.

(d) When Not Permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under sub. (8).

### 1.22 CHIEF OF POLICE.

(1) GENERAL DUTIES. The Chief of the Police Department shall be appointed by the Police and Fire Commission and shall hold office during good behavior, subject to suspension or removal by such Commission. He shall perform such duties as are prescribed by Ch. 4 of this Code.

(2) DUTY OF REPORTING. The Chief of Police shall turn over at least monthly to the City Treasurer all fees, forfeitures, receipts and all other monies received by his department. He shall also make annual reports to the Council and all such other reports that are required of him by State laws and City ordinances. The Chief of Police shall at the time of making his report to the Council as to the efficiency of the police force, number of arrests made and the occasions therefor, and such other matters as he shall embody in his reports, make and attach to each such report a brief summary or recapitulation showing the number of policemen and their respective salaries, total number of arrests made and the occasions therefor, and such other matters in brief as he shall deem to be important.

### 1.23 FIRE CHIEF.

(1) APPOINTMENT. The Fire Chief's office shall be a part-time office and shall be appointed by the Police and Fire Commission and shall hold office during good behavior subject to suspension or removal by such Commission. He shall perform such duties as are prescribed in Ch. 5 of this Code.

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(2) DUTY OF REPORTING. The Fire Chief shall make annual reports to the Council of the condition of the Fire Department of the City and recommend the purchase of such supplies and apparatus for the Fire Department as he may deem necessary and perform such other duties as may be required of him by the Council. The Fire Chief shall, in addition to the making of the annual reports to the Council, make and attach to each report a brief summary or recapitulation, showing the number of fire alarms given to which the department responded during the previous year as well as the number of salaries of the members of the Department for the previous annual period.

### 1.24 COMPTROLLER.

(1) The City Administrator shall perform the duties of the Comptroller. (Am. #655, 7/20/2004)

(2) APPLICABLE STATUTE. See Sec.62.09(10), Wis. Stats.

### 1.25 WATER DEPARTMENT SUPERINTENDENT.

(1) DUTIES. The Water Department Superintendent shall be under the immediate supervision and direction of the Public Works Director, subject to general control of the City Council. The Superintendent shall perform such duties and have such powers as shall be contained in this Municipal Code, particularly Ch. 13, Municipal Utilities. (Amended #681, 5/17/2005)

(2) APPLICABLE STATUTES. See Sec.66.068 and 66.069, Wis. Stats.

### 1.26 SANITATION SUPERINTENDENT.

(1) PLUMBING INSPECTOR. The Sanitation Superintendent shall perform the duties of Plumbing Inspector.

(2) DUTIES. The Sanitation Superintendent shall perform the duties imposed by this Municipal Code, particularly Ch. 15, and such other duties as may be required to be performed by the City Council. The Sanitation Superintendent shall be under the immediate supervisor of the Public Works Director. (Amended #680, 5/17/2005)

(3) APPLICABLE STATUTES. (Am. MSC '86) See Ch. 145, Wis. Stats., and Chs. ILHR 81 through 86, Wis. Adm. Code.

## GENERAL GOVERNMENT 1.27

### 1.27 HEALTH OFFICER.

(1) DUTIES. The Health Officer shall have the powers and duties prescribed in Ch. 11 of this Municipal Code, particularly Sec.11.02.

(2) APPLICABLE STATUTES. See Chs. 141, 143, 144 and 146, Wis. Stats.

### 1.28 DIRECTOR OF PARKS AND RECREATIONS.

(1) POWERS AND DUTIES. See Ch. 22 of this Municipal Code.

(2) APPLICABLE STATUTE. See Ch. 27, Wis. Stats.

### 1.29 ELECTRICAL INSPECTOR. See Ch. 16 of this Municipal Code.

### 1.30 BUILDING INSPECTOR. (Amended 609, 2002) See Ch. 14 of this Municipal Code.

(2) The Building Inspector may issue citations with respect to ordinances which are directly related to the official responsibilities of the Building Inspector under Chapters 10, 11, 14, 19, 20 and Section 9.12 of this Code of Ordinances.

