

CHAPTER 10

OFFICERS AND EMPLOYEES

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CHAPTER 10

OFFICERS AND EMPLOYEES

SECTION 10.01 Trustees.

- (a) **Number, Selection and Term.** There shall be six Trustees of the Village of Cross Plains. Three Trustees shall be elected at each annual spring election for a term of two years commencing on the third Tuesday of April in the year of their election.
- (b) **Powers and Duties.**
 - (1) Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, and public services 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 and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment, 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.
 - (2) The Village Board, on behalf of the Village, may join with other villages or cities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.
 - (3) The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property.
 - (4) Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with the land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose and may sell and convey such easements or property rights when no longer needed for public use or protection.
 - (5) The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any

part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from such Village accordingly and give its note therefore. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding 1/2 of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local school clerk. The rate of interest on any such loan shall be determined by the Village Board.

- (6) Without limitation because of enumeration, the Village Board may lay out, open, change, widen or extend roads, streets, alleys, sanitary and storm sewers, water mains, parks and other public grounds and improve, repair or discontinue the same or any part thereof, including lighting and tree planting; may establish and open and construct drains, canals or sewers and alter, widen or straighten watercourses; may build, alter, repair or otherwise improve or vacate or discontinue sidewalks and crosswalks; and may built and maintain roads and sidewalks required to connect the Village with any transportation terminal or Village property outside of its limits.

SECTION 10.02 President.

- (a) **Selection and Term.** The President of the Village of Cross Plains shall be chosen at the regular spring election in odd-numbered years for a term of two years commencing on the third Tuesday of April in the year of his or her election.
- (b) **Powers and Duties.** The President shall be, by virtue of his office, a Trustee and shall preside at all meetings of the Board and have a vote as Trustee. The President shall sign all ordinances, rules, bylaws, regulations, commissions, licenses and permits adopted or authorized by the Board and all orders drawn on the treasury, except as provided by Section 66.0607, Wis. Stats. The President shall maintain peace and good order, see that the ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

SECTION 10.03 Municipal Judge.

- (a) **Selection and Term.** The Municipal Judge shall be elected at large at the spring election for a term of four years commencing on May 1 following his or her election.

- (b) **Powers and Duties.** The Municipal Judge shall operate the Municipal Court pursuant to Ch. 755, Wis. Stats., and shall have exclusive jurisdiction over offenses against ordinances of the Village where only legal and not equitable relief is sought, in which case the action must be brought in a court of record. Specific powers and duties are set forth in Chapter 24 of this Code.

SECTION 10.04 Appointed Officials.

- (a) **Appointed officials.** The following Village officials shall be appointed:
- (1) Administrator/Clerk-Treasurer.
 - (2) Assessor.
 - (3) Zoning Administrator.
 - (4) Building Inspector.
 - (5) Plumbing Inspector.
 - (6) Electrical Inspector.
 - (7) Village Attorney.
 - (8) Emergency Management Director.
 - (9) Weed Commissioner.
 - (10) Director of Public Facilities.
 - (11) Village Engineer.
- (b) **Method of appointment.** The method of appointment for Village appointed officials shall be as follows:
- (1) **Administrator/Clerk-Treasurer.** The Administrator/Clerk-Treasurer shall be appointed by an affirmative vote of a majority of the members of the Village Board.
 - (2) **All Other Appointed Officials.** All appointed officials, other than the Administrator/Clerk-Treasurer, shall be appointed by the Village President, subject to confirmation by a majority vote of the members of the Village Board. The Village President shall not vote on the confirmation of such appointments except in the case of a tie. The appointment shall be made at the first regular Village Board meeting in May of odd-numbered years.
- (c) **Terms and Compensation.** The term of office of each appointed Village official shall be as follows:
- (1) **Administrator/Clerk-Treasurer.** The person appointed Administrator/Clerk-Treasurer shall hold office for a period of time and under such conditions as defined by an individual contractual agreement entered into between the Village and the Administrator/Clerk-Treasurer, unless such term is ended sooner due to resignation, death or removal. Any contract between an Administrator/Clerk-Treasurer and the Village shall establish a term of not less than one year nor more than three years. Provisions for renewal or subsequent contracts may be included in the negotiated contract between the Village and the Administrator/Clerk-

Treasurer. Regardless of the term established in a contractual agreement, any appointed Administrator/Clerk-Treasurer is subject to removal at any time in accordance with Section 10.05 of this chapter or state statute. Compensation for the Administrator/Clerk-Treasurer shall be as prescribed from time to time in an individual contract entered into between the Village and the Administrator/Clerk-Treasurer.

