

CHAPTER I

ORGANIZATION AND GOVERNMENT

- 1.01 Elective Officers
- 1.02 Elections
- 1.03 Duties and Salaries
- 1.04 Appointed Officials
- 1.05 Village Administrator
- 1.06 Village Board
- 1.07 Meetings
- 1.08 Powers
- 1.09 Standing Rules of the Board
- 1.10 Standing Committees
- 1.11 Economic Development Advisory Committee
- 1.12 Recreation Committee
- 1.13 Planning Commission
- 1.14 Water and Sewer
- 1.15 Board of Zoning Appeal
- 1.16 Board of Review
- 1.17 Commission on Equal Opportunities in Housing
- 1.18 Bicycle and Pedestrian Ad Hoc Committee
- 1.19 West Salem Area Tourism Ad Hoc Committee
- 1.20 Bid and Contract Procedure
- 1.21 Special Assessments Payment
- 1.22 Delinquent Personal Property Tax
- 1.23 Construction Limits
- 1.24 Assessor
- 1.25 Village Constable Abolished
- 1.26 Weed Commissioner
- 1.27 Joint Municipal Court
- 1.28 Return Check Charge

CHAPTER I

ORGANIZATION AND GOVERNMENT

1.01 Elective Officers. The elective officers shall be the Village President and six trustees.

(A) The President shall be chosen at the annual spring election in odd-numbered years.

(B) The Trustees' term of office shall be two (2) years, three of whom shall be elected each year.

1.02 Election.

(A) Candidates for elective Village offices shall be nominated by nomination papers, and elected by non-partisan primary where required, under the following rules and procedures in accordance with §8.05(4), Wis. Stats:

(1) Nomination of candidates for elective Village offices shall be accomplished by nomination papers and non-partisan primary for all elections conducted after January 1, 1980.

(2) Nomination papers shall be signed by not less than 20 nor more than 100 electors of the Village. The papers shall be circulated not sooner than December 1 preceding the election and shall be filed with the Village Clerk not later than 5:00 p.m. the first Tuesday in January, or the next day if Tuesday is a holiday.

(3) Notice of election shall be given, pursuant to the requirements of §10.01(2)(a) and 10.06(3)(a), Wis. Stats.

(4) When the number of candidates for an office does not exceed twice the number to be elected, their names shall appear on the official ballot for the regular election without a primary.

(5) When the number of candidates for an elective office exceeds twice the number to be elected to the office, the Village will hold a non-partisan primary to determine which candidates shall appear on the official spring election ballot. Charter Ordinance.

(B) The annual election shall be held on the first Tuesday of

April.

(C) Special elections may be held when ordered by a majority of the Village Board. The Clerk shall publish the notices required under §10.06(3)(f), Wis. Stats., beginning 40 days prior to the date of the special election.

(D) Within five days after the election the Village Clerk shall notify the person so elected thereof in writing, and within five days of such notice every person so elected shall take and file the official oath.(amended 1996)

(E) All election procedures shall comply with the applicable provisions of Wisconsin Statutes.

1.03 Duties and Salary.

(A) The duties of the Village officers shall be as enumerated in §61.24-61.32, except that no officers shall be required to file a bond unless specifically required to do so by §1.05(c)(12) of this Code.

(B) The Village President shall receive the sum of \$1,400.00 per year and each member of the Board of Trustees shall receive a salary of \$500.00 per year, and each shall receive \$10.00 additional for each regularly scheduled Board meeting attended, as compensation for services rendered as such officers.(Ord. 116, 128, 165, 353)

1.04 Appointed Officials.

(A) Enumerated. The following shall be the appointed officials of West Salem:

- (1) Village Administrator
- (2) Deputy Village Clerk (amended 1996)
- (3) Chief of Police
- (4) Members of Boards and Commissions
- (5) Assessor
- (6) Weed Commissioner

(B) Manner of Appointment.

(1) Unless other wise provided, the enumerated officials shall be appointed by the Village President, subject to confirmation by the Village Board.

(C) Term of Office. Unless otherwise provided by statute or ordinance, appointed and employed officials shall serve indefinite terms, at pleasure of board, beginning upon Board confirmation.

1.05 Village Administrator.

(A) Creation and Purpose. In order that the various officers, officials, and employees and departments executing policy and administering the affairs of the Village of West Salem, Wisconsin, operate as efficiently as possible under a system of part-time President and part-time Trustees, and to better insure competent, expeditious, efficient and harmonious administration and action in respect to any activity common to any one or more of the Village's officers, officials and departments, and in order that there may be a uniform administration of policy, there is hereby created the office of Village Administrator for the Village of West Salem, Wisconsin.

