

## TITLE 2

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# Government and Administration

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## Title 2 ► Chapter 1

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# Village Government and Elections

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### Sec. 2-1-1 Village Government.

- (a) **Village Government Organization.** The Village of Bristol is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.
- (b) **Division of Government.**
  - (1) **Legislative Branch.** The Village Board is the legislative branch of the Village government. Its primary business is the passage of law in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Village Board shall fix the salaries of all officers and employees of the Village, and be charged with the official management of the Village's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the Village.
  - (2) **Executive Branch.** The Village President shall take care that all Village ordinances and state laws are observed and enforced, and that all Village officers, boards and commissions discharge their duties. When present, he/she shall preside at the meetings of the Village Board. He/she shall from time to time give the Village Board such information and recommend such measures as he/she may deem advantageous to the Village.

*State Law Reference:* Wis. Const., Art. XI, Sec. 3.

## **Sec. 2-1-2      Candidates for Elective Office; Nomination Papers; Primary Elections.**

### **(a)    Candidates for Elective Office; Nomination Papers.**

(1) Pursuant to Sec. 8.10(3)(1), Wis. Stats., nomination papers for elective offices shall be signed by not less than twenty (20) nor more than one hundred (100) electors of the Village of Bristol.

(2) Nomination papers for elective offices shall be circulated not sooner than the 1st day of December 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.

### **(b)    Primary Elections.** Candidates for all elective Village offices shall be nominated by nonpartisan primary election conducted as directed by Ch. 8, Wis. Stats., so far as applicable and specifically in accordance with Sec. 8.05(4)(b), Wis. Stats.

*State Law Reference:* Sec. 8.10(3)(1), Wis. Stats.

## **Sec. 2-1-3      Election Hours; Voter Registration.**

(a) **Election Poll Hours.** The voting polls in the Village of Bristol, Kenosha County, Wisconsin shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

(b) **Voter Registration.** All electors for all elections shall be required to be registered. The Village Clerk shall receive applications for registration at his/her office during regular office hours throughout the year, except that registration may also be completed at Village polling places on election days upon presentation of proper identification and proof of residency.

*State Law Reference:* Sec. 6.27(2), Wis. Stats.

## **Sec. 2-1-4      Polling Places.**

The polling place serving Wards 1, 2, 3 and 4 in the Village of Bristol shall be the Village of Bristol Municipal Building. The polling place serving Wards 5, 6, 7 and 8 in the Village of Bristol shall be the Holy Cross Church.

*State Law Reference:* Section 5.25(2), Wis. Stats.



## **Sec. 2-1-5 Election Workers.**

- (a) **Election Officials.** Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections of the Village which shall consist of fourteen (14) election inspectors. However, pursuant to Sec. 7.32, Wis. Stats., the Village Clerk is authorized to reduce the number of election officials, provided that no such action may reduce the number of officials at a polling place to less than three (3). The Village Clerk shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Village Clerk shall further redistribute duties among the remaining officials. Pursuant to Sec. 7.32, Wis. Stats., the Village Clerk is hereby authorized to reduce the number of election officials for all elections to three (3) officials.
- (b) **Alternate Officials.** Because Ch. 7.30(1), Wis. Stats., allows for the creation of alternate or three (3) sets of election officials to work at different times on election day, the Village Board authorizes the selection of alternate and/or two (2) sets of election officials to staff the polls on election day. The Village Clerk is hereby authorized to schedule election officials in shifts on any said election day. The Village Clerk shall redistribute the duties of such election officials.

*State Law Reference:* Secs. 7.30 and 7.32, Wis. Stats.

## **Sec. 2-1-6 Official Newspaper; Legal Posting.**

- (a) **Use of Legal Posting.** The Village of Bristol shall use legal posting pursuant to the Wisconsin Statutes as its means of giving notice.
- (b) **Legal Posting Locations.** When posting is utilized, the following four (4) usual and customary locations for posting shall be:
  - (1) Village of Bristol Municipal Building.
  - (2) Bristol and Woodworth Post Offices.
  - (3) Benson's Corners Convenience Store.
  - (4) Rainbow Manor.
- (c) **Official Newspaper Use.** When publication is required, the Village will utilize a newspaper deemed to have sufficient coverage in the Village of Bristol. The Village Board has presently designated the *Kenosha News*.



## Title 2 ► Chapter 2

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### Village Board

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#### **Sec. 2-2-1 Village Board.**

The Trustees of the Village of Bristol shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code of Ordinances.

*State Law Reference:* Sections 61.32 and 61.34, Wis. Stats.