### 1.31 SAFETY INSPECTOR.

(1) PURPOSE. The purpose of creating the office of Safety Inspector and providing for appointment thereto is to promote safety to the general public and to City employees while performing work for the City and to prevent hazardous conditions arising to the general public and City employees engaged in any City Work.

(2) SAFETY RULES. The Safety Inspector may require all City employees to observe all safety rules, promulgated by him or the State Department of Industry, Labor and Human Relations relating to City employment, or such rules as may be prescribed by the City Council, and insurance underwriters companies which are under contract with the City to provide liability insurance coverage on behalf of the City.

### 1.32 PLUMBING INSPECTOR. (Cr. #171) See Ch. 14 of this Municipal Code.

### 1.325 ZONING ADMINISTRATOR. The Zoning Administrator may issue citations with respect to ordinances which are directly related to the official responsibilities of the Zoning Administrator under Chapters 16, 17, 18, 23 and Section 10.05 of this Code of Ordinances.

## GENERAL GOVERNMENT 1.40

1.40 ALDERMEN; TERMS ON BOARDS AND COMMISSIONS. Any alderman representing the Council on any City boards and commissions, either by appointment or by election of the Council, shall so serve for a term not to exceed one year. If such alderman should resign as alderman, he shall be deemed to have resigned from such board or commission.

### 1.41 BOARD OF REVIEW.

(1) ORGANIZATION AND APPOINTMENT. The Board of Review shall consist of 5 City residents, none of whom shall occupy any public office or be publicly employed. The members shall be appointed by the Mayor, subject to confirmation by the Council. One member shall be appointed each year for a 5 year term. Appointments shall be made at the organization meeting of the Council, and the member appointed shall commence his term on May 1.

(2) POWERS AND DUTIES. See Sec.70.46, 70.47 and 70.48, Wis. Stats.

(3) COMPENSATION AND TIME OF SESSIONS. The Board of Review shall receive \$30.00 each for each day of actual attendance at the annual meeting pursuant to Section 7.47(3)(b), Wis. Stats. The annual meeting of the Board of Review shall be within 30 days from the second Monday of May and the first meeting shall be between 5:00 p.m. and 9:00 p.m. (Cr. #367, 1992)

### 1.42 PLAN COMMISSION.

(1) ORGANIZATION AND APPOINTMENT. The Plan Commission shall consist of the Mayor, who shall be the presiding officer, the Chairman of the Park Board, two Alderpersons and three citizens. The Alderperson members shall be appointed by a majority vote of the council members present at the council's organization meeting each year, or whenever a vacancy in the Alderperson's seat shall exist. One citizen member shall be appointed by the Mayor, subject to confirmation by the council, at the organization meeting of the council each year for a three-year term. If the Chairman of the Park Board is an Alderperson, he or she may serve on the Commission in a dual capacity, and an additional citizen shall be appointed so that the Board has seven members. Such additional citizen member shall be appointed for a one-year term.

(2) ORGANIZATION. Within 30 days after appointment the Plan Commission members shall organize by the election of a Vice-Chairman, Secretary, and such other officers as may in their judgment be necessary. All Plan Commission members shall serve without compensation; except if the Council deems advisable, the Secretary may receive such compensation as may be fixed from time to time by the Council and provided for in the appropriate ordinance.

## GENERAL GOVERNMENT 1.42(3)

(3) FUNCTIONS AND POWERS. See Sec.62.23(2) [Functions], (3) [The Master Plan] and (4) [Miscellaneous Powers], Wis. Stats.

(4) MATTERS REFERRED TO PLAN COMMISSION. The Council, or other public body or officer of the City having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: The location and architectural design of any public or private building which uses include commercial, manufacturing, institutional and multi-family including, but not limited to site and landscaping approval; the location of any statute or other memorial; the location, acceptance, extension, alteration, vacation, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Ch. 236, Wis. Stats.; the 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 Council, the Council or other public body or officer may take final action without it. (Amended 584, 2001)

(5) AID IN CARRYING OUT FUNCTIONS. The Plan Commission shall, if it deems advisable, employ experienced advice upon the authority of the Council, if an appropriation be made by the Council therefor, and may have made maps showing proposed additions to or changes in the City plan. The Commission may request assistance from any City department, commission or agency.