(B) Office of Village Clerk, Village Treasurer and Village Administrator Combined. The offices of Village Clerk, Village Treasurer and Village Administrator shall be held by the same person. The Village Administrator shall be appointed and shall hold office for an indefinite term, subject to removal by the Village Board.

(C) Power and Duties of Village Administrator. In addition to the regular duties of the Village Clerk and Village Treasurer, the Village Administrator shall have the following duties:

(1) To attend all official meetings of the Board and its committees unless excused by the Board or the committee, and collaborate with the board on important matters pertaining to Village administration, business and affairs; and to make recommendations from time to time for improving the quality and efficiency of the services performed by the Village;

(2) Unless otherwise prearranged or at the option of the Village President and Committee Chairman, prepare the agenda and order of business for all board and committee meetings. Nothing herein shall be so construed as to give the Village Administrator authority to limit or in any way prevent matters from being considered by the Board or its committees;

(3) To establish such methods of handling details of administration as will, in his opinion, best promote efficiency in municipal government;

(4) To administer the operation and maintenance of all Village-owned property, lands, buildings, improvements and equipment, and all public ways, ditches and drains and storm sewers.

(5) To administer the construction and maintenance of all public ways, public works, and improvements undertaken either directly or indirectly by the Village;

(6) To prepare annually and submit to the Board a financial budget of anticipated income and expenditures for the ensuing fiscal year, and supervise and control the expenditures of money and the administration of such budget as adopted.

(7) Act as purchasing agent directing the purchase of materials, supplies, equipment, and services of every kind and character for any and all departments and subdivisions of the Village.

(8) Act as personnel officer for the Village, recommend salary and wage scales and working conditions for those officers, officials or employees not covered by collective bargaining agreements and maintain a current personnel file for all the departments except for the Police Department.

(9) Inquire into and settle pursuant to existing Village policy or otherwise report to the Village Board, any dispute concerning the activities of any Department or office in connection with interdepartmental relations or with persons having business with the Village.

(10) Such other administrative duties and powers not inconsistent with ordinances may be prescribed by the Board from time to time.

(11) To see that all Village ordinances are efficiently enforced.

(12) May appoint a Deputy Clerk and/or Deputy Treasurer upon approval of the Board, who shall act under the Administrator's direction and for whom he is responsible. Such person shall take and file the oath of office and bond

and shall perform the Clerk and/or Treasurer duties in the event the Clerk is absent, disabled or ill.

1.06 Village Board. The Trustees and the President shall constitute a board designated the Village Board of West Salem, hereinafter referred to as the "Board". Four trustees shall constitute a quorum, but a less number may adjourn from time to time. The President shall preside at all meetings when present. In his absence the Board may select another Trustee to preside.

1.07 Meetings. The regular meeting dates of the Board shall be the first and third Tuesdays of every month. (Ord. 198). Special meetings may be called by any two Trustees by filing a written request therefor with the Village Clerk, who shall notify the President and all Trustees of such special meeting and its purpose in writing. All meetings shall be open to the public. The Board shall keep a record of all its proceedings and publish the same in a newspaper published or having general circulation in the Village.

1.08 Powers.

(A) Order. The Board shall have power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance and it shall be the judge of the election and qualification of its members.

(B) Powers. The Board shall retain all the powers of the Village not specifically delegated to some other officer. Except as otherwise provided by law, the Board shall have the management and control of the Village property, finances, highways, streets, and the public service and shall have power to 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. The Board may implement its powers by license, regulation, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby confirmed shall be in addition to all other grants and shall be limited only by express language.

(C) Substitute Officers. If any officer is absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge the officer's duties until the officer returns or until the disability is removed.

1.09 Standing Rules of the Board.

(A) The Board shall adhere to the following procedural rules and order of business, unless they shall be temporarily suspended by unanimous consent or agreed upon past practice.

(B) At the appointed hour, the Clerk shall call the roll of Trustees in alphabetical order, marking all absentees, and shall announce if a quorum is present. If a quorum is present, the President, or, in his absence, a chairman chosen by the Board, shall call the Board to order and the Board shall proceed to business. If a quorum is not present, the Board shall adjourn.

(C) All ordinances shall, after introduction, lay over to the next Board meeting before being acted upon.

(D) All petitions, remonstrances, or accounts shall be read at length when presented by the members presenting same, by the presiding officer or by the Clerk, unless otherwise voted.

(E) All resolutions and amendments to any document shall be put in writing before being acted upon.

(F) Before speaking, every member shall rise and address the chair, and once recognized, shall not be interrupted except by a call to order.

(G) When a member is called to order, he shall take his seat, and not proceed, except in explanation, without leave of the Board.

(H) No member shall speak upon any question more than twice without permission of the Board.

(I) The Clerk shall call the ayes and nays for each vote.

(J) Any member voting in the majority may move for reconsideration at the same or next meeting, and if a majority are in favor, the issue shall be reconsidered.