## **Sec. 2-2-2 Trustees.**

- (a) **Election, Term, Number.** The Village of Bristol shall have six (6) Trustees in addition to the Village President, who is a Trustee by virtue of his/her office as President. The Village President and six (6) Trustees shall constitute the Village Board. Following post-incorporation election, three (3) Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

*State Law Reference:* Sections 61.20 and 61.325, Wis. Stats.

## **Sec. 2-2-3 Village President.**

- (a) **Election.** The Village President shall be elected at the annual spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his/her election.
- (b) **Duties.** The Village President shall by virtue of his/her office be a Trustee and preside at all meetings of the Village Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Village Board and all orders drawn on the treasury. The Village President shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he/she shall deem necessary, who for the time being shall possess all the powers and rights of constables.
- (c) **Participation in Debate.** The Village President shall vote on all matters in the same way that other Trustees vote. The President has the power to make motions, and to introduce ordinances, resolutions and the like as any other Trustee.
- (d) **Appointments.**
  - (1) Wherever in this Code of Ordinances the Village President is required to appoint citizens to standing/subunit committees, commissions and/or boards (not including the Village Board), in the event the Village Board rejects a Village President's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.
  - (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Village President does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Village Board may then nominate an appointee to such position.
  - (3) In the event the Village Board, by parliamentary practice, tables an appointment by the Village President, such tabling action shall be effective for that meeting, but at the next regular meeting of the Village Board, such appointment shall be on the meeting

**ORDINANCE No. 2-2-2**

**AN ORDINANCE REGARDING  
COMPOSITION OF THE VILLAGE BOARD**

The Village Board of the Village of Bristol, Wisconsin, do ordain as follows:

**SECTION I. AMENDMENT OF PROVISIONS.**

Section 2-2-2 of the Village of Bristol Code of Ordinances is amended to read as follows:

**Sec. 2-2-2 Trustees.**

- (a) **Election, Term, Number.** The Village of Bristol shall have four (4) Trustees in addition to the Village President, who is a Village Board member by virtue of his/her office as President. The Village President and four (4) Trustees shall constitute the Village Board. Two (2) Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election. Pursuant to Sec. 61.20(4), Wis. Stats., this change in the composition of the Village Board from six (6) Trustees to four (4) Trustees shall not affect the term of office of Trustees elected prior to the adoption of the ordinance authorizing such change.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

*State Law Reference:* Sections 61.20 and 61.325, Wis. Stats.

**SECTION II. SEVERABILITY.**

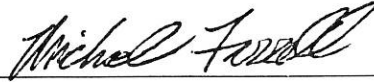
If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

**SECTION III. EFFECTIVE DATE.**

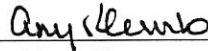
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 27 day of June, 2011.

VILLAGE OF BRISTOL, WISCONSIN



\_\_\_\_\_  
President



\_\_\_\_\_  
Clerk-Treasurer

Published and/or Posted: July 5, 2011

agenda for further consideration, and the particular appointment involved may not be tabled a second (2nd) time.

*State Law Reference:* Sec. 61.24, Wis. Stats.

## **Sec. 2-2-4 Standing Committees.**

- (a) **Committee Appointments.** At the first special or the first regular Board meeting following the third (3rd) Tuesday in April, the Village President shall nominate Trustees to all committees and liaison members, subject to confirmation by majority vote of the Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Village Board action. All Trustees shall serve on at least one (1) committee.
- (b) **Committees of the Board.**
  - (1) **Committees Designated.** The following committees, which shall consist of one (1) Supervisor each, shall be annually appointed by the Village President at the first regular or special meeting of the newly-elected Village Board in May:
    - a. Planning and Zoning Committee.
    - b. Parks, Recreation, Lakes and Boat Launches Committee.
  - (2) **Designated Liaisons.** At the first regular or special meeting of the newly-elected Village Board in May, the Village President shall appoint a Village Board member to a liaison capacity for each of the following issue areas and to work with standing committees/commissions responsible for such areas:
    - a. Budget and finance;
    - b. Fire, rescue and emergency government;
    - c. Public works, roads and recycling;
    - d. Ordinances, judiciary, licenses and permits; and
    - e. Employee relations and negotiations.
  - (3) **Notice of Committee Meetings.** The chairperson of each committee shall prepare a written agenda of matters to be considered at its next meeting and time so that every member of the committee and the Village Clerk shall have a copy thereof at least forty-eight (48) hours before such meeting. All such agenda notices shall be in a detailed form so as to be in conformance with Section 19.81, et. seq., Wis. Stats., the Wisconsin Open Meetings Law.
  - (4) **Special Committees.** The Village President may, from time to time, appoint such special committees as deemed necessary. Special committees appointed by the Village President shall be confirmed by the full Village Board prior to being official. Special committees shall not become operational until the full Village Board adopts a resolution creating or confirming such special committee. The resolution creating

or confirming a special committee shall specify the purpose of the committee, the length of time it shall operate, the number of members thereof, the appointing authority of the members thereof and such other matters as are deemed pertinent by the Village Board. Each such special committee shall keep minutes of its proceedings and furnish a copy thereof to the full Village Board and Village Clerk as soon as practicable.