(6) RECORDS. The Plan Commission shall keep written records of its proceedings which shall be open to inspection.

### 1.43 BOARD OF ZONING APPEALS.

(1) ORGANIZATION AND APPOINTMENT. A Board of Appeals is hereby established. The Board shall consist of 5 members who shall be appointed by the Mayor and approved by the Council. The Board members shall serve without compensation. The Mayor shall designate one of the members Chairman, and the City Clerk shall serve as Secretary of the Board. The term of office of the Board members shall be for 3 years, except of those first appointed, one shall serve for one year, 2 for 2 years, and 2 for 3 years respectively, from the first succeeding day of January. The Mayor may appoint for a term of 3 years 2 alternate members of such Board in addition to the 5 members above provided for, who shall act with full power only when a Board member refuses to vote because of interest or when a member is absent.

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(2) POWERS AND DUTIES. See Ch. 17 of this Municipal Code and Sec.62.23(7)(e), Wis. Stats.

### 1.44 POLICE AND FIRE COMMISSION.

(1) ORGANIZATION AND APPOINTMENT. The Board of Police and Fire Commissioners shall consist of 5 citizens, 3 of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint one member for a 5-year term in writing to be filed with the Secretary of the Board. No appointment shall be made which will result in more than 3 members of the Board belonging to the same political party. The Mayor may appoint an alderman to the Commission, for a term of 1-year. Such appointments shall be subject to confirmation by the Council. The Board shall keep a record of its proceedings.

(2) POWERS AND DUTIES. Applicable Statute. See Sec.62.12, Wis. Stats., excluding Sec.62.13(6)(a) [Optional Powers of Board]. (Am. #265)

### 1.45 LIBRARY BOARD

(1) ORGANIZATION AND APPOINTMENT. (Am. #728 3/20/07) The Sparta Free Library shall be administered by a Library Board composed of 7 appointed members, a minimum of five of which shall be citizens of the City, appointed by the Mayor with the approval of the Council. Each regular appointment shall be for a 3-year term. One of the members shall be a school district administrator, or his representative. Not more than one Council member shall be a member of the Library Board. 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 duties outside the City authorized by the Board.

(2) POWERS AND DUTIES. See Sec.43.58, Wis. Stats.

### 1.46 PARK COMMISSION. (Am. #415, 1994) ORGANIZATION AND APPOINTMENT.

(1) The Park Commission shall consist of three alderpersons and four citizens. The three alderpersons shall be appointed by the Council at its organization meeting each year for a one year term. The Mayor shall appoint four citizen members, subject to confirmation by the Council, for a term of four years, the initial citizen members to be appointed for terms of one, two, three and four years respectively. Members shall take office May 1.

(2) The Board of Park Commissioners shall exercise the powers and duties as provided in Section 27.08, Wis. Stats., and shall have jurisdiction over buildings

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and grounds located within designated parks of the City of Sparta. Organization meeting each year for a one year term. The Mayor shall appoint four citizen members, subject to confirmation by the Council, for a term of four years, the initial citizen members to be appointed for terms of one, two, three and four years respectively. Members shall take office May 1.

### 1.47 BOARD OF HEALTH.

(1) ORGANIZATION AND APPOINTMENT. The Board of Health shall consist of one alderman and two citizens, who shall be appointed by the Mayor, subject to confirmation by the City Council for one year terms, appointments to be made at the organization meeting of the council. Members shall take office May 1.

(2) POWERS AND DUTIES. See Sec. 11.01 of this Municipal Code and Sec.141.015, Wis. Stats.

### 1.48 BOARD OF PUBLIC WORKS. (Am. #415, 1994)

(1) The Board of Public Works shall consist of four alderperson members and three citizen members, appointed by the Mayor. The citizen members shall hold their office for three years, and the first citizen members shall be appointed for the term of one, two and three years, respectively, and thereafter for three years or until their successors are qualified.