(K) The Village Administrator shall establish the order of the meeting agenda.

(L) Board deliberations shall generally comply with the manual of parliamentary procedure commonly known as "Roberts Rules of Order". The Board shall make such further suitable regulations for the conduct of its business as it shall deem necessary.

(M) Code of Ethics.

(1) Definitions.

(a) Public Officer. Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to Boards, Committees, and Commissions established or appointed by the Village President, Chairperson, and/or Village Board, whether paid or unpaid.

(b) Public Employee. Any person excluded from the definition of public officer who is employed by the Village.

(c) Confidential Information is, at the time of a proposed disclosure, information where the Village's interests in its confidentiality or in the Village's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes, but is not limited to, information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Wisconsin Statute Section 19.85 unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this Section, information shall include knowledge imparted orally, recordings, and written documents or records.

(2) Declaration of Policy. It is declared that high ethical standards among Village officers and employees are essential to the conduct of good representative government and that a Code of Ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Village in their public officers and employees. The purpose of this Section is to establish guidelines for ethical standards of conduct for all such Village officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence

and integrity of Village officers and employees and their official actions.

(3) Statutory Standards of Conduct. The provisions of the following Sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to-wit:

(a) Section 946.10. Bribery of Public Officers and Employees

(b) Section 946.11. Special Privileges from Public Utilities.

(c) Section 946.12. Misconduct in Public Office.

(d) Section 946.13. Private Interest in Public Contract Prohibited.

(e) Section 19.01 - Oaths and Bonds.

(f) Section 19.21 - Custody and Delivery of Official Property and Records.

(g) Sections 19.81 - 19.89. Open Meetings of Governmental Bodies.

(h) Section 19.59 - Code of Ethics for Local Government Officials, Employees, and Candidates.

Public officers and employees shall comply with the Sections of the Wisconsin Statutes incorporated in this Code and failure to do so constitutes a breach of this Code of Ethics.

(4) Use of Public Property. No public officer or employee shall use or permit the use of Village 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 officer or employee in the conduct of official business, as authorized by the Village Board or authorized Board, Commission, or Committee.

(5) Obligations to Citizens. A public officer or employee shall not grant or receive any special

consideration, treatment, or advantage beyond that which is available to every other citizen.

(6) Conflicts of Interest; Disclosure of Interest. Except as provided herein, no public officer or public employee shall engage in any business transaction with the Village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or will tend to impair his or her independence or judgment or action in the performance of his or her official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into, or bidding on any transaction with the Village, or as part of his or her official duties will be making an official decision or recommendation significantly affecting a business competitor, client, or regular customer, shall disclose such interest to the membership of the Village Board (or Committee, Board, or Commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.

(7) Representing Private Interests Before the Common Council or Village Agencies. No public officer or employee, including persons or firms engaged to provide professional services to the Village, shall represent, for compensation, private interests before the Village Board or any Village Board, Commission, or Committee without disclosure of the private business relationship and explicit consent of the Village Board.

(8) Disclosure of Confidential Information. No official or employee may use or disclose confidential information concerning the property, government, or affairs of the Village gained in the course of or by reason of his or her official position or activities, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.

(9) Receipt of Gifts, Gratuities, and Preferential Treatment. No public officer or employee shall accept anything of value whether in the form of a gift,

service, loan, or promise from any person, who, to his or her knowledge, has a direct financial interest in any transaction or official business with the Village, which may tend to impair his or her independence of judgment or action in the performance of his or her official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such gift or meal up to Twenty-five (\$25.00) Dollars in value.

(10) A determination that an elected public official's actions constitutes improper conduct under the provisions of this Section may constitute a cause for sanctioning, censuring, or removing the official, or other disciplinary action by the Board, as permitted by laws. Removals may be made only by an affirmative vote of three-fourths (3/4) of all the members of the Village Board. Sanctions and censures may be made only by an affirmative vote of two-thirds (2/3) of the members of the Village Board present. A determination that an public employee's actions constitutes improper conduct under the provisions of this Section may constitute a cause for disciplining or discharging the employee, or other disciplinary action by the Village Board as permitted by law. A determination that an appointed member of a Board, Committee, or Commission's actions constitutes improper conduct under the provisions of this Section may constitute a cause for the Village President or other appointing authority to consider removing the member from the Board, Committee, or Commission.

(11) As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this Section shall be subject to a municipal forfeiture of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each violation, which forfeiture may be amended from time to time by Village Board action.