- (2) **All Other Appointed Officials.** The term of office of all appointed officials other than the Administrator/Clerk-Treasurer shall be for an indefinite term subject to removal as provided by Section 17.13(1), Wis. Stats.
- (d) **Duties and Powers of Appointed Officials.** The duties and powers of appointed Village officials shall be as hereinafter provided.
 - (1) **Administrator/Clerk-Treasurer.** The Village Administrator/Clerk-Treasurer shall be the chief administrative officer for the Village and shall be responsible for directing and coordinating the administration of Village government in accordance with the policies and directives established by the Village Board. The Administrator/Clerk-Treasurer shall have the following duties and responsibilities and shall have the following powers:
 - a. To perform all duties and responsibilities and possess all powers as specifically prescribed for Village Clerk and Village Treasurer in Sections 61.25 and 61.26, Wis. Stats., (as may be amended from time to time) which are hereby adopted and incorporated herein by reference.
 - b. To hold the position of, and perform the duties and responsibilities of, the Village Zoning Administrator as set forth in Subsection (d)(3) of this section or as otherwise established by law.
 - c. To perform all other duties and responsibilities as required of Village Treasurer and/or Clerk by state law or by any ordinance of the Village of Cross Plains or as prescribed by the Village Board from time to time.
 - (2) **Assessor.** The Assessor shall take and file the official oath. The Assessor shall make an assessment of all of the property in the Village liable to taxation, as prescribed by law. The Assessor shall return the assessment roll to the Village Administrator/Clerk-Treasurer at the same time and in the same manner in which town assessors are required to do. No person may assume the office of Village Assessor unless certified by the Department of Revenue under Section 73.09, Wis. Stats., as qualified to perform the functions of the office of Assessor.
 - (3) **Zoning Administrator.** The Zoning Administrator shall be the Administrator/Clerk-Treasurer and shall be responsible for administering zoning ordinances and ensuring compliance with zoning requirements. The Zoning Administrator shall have the authority to conduct inspections and

issue citations for zoning ordinance violations pursuant to the provisions of the relevant ordinance.

- (4) **Building Inspector.** It shall be the duty of the Building Inspector to enforce the provisions of the Building Code and all other ordinances or state laws which relate to building construction. The Building Inspector shall have the authority to make all necessary and reasonable inspections and issue building permits.
- (5) **Plumbing Inspector.** The Plumbing Inspector shall enforce the provisions of the Building Code which relate to plumbing, including the issuance of plumbing permits and inspection of premises. The Plumbing Inspector shall prepare suitable forms for operations, permits and reports. The Plumbing Inspector shall keep records of all permits and make monthly and annual reports to the appointing body and shall perform said duties as required by state law, any other ordinance, or the Village Board.
- (6) **Electrical Inspector.** The Electrical Inspector shall enforce the provisions of the Building Code which relate to electrical installations, including the issuance of permits and inspection of premises. The Electrical Inspector shall keep complete records of all permits issued and shall file an annual report with the Village Board. The Electrical Inspector shall have the authority to cut off electrical current in or to any equipment found to be in an unsafe condition or which interferes with the work of the Fire Department.
- (7) **Village Attorney.** The Village Attorney shall be the legal advisor to the Board, departments and officers and shall represent the Village in litigation. The Village Attorney shall aid in the drafting of ordinances and the proper organization of this Code.
- (8) **Emergency Management Director.** The Emergency Management Director for the Village of Cross Plains shall be the Administrator/Clerk-Treasurer. Duties of said Director shall be as provided in Chapter 12 of this Code.
- (9) **Weed Commissioner.** It shall be the duty of the Weed Commissioner to enforce the ordinance prohibiting owners from permitting excessive growth of weeds or grasses on their premises.
- (10) **Director of Public Facilities.** The Director of Public Facilities shall perform the duties as set forth in Section 61.02 of this Code of Ordinances.

SECTION 10.05 General Regulations Governing Elected and Appointed Officers.

- (a) **Effect.** The provisions of this section shall apply to all elected and appointed officers of the Village, regardless of the time of creation of the office or selection of the officer, unless otherwise specifically provided by ordinance or resolution of the Village Board.
- (b) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his or her duties and within five days

after notice of election or appointment, take the oath of office prescribed by law and file said oath in the office of the Village Administrator/Clerk-Treasurer, except that the Judge shall take his official oath within 10 days after his election and file it with the Clerk of the Circuit Court. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

(c) **Vacancies, Removals from Office and Resignations.** In addition to the general provisions outlined below, vacancies, removals from office and resignations shall be governed by Ch. 17, Wis. Stats.

(1) **Vacancies.** Vacancies in elective offices shall be filled by appointment made by the Village President and confirmed by a majority vote of the Village Board for the remainder of the unexpired term unless the Board holds a special election, which may be held only on the first Tuesday in April. Vacancies in appointive offices shall be filled in the same manner as the original appointment. A Village Trustee shall be eligible for appointment to fill an unexpired term of the Village President.

(2) **Removal from Office.** Removal from office of any elected officer shall be for cause, after reasonable notice, a public hearing and upon a three-fourths vote of the entire Village Board.

(3) **Absence or Temporary Incapacity.** If any officer is absent or temporarily incapacitated for any reason the Board may appoint some person to discharge the duties of the absent officer until that person returns or the disability is removed.

(4) **Resignation.** Resignation by any officer shall be by written letter to the Village Board. Resignation of elected and appointed officers takes effect when presented to the Village Administrator/Clerk-Treasurer unless stated otherwise or if required by law to take effect when a successor is chosen and qualifies.

SECTION 10.06 Village Liable for Default of Treasurer.

Pursuant to Section 70.67(2), Wis. Stats., the Village of Cross Plains shall be obligated to pay, in case the Village Administrator/Clerk-Treasurer acting as Treasurer shall fail to do so, all taxes required by law to be paid by such Treasurer to the County Treasurer for the taxes of subsequent years until repealed.