- (c) **Chairpersons.**
  - (1) The Village President shall designate the chairperson of each standing committee.
  - (2) The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
- (d) **Committees-of-the-Whole.** The Village President may declare the entire Village Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
- (e) **Committee Reports.**
  - (1) All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
  - (2) Each committee shall give the full Board, at the next regular Village Board meeting, a verbal or written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Village Board with the issue.
  - (3) If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the Village Board with the minority position. The Village Board shall permit one (1) committee member supporting the majority position equal time to address the Board on such issue.
- (f) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.
- (g) **Cooperation of Village Officers.** All Village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any Village department.

## **Sec. 2-2-5 General Powers of the Village Board.**

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village



Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the 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.

- (b) **Acquisition and Disposal of Property.** 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, harbors, 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. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) **Acquisition of Easements and Property Rights.** 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 the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with 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, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** 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 therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (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.
- (e) **Construction of Powers.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout

this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

*State Law Reference:* Art. XI, Sec. 3, Wis. Const.; Sec. 61.34, Wis. Stats.

## **Sec. 2-2-6 Cooperation with Other Municipalities.**

The Village Board, on behalf of the Village of Bristol, may join with other counties, villages, cities, towns or other governmental entities 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.

*State Law Reference:* Sections 61.34(2) and 66.0301, Wis. Stats.

## **Sec. 2-2-7 Internal Powers of the Board.**

The Village Board has the power to preserve order at its meetings. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

*State Law Reference:* Sec. 61.32, Wis. Stats.

## **Sec. 2-2-8 Salaries.**

The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that a salary be paid the President, Trustees, and other Village officials. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

*State Law Reference:* Sec. 61.32, Wis. Stats.

## **Sec. 2-2-9 Meetings.**

- (a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the 2nd and 4th Monday of each calendar month. Any regular meeting falling on a legal holiday shall

be held at another date designated by the Village Board at the same time and place. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Municipal Building in the Village of Bristol prior to such rescheduled meeting date. All meetings of the Village Board shall be held at the Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Village Board meetings shall be held within the boundaries of the Village of Bristol, unless specifically otherwise noticed. A majority of Board members must consent to any change in the place of any meeting of the Village Board.

- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular meeting in May following the spring election for the purpose of organization.
- (c) **Board Minutes.** The Village Clerk shall keep a record of all Village Board proceedings and cause the proceedings to be published and/or posted.
- (d) **Attendance; Excused Absences.**
  - (1) **Absences.** Members of the Village Board may be excused from attending a Board meeting by contacting the Village President prior to the meeting and stating the reason for his/her inability to attend. If the member is unable to contact the Village President, the member shall contact the Village Clerk, who shall convey the message to the Village President. Following roll call, the Presiding Officer shall inform the Village Board of the member's excused absence. Village Board members who do not follow the above process will be considered unexcused and it shall be so noted in the minutes.
  - (2) **Late Arrivals.** Members of the Village Board who anticipate a late arrival to a Board meeting should contact the Village President prior to the meeting and state the reason for the expected late arrival. If the member is unable to contact the Village President, the member shall contact the Village Clerk, who shall convey the message to the Village President. Village Board members who do not follow the above process and are not in attendance at the time of roll call will be considered as an unexcused tardy. Members who are not in attendance within one (1) hour of roll call, and have not followed the above process, will be considered as an unexcused absence. Arrival times of members will be noted in the minutes.

*State Law Reference:* Sec. 61.32, Wis. Stats.

## **Sec. 2-2-10 Special Meetings.**

- (a) Special meetings of the Village Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Clerk at least twenty-four (24) hours prior to

the time specified for such meeting. The Village President shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. However, an emergency meeting may be called with notice of a minimum of two (2) hours. The Village Clerk shall cause a record of such notice to be filed in his/her office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Clerk shall give notice immediately upon the call for such meeting being filed with him/her.

- (b) The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called. Individuals requesting a special meeting of the Village Board shall be required