1.10 Committees. The Board shall conduct its business through the following committees, each of which shall consist of three Trustees appointed by the President and confirmed by the Board:

Finance and Personnel
Streets
Buildings and Grounds

Utilities (formerly Sewer and Water)
Law Enforcement
Library

1.11 Economic Development Advisory Committee.

(A) Appointment. The West Salem Economic Development Advisory Committee shall consist of five (5) members, including two (2) Village Trustees and three (3) citizens. All members shall be appointed by the President subject to confirmation by the Board upon creation of the Board and during the month of April thereafter. The term of office for Trustee members shall be one (1) year, two (2) citizen members shall be named for 2-year terms and a third citizen member shall be named for a 3-year term. No compensation shall be paid members serving on the Economic Development Advisory Committee.

(B) Organization. Following appointment of the Economic Development Advisory Committee, the Committee members shall select a chairperson and any other officers as it may deem necessary. The Economic Development Advisory Committee shall have the duty to report all recommendations and anticipated actions to be taken by the Committee to the Village Board for approval. The Economic Development Advisory Committee members shall meet at least twice per year and report its actions to the Village Board at the next subsequent meeting of the Village Board.

(C) Powers and Duties. The Economic Development Advisory Committee shall have the power to investigate and review all sources of State and Federal assistance and funding. It shall be the duty of the Committee to report the results of their investigations to the Village Board. If recommended by the Village Board, the Economic Development Advisory Committee may be given the authority to apply on behalf of the Village of West Salem for sources of State and Federal funding for economic development. If recommended by the Village Board, the Economic Development Advisory Committee may be given the authority to act on behalf of the Village of West Salem in implementation of State or Federal funding for economic development projects granted to the Village of West Salem.

1.12 Recreation Committee.

(A) Appointment. The West Salem Recreation Committee shall consist of five members including two Village Trustees and three citizen members. All members shall be appointed by the President subject to confirmation by the Board upon creation of the Board

and during the month of April thereafter. The term of office for Trustee members shall coincide with their official terms as Village Trustee. Of the citizen members, one shall serve for a 1-year term, one shall serve for a 2-year term, and one for a 3-year term. Thereafter, citizen members shall be appointed for 3-year terms. No compensation shall be paid members serving on the Recreation Committee. Citizen members shall take the official oath of office which shall be filed with the Clerk.

(B) Organization. Following appointment of the Recreation Committee, the Committee members shall select a chairman, secretary and any other officers as they deem necessary.

(C) Powers and Duties.

(1) The Recreation Committee shall have the power to govern, manage, control, improve and care for all Village parks and park equipment within the Village's corporate limits and to secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes. The Committee shall have the power to appoint sub-committees to carry out the purposes of this Section.

(2) Subject to the approval of the Board, the Recreation Committee may disburse for park improvement monies allocated by the Board from the general fund. The Committee shall maintain a record of all monies received and disbursed and render a quarterly accounting thereof to the Village Board.

(3) The Committee may sponsor and conduct public concerts, athletic events, and exhibitions to promote agriculture, at which a fee for admission may be charged to defray expenses, including the cost of trophies and such other expenses which the Committee deems necessary and proper.

(4) Subject to the approval of the Board, the Committee may lease park grounds or any part thereof and may collect rent therefrom.

(5) The Committee may acquire in the name of the Village gifts and bequests for park purposes and to hold and disburse the same for park improvements as it deems appropriate. (Ord. 124).

1.13 Planning Commission.

(A) Commission.

(1) The Village Board may, by Ordinance, create a "Village Planning Commission" to consist of seven (7) members. All members of the Commission shall be appointed by the Village President, who shall also choose the presiding officer. The Village President may appoint himself or herself to the Commission and may appoint other Village-elected or appointed officials, except that the Commission shall always have at least three (3) citizen members who are not Village officials. Citizen members shall be persons of recognized experience and qualifications. The Board may, by ordinance, provide that the membership of the Commission shall be as provided hereunder.

(2) The members of the Commission shall be appointed to hold office for a period of three (3) years. Appointments shall be made by the Village President during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

(3) The Village Planning Commission shall have power and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary and proper not exceeding, in all, the appropriation that may be made for such Commission by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.

(4) The Village may by ordinance increase the number of members of the Village Planning Commission so as to provide that the building inspector shall serve as a member thereof.

(B) Functions. It shall be a function and duty of the Planning Commission to create and adopt a Comprehensive Plan to provide background and direction for a variety of land use decisions, including areas outside Village boundaries, which, in the Commission's judgment, bear relation to the development of the Village. The Comprehensive Plan shall be used by the Planning Commission to make decisions about growth and development over the Comprehensive Plan's effective period. Periodic updates shall be made by the Planning Commission to ensure the Comprehensive Plan remains current over time. The Planning Commission may adopt rules for the transaction of all business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be public record. The Commission shall have

all powers and duties prescribed in Wisconsin Statutes 62.23.

1.14 Water and Sewer Utility.

Pursuant to §66.0819, Wis. Stats., the Village's waterworks system and sanitary sewer system shall be combined and operated as a single public utility. The utility shall be subject to the provisions of §66.0819, Wis. Stats.