(2) POWERS AND DUTIES. It shall be the duty of the Board, under the direction of the Council, to superintend all public works and keep the streets, alleys, sewers and public works in repair, as set forth in Section 62.14(6), Wis. Stats.; provided, however, the powers and duties of the Board of Public Works shall not extend to matters within the jurisdiction of the Public Facilities Board.

### 1.49 BOARD OF ELECTRICAL EXAMINERS.

(1) ORGANIZATION AND APPOINTMENT. The Board of Electrical Examiners shall consist of the Electrical Inspector, Building Inspector and 3 aldermen. The aldermen shall be appointed by the Council at the organization meeting of the Council for one year terms.

(2) POWERS AND DUTIES. See Ch. 16 of this Municipal Code.

### 1.50 INSURANCE COMMISSION.

(1) ORGANIZATION AND APPOINTMENT. The Insurance Commission shall consist of one alderman and 2 citizens. The members shall be appointed by the Mayor, subject to confirmation by the Council. The alderman member shall be appointed annually at the organization meeting of the Council. The citizen

## GENERAL GOVERNMENT 1.46(1)

members shall be appointed for 2 yr. terms at the organization meeting of the Council. The City Clerk shall act as Clerk of the Commission and shall keep a record of its proceedings.

(2) **POWERS AND DUTIES.** The Insurance Commission shall survey and examine annually, and more frequently if requested, the suitability and adequacy of all insurance contracts of the City; recommend to the Council annually, and more often if desired, ways and means by which the City may procure its insurance coverage that inures to the best interests of the City. No insurance contract shall be purchased by the City without first submitting the same to the Commission for its recommendation. The Commission shall prepare specifications for the City's insurance requirements. With Council approval, it shall receive bids for the purchase of insurance and make its recommendations concerning such bids. The Commission shall prepare a complete and accurate record relative to all insurance contracts carried by the City showing the type of contract, amount of coverage, property covered and rates and expiration dates. All such records shall be kept in the Clerk's office along with all insurance contracts.

### 1.51 GRS HANDICAP REGULATIONS COMMISSION.

(1) **ORGANIZATION AND APPOINTMENT.** The General Revenue Sharing (GRS) Handicap Regulations Commission shall consist of 3 aldermen and 2 citizens. The aldermen members shall be appointed annually at the organization meeting of the City Council to the Building and Grounds Committee. The citizen members shall be appointed for 2 yr. terms by the Mayor at the organization meeting of the Council, subject to confirmation by majority vote of the Council.

(2) **POWERS AND DUTIES.** The GRS Handicap Regulations Commission shall survey and examine annually, and more frequently if requested, the suitability and adequacy of the City's buildings, grounds, facilities, practices and procedures, to comply with the General Revenue Sharing Act of 1974, as the same may be amended from time to time, and the regulations adopted pursuant thereto. The Commission shall recommend to the Council and necessary or desirable changes in the City's buildings, grounds, facilities, practices and programs, in order to comply with the General Revenue Sharing Act and regulations, and also make recommendations for changes in improvements the Commission deem necessary or desirable to make the City's facilities and programs more accessible to handicapped individuals.

### 1.52 BOARD OF GAS APPEALS. (Cr. #149) See Sec. 21.06.

1.53 HOUSING AUTHORITY. (Cr. #149) The Housing Authority shall consist of 5 citizens who shall be appointed by the Mayor, subject to confirmation by the City Council, to 5 yr. terms.

## GENERAL GOVERNMENT 1.54

1.54 BLOCK GRANT COMMISSION. (Am. #415, 1994) The Block Grant Commission, created by resolution of the City Council, shall consist of two citizens and three alderpersons to be appointed by the Mayor for one year terms.

1.545 SPARTA COMMUNITY CENTER REVIEW BOARD. (Cr. #437, 1995)

(1) ORGANIZATION AND APPOINTMENT. The Sparta Community Center Review Board shall consist of seven (7) members; six (6) members shall be appointed by the Mayor, subject to confirmation by the Council, from the following organizations, boards, bodies, and categories: Boys and Girls Club, Park Board, Butterfest Committee, senior citizen, Common Council, and general public. The Sparta Parks and Recreation Director shall be a continuing member. Appointments shall be for a term of one year, and shall be made at the organization meeting of the Council.