Unless further modified by the Board, the Village Administrator shall also be the Manager of Public Works. He or his duly authorized representatives shall supervise the operation of the combined water and sewer utility. The Manager of Public Works shall have the powers and duties as provided in Chapters 8 and 9 of this Code. The Village Board shall determine the Manager's compensation. (amended 1996)

1.15 Board of Zoning Appeals.

See Chapter III: Zoning, for the establishment, membership, organization, and powers of the Board of Zoning Appeals.

1.16 Board of Review. The Board of Review shall consist of the Village President, the Administrator and the County Supervisor(s). The members of the Board shall receive just compensation to be determined annually during budget preparation by the Board Finance and Personnel Committee, for the days on which the Board of Review is in session.

1.17 Commission on Equal Opportunities in Housing.

(A) Membership. The Commission on Equal Opportunities in Housing shall consist of five members appointed by the Village President subject to confirmation by the Board, to serve 5-year terms.

(B) Powers and Duties. See Chapter 2.03(E) of this Code.

1.18 Bicycle and Pedestrian Ad Hoc Committee.

(A) Appointment. The Bicycle and Pedestrian Ad Hoc Committee shall consist of citizen members and shall include two (2) Village Trustees. All members shall be appointed by the President subject to confirmation by the Board upon creation of the Board and during the month of April thereafter. The term of office for Trustee members shall be one (1), and the term of office for citizen members shall be two (2) years. No compensation shall be paid to members serving on the Bicycle and

Pedestrian Ad Hoc Committee. Public interest in ad hoc committee service may result in the fluctuation in the number of committee members; therefore, four (4) committee members shall constitute a quorum.

(B) Organization. Following appointment of the Bicycle and Pedestrian Ad Hoc Committee, the Committee members shall select a chair and any other officers as the Committee may deem necessary. The Bicycle and Pedestrian Ad Hoc Committee shall have the duty to meet jointly with the Street Committee or report all recommendations and anticipated actions to be taken by the Committee to the Street Committee, in either case as directed by the Village Board.

(C) Powers and Duties.

(1) The Bicycle and Pedestrian Ad Hoc Committee shall have the power to investigate and provide the Street Committee and Village Board with recommendations regarding designated bicycle and pedestrian access and connections to existing trails, bike pathways, bike routes, and bike shared roadways with consideration of current and new development within and around the Village of West Salem.

(2) The Committee shall have the power to investigate and review all sources of State and Federal funding. It shall be the duty of the Committee to report the results of its investigations and reviews to the Street Committee for recommendation to the Village Board.

(3) If recommended by the Street Committee and approved by the Village Board, the Bicycle and Pedestrian Ad Hoc Committee may be given the authority to apply on behalf of the Village of West Salem for sources of State and Federal funding for development of and/or for the benefit and enhancement of designated bicycle and pedestrian access and connections to existing or developing trails, bike pathways, bike routes, and bike shared roadways.

(4) If recommended by the Street Committee and approved by the Village Board, the Bicycle and Pedestrian Ad Hoc Committee may be given the authority to act on behalf of the Village of West Salem in implementation of State or Federal funding for bicycle and pedestrian projects granted to the Village of West Salem.

(5) The Bicycle and Pedestrian Ad Hoc Committee consisting of at least five (5) appointed members shall meet at least twice per year and report its actions to the Street Committee for recommendation to the Village Board at the next subsequent meeting of the Village Board.

1.19 West Salem Area Tourism Ad Hoc Committee.

(A) Appointment. The West Salem Area Tourism Ad Hoc Committee shall consist of public members and shall include one (1) Village Trustee. All members shall be appointed by the President subject to confirmation by the Board upon creation of the Board and during the month of April thereafter. The term of office for the Trustee member shall be one (1), and the term of office for public members shall be two (2) years. No compensation shall be paid to members serving on the West Salem Area Tourism Ad Hoc Committee. Public interest in ad hoc committee service may result in the fluctuation in the number of Committee members; therefore, four (4) Committee members shall constitute a quorum.

(B) Organization. Following appointment of the West Salem Area Tourism Ad Hoc Committee, the Committee members shall select a chair and any other officers as the Committee may deem necessary. The West Salem Area Ad Hoc Committee shall have the duty to report all recommendations and anticipated actions to be taken by the Committee to the Village Board for approval.

(C) Powers and Duties.

(1) Wis. Stat. Sec. 66.0615 sets forth requirements for collection and distribution of room taxes imposed on hotels and motels. The West Salem Area Tourism Ad Hoc Committee is organized to meet the requirements of Code of Ordinances Section 11.13 Hotel and Motel Room Tax and Wis. Stat. Sec. 66.0615. The West Salem Area Tourism Ad Hoc Committee shall have the power to investigate and provide the Village Board with recommendations regarding specific potential uses of room taxes collected that must be spent on tourism promotion and development. Tourism promotion and development means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at the hotel/motel on which the room tax has been imposed:

(a) Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups;

(b) Transient tourism informational services; and/or

(c) Tangible municipal development, including a convention center.

(2) The Committee shall have the power to investigate and review all sources of State and Federal funding. It shall be the duty of the Committee to report the results of its investigations and reviews to the Village Board.

(3) If recommended by the Village Board, the West Salem Area Tourism Ad Hoc Committee may be given the authority to apply on behalf of the Village of West Salem for sources of State and Federal funding for tourism promotion and development.

(4) If recommended by the Village Board, the West Salem Area Tourism Ad Hoc Committee may be given the authority to act on behalf of the Village of West Salem in implementation of State or Federal funding for tourism promotion and development projects granted to the Village of West Salem.

(5) The West Salem Area Tourism Ad Hoc Committee members shall meet at least twice per year and report its actions to the Village Board at the next subsequent meeting of the Village Board.

1.20 Bid and Contract Procedure.

Pursuant to §61.56, Wis. Stats., the Board does hereby provide that the provisions of §62.15 shall be a complete alternative to the requirements established by §61.54 and §61.55 applicable to Village contracts. The authority vested in the Board of Public Works under §62.15 shall be exercised by the Village Board (Ord. 148).

Pursuant to §62.15(5) the power to reject any and all bids shall exist unless expressly waived. The department board, commission or committee may reject any and all bids, if, in their opinion,

any combination has been entered into to prevent free competition. The Village Board may, if it be of the opinion that any of the bids are fraudulent, collusive, excessive or against the best interests of the Village, by resolution adopted by two-thirds of its members, reject any or all of the bids received and order the work done by the Village directly under the supervision of the department board, commission or committee and §61.54(2) and (3) shall apply to the performance of such work.

Pursuant to §62.15(6) whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which the bidder bids, the department board, commission or committee shall report to the Village Board a schedule of all the bids for such work, together with a recommendation to accept the bid of the lowest responsible bidder, with their reasons; and thereupon the Village Board may direct said department board, commission or committee either to let the work to such competent and reliable bidder or to readvertise the same; and the failure to let such contract to the lowest bidder in compliance with this provision shall not invalidate such contract or any special assessment made to pay the liability incurred thereunder.

1.21 Special Assessments Payments.

(A) Special assessments are subject to an Administrative Fee as set forth in Appendix "A" Fee Schedule. Special Assessment payments may be paid in cash until the due date of the billing therefor, or in annual installments if the assessment exceeds \$400.00, the maximum terms of which, except as otherwise provided herein, shall be as follows:

(1) Assessments to one property owner of \$400.00 or less to be paid by December 1 of the year of project construction;

(2) Assessments to one property owner of \$401.00 to \$779.00 shall be paid over two (2) years;

(3) Assessments to one property owner of \$800.00 to \$1,499.00 shall be paid over three (3) years;

(4) Assessments to one property owner of \$1,500.00 to \$2,999.00 shall be paid over four years;

(5) Assessments to one property owner of \$3,000.00 and over shall be paid over five years.

(B) The unpaid balance of any special assessment levied hereunder shall bear interest from the original due date thereof at a rate which shall be determined by the Village Board prior to the publication of the notice required by §66.0715(3)(e), Wis. Stats., relative to the payment of annual installments of special assessments and such rate shall be specified in said notice.

(C) The special assessment interest rate is hereby established annually in Appendix "A" Fee Schedule, if the Village finances the project or an established percent in excess of the rate the Village pays on bond or borrowing for the project if the Village borrows to fund the project, and such interest rate shall apply until changed by resolution of this Board, with this Board to review such interest rate annually.

1.22 Delinquent Personal Property Tax. All delinquent personal property taxes shall bear interest as set forth in Appendix "A" Fee Schedule until paid. Personal property taxes become delinquent on the first day of March for the prior year's tax.

1.23 Construction Limits.

(A) All that part of the Village of West Salem embraced within the following limits shall hereafter be known as the Construction Limits:

(1) Beginning at the corner of Mill and Jefferson Streets, thence north on Mill Street to Franklin Street, thence west on Franklin Street to Youlon Street, thence south on Youlon Street to the north line of the alley in Block 22 of Leonard's Addition, thence due west on said alley line extended to Harmony Street, thence south on Harmony Street to Jefferson Street, thence east on Jefferson Street to Mill Street; excepting all property located south of the right-of-way of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (Ord. 246, Section 1).

(2) Also Lots (1), (2), (9), (10) and (11), Block (11) of the Original Plat of the Village of West Salem.