(2) SCOPE OF ACTIVITIES AND DUTIES. The Community Center Review Board shall be given nonexclusive oversight of the project and shall make recommendations to the Park Board and Common Council concerning all phases of the preconstruction, construction and operation of the facility. The Board shall make further recommendations concerning the maintenance and operation of the facility and shall coordinate financing efforts and fund raising.

1.55 LOCATION OF EMPLOYEES' RESIDENCES. (Am. #458, 1996, Am. #643, 3/2004, Am #741, 07/2007, Repealed No. 745, 11/20/07)

1.56 RETIREMENT. The City has elected to include all eligible City personnel under the Wisconsin Retirement Fund.

1.57 EMPLOYMENT OF RELATIVES. (Cr. #34) No person shall be hired as an employee of the City where such newly hired employee or his spouse is related to an existing employee or his spouse within the third degree of kinship. This section shall apply only to employees hired after October 9, 1979. The term "newly hired employee" shall not apply to any elected official, unpaid appointed official, temporary employee or part-time employee.

ELECTIONS

1.60 ELECTION OFFICIALS.

(1) ENUMERATED. (Am. #130) The election officials shall consist of 2 inspectors, one election clerk and 2 ballot clerks, for each aldermanic district, provided, however, that the City Council may, by resolution, increase or decrease the number of election officials for any particular election, so long as the total number of election officials and their method of appointment complies with Sec.7.30(1), Wis. Stats.

(2) DUTIES. See Sec.7.30, Wis. Stats.

1.61 POLL HOURS. From 9 a.m. to 8 p.m.

POLITICAL BOUNDARIES

1.70 CITY BOUNDARIES. Ordinance #203 is adopted by reference as a part of this Municipal Code as though set forth herein in full.

1.71 ALDERMANIC DISTRICTS. (Am. #581, 2001) The City shall be divided into 8 Aldermanic Districts as follows:

(1) FIRST ALDERMANIC DISTRICT. The First Aldermanic District shall consist of Wards 1 and 2.

(2) SECOND ALDERMANIC DISTRICT. The Second Aldermanic District shall consist of Wards 3 and 4.

(3) THIRD ALDERMANIC DISTRICT. The Third Aldermanic District shall consist of Wards 5 and 6.

(4) FOURTH ALDERMANIC DISTRICT. The Fourth Aldermanic District shall consist of Wards 7 and 8.

(5) FIFTH ALDERMANIC DISTRICT. The Fifth Aldermanic District shall consist of Wards 9 and 10.

(6) SIXTH ALDERMANIC DISTRICT. The Sixth Aldermanic District shall consist of Wards 11 and 12.

(7) SEVENTH ALDERMANIC DISTRICT. The Seventh Aldermanic District shall consist of Wards 13 and 14 and 15.

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(8) EIGHTH ALDERMANIC DISTRICT. The Eighth Aldermanic District shall consist of Wards 16 and 17.

(9) LEGAL DESCRIPTIONS. The legal descriptions of the 17 City wards, together with a map showing the ward boundaries, is on file in the City Clerk's office.

(10) ALDERMANIC REPRESENTATION. There shall be one alderman elected to represent each of the above aldermanic districts.

1.72 ANNEXATIONS. See Ordinance #22, 30, 50, 77, 78, 80, 81, 82, 83, 91, 92, 105, 106, 119, 132, 135, 144, 172, 175, 176, 189, 196, 207, 208, 209, 218, 233, 236, 257, 268, 287, 117 (1983), 128 (1983), 144 (1984), 218 (1988), 240 (1988), 417 (1994), 426 (1994), 464 (1996), 505 (1998), 511 (1998), 516 (1999), 517 (1999), 518 (1999), 541 (2000), 604 (2002), 606 (2002), 627 (2003), 636 (2003).