(B) Regulations. Restriction on the nature and type of building construction, regulation of fires, and storage of combustible materials within the Construction Limits shall be as prescribed in Chapter VII of this Code.

1.24 Assessor. Pursuant to §61.195, §61.197, and §66.0101 of the Wisconsin Statutes, the Village of West Salem hereby elects not to

be governed by those portions of §61.19, §61.23 and subsection (2) of §61.25 of the Wisconsin Statutes which relate to the selection and tenure of the Assessor and which conflict with this Ordinance.

Hereafter the Assessor shall be appointed by the Village President, subject to confirmation by two-thirds (2/3) vote of the members elect of the Village Board. The Assessor shall hold office for an indefinite term subject to removal at the pleasure of the Village Board. (Charter Ord. 154 as amended by Charter Ord. 200).

Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(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 the information may be revealed to and used by persons: 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 under Section 70.47(7)(af), unless a court determines that it is inaccurate, is per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect.

Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

1.25 Village Constable Position Abolished.

(A) The Village of West Salem, Wisconsin, elects by Charter Ordinance that Wisconsin Statutes §61.19 providing for choosing a constable at spring elections in odd numbered years shall not apply to the Village of West Salem, Wisconsin, by virtue of the rights of election under Wisconsin's Charter Ordinance law as set

forth in §66.0101.

(B) Effective at the spring election in 1977, no constable will be elected for the Village of West Salem, and the present constable's position shall expire at the end of his present term, but not effective until sixty (60) days after publication. (Charter Ordinance 204).

1.26 Weed Commissioner Abolished 11/17/98

1.27 Joint Municipal Court.

(A) **Established** pursuant to Chapter 755 Wisconsin Statutes, there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, Village of Holmen, Village of Rockland, and the Village of West Salem (hereinafter collectively referred to as "Joint Municipal Court.")

(B) **Municipal Court Committee.** There is hereby created a "Municipal Court Committee". The Municipal Court Committee shall be comprised of one (1) representative of each member municipality who shall be appointed by the Mayor, President, or Chair of the member municipality, subject to confirmation by the respective governing body, and, in addition, one (1) member who shall be a police chief of a member municipality. The initial member Chief shall be the Chief of Police of Onalaska. The Chief's position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Bangor, Shelby, Holmen, and West Salem. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on Committee matters in the absence of the representative. The term for each municipal member representative, other than chief, shall be for two (2) years. Provided, however, that in order to insure some continuity on the Municipal Court Committee, the initial term for the representative from the City of Onalaska, the Town of Campbell, and the Village of Bangor shall be for a term of one (1) year. Thereafter, the term for the representative from the City of Onalaska, the Town of Campbell, and the Village of Bangor shall be for a term of two (2) years.

(C) **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Chapter 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office

of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge, a person must be a qualified elector in either the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, the Village of Rockland, or the Village of West Salem.

(D) **Election and Term of Municipal Judge.** Until the term of the current City of Onalaska Municipal Judge expires in 2004, said judge shall serve as the judge of the Joint Municipal Court. Thereafter, the position of the Municipal Judge shall be by election. The Municipal Judge shall be elected at large commencing in 2004 at the Spring Election, for a four (4) year term, commencing May 1 succeeding his or her election. Electors of the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, the Village of Rockland, and the Village of West Salem shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.

(E) **Creation of the Position of Clerk of the Municipal Court.** Pursuant to Chapter 755, Wis. Stats., the office of the Clerk of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska after consideration of any recommendation from the Municipal Court Committee and written appointment by the Municipal Judge. Training and compensation of said Clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.

(F) **Duties of Municipal Court Clerk.** The Clerk shall:

(1) File and review citations and complaints, assuring their correctness;

(2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;

(3) Assign docket numbers to citations and complaints, type the docket sheets and gather all material pertinent to cases;

(4) Determine and schedule court dates and facilities subject to subsection (K)(1) of this Section;

(5) Arrange for juvenile cases to be heard away from regular court;

(6) Communicate with law officers, attorneys, and defendants regarding court proceedings;

(7) Balance dockets at the conclusion of court proceedings;

(8) Prepare and mail warrants and summons;

(9) Prepare monthly report of financial activities;

(10) Assist in the collection of traffic bonds;

(11) Prepare necessary communications for jury trials and transfers to circuit court; and

(12) Perform such other duties as may be required by the Municipal Judge and Municipal Court Committee.

(G) **Salary of Municipal Judge.** The Municipal Judge shall receive a fixed salary and Municipal Judge's training pursuant to Section 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the Municipal Court Committee, subject to Section 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the Municipal Judge for any time during his or her term for which he or she has not executed and filed the official bond and oath as required by Subsection (H) of this Section.

(H) **Bond and Oath of Municipal Judge.** The Municipal Judge shall, after election to fill a vacancy, take and file the official oath as prescribed in Section 755.03, Wis. Stats., with the Clerk of Circuit Court for La Crosse County, and at the same time shall execute and file an official bond in the amount determined by the governing bodies of the member municipalities.

(I) **Bond and Oath of Municipal Court Clerk.** The Municipal Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in Section 19.01, Wis. Stats., with the City Clerk of the City of Onalaska, and at the same time, shall execute and file an official bond in the amount determined by the governing bodies of the member municipalities. The City of Onalaska Clerk shall provide file copies to the other municipal members.

(J) **Jurisdiction of Municipal Judge.** The Municipal Judge shall have jurisdiction as provided by the Statutes and Laws of the State of Wisconsin and pursuant to Section 755.045, Wis. Stats.

(K) **Procedures of Joint Municipal Court.**

(1) The Joint Municipal Court's location shall be the City of Onalaska City Hall. The Municipal Judge and the Municipal Court Committee shall determine the time(s) of the Municipal Court.

(2) The procedure for the Joint Municipal Court shall be as provided in this Section and State law, including, but not by way of limitation, Chapters 60, 61, 62, 66, 755, and 800 of the Wisconsin Statutes. The jurisdiction of the Municipal Judge is limited to misdemeanors. This includes traffic offenses and municipal ordinance violations. The Joint Municipal Court is authorized to impose forfeitures, court costs, State penalty assessments, and miscellaneous fees related to the cost of prosecution. The Municipal Judge shall have jurisdiction as is provided in Section 755.045, Wis. Stats.

(3) If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of Section 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Section 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Municipal Court Committee. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.

(4) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Section 800.05, Wis. Stats., shall apply.

(5) The procedures of the Joint Municipal Court shall be in accordance with the applicable Wisconsin Statutes, this Ordinance, and the Joint Municipal Court Agreement entered into between the member municipalities. The Joint Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, each municipal

member shall draft a bond schedule, which shall become effective upon approval by the municipal member's governing body. No bond shall exceed the maximum penalty that could be imposed for the Ordinance violation.

(6) The municipal attorney for each member municipality shall serve as the prosecutor for that member municipality's cases in Joint Municipal Court.

(L) **Fees.**

(1) Bonds for appearance, partial payments, and other funds collected by the Joint Municipal Court shall be treated as escrow funds and deposited with the Municipal Court Clerk.

(2) The Clerk of the Joint Municipal Court shall collect all forfeitures and costs in any actions or proceedings and deposit the same in the account established for such purpose not later than the seventh (7th) business day succeeding receipt thereof. At the time of payment, said Clerk shall report to the City of Onalaska financial services director the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessments and costs, if any. Said financial services director shall disburse the forfeitures to the appropriate municipal member, disburse the fees as provided in Section 814.65, Wis. Stats., and disburse any penalty assessments pursuant to Section 66.0114(1)(bm), Wis. Stats.

(3) Pursuant to Sec. 814.65(1), Wis. Stats. the Municipal Judge shall collect a fee, the range of which is determined by Wisconsin Statutes, on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter.

(4) The Clerk of the Joint Municipal Court shall provide a monthly accounting to each member municipality of the amounts collected and disbursed for each member municipality.

(M) **Withdrawal from Joint Municipal Court.** Any member municipality may withdraw from this Agreement by giving notice in writing to the Municipal Court Committee no later than

September 30 of any year. Upon giving such notice, the member municipality's participation in the Joint Municipal Court shall terminate on December 31 of said year.

(N) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

(O) **Contempt of Court.**

(1) The Municipal Judge may punish for contempt of the Joint Municipal Court persons guilty of any of the following acts. "Contempt of Court" means intentional:

(a) Misconduct in the presence of the Court which interferes with the Court proceeding or with the administration of justice, or which impairs the respect due the Court;

(b) Disobedience, resistance, or obstruction of the authority, process, or order of the Court including refusal to pay a court-imposed forfeiture);

(c) Refusal as a witness to appear, be sworn, or answer a question; or Refusal to produce a record, document, or other object.

(2) The Municipal Judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than Fifty (\$50.00) Dollars. In default of payment of the forfeiture and the penalty assessment imposed by State Statute, the person found guilty of contempt may be imprisoned in the County Jail not to exceed seven (7) days.

1.28 Return Check Charge. If a personal or business check tendered to make payment to the Village is not paid by the bank on which it is drawn, the person by whom the check has been tendered shall remain liable for the payment of the amount for which the check was tendered and for a charge as set forth in Appendix "A" Fee Schedule intended to reimburse the Village for its reasonable costs and expenses incurred. In addition, the officer to whom the check was tendered may, if he or she believes a crime has been committed, provide any information or evidence relating to the crime to the Chief of Police. Said return check charge may be amended from time to time by Resolution of the Village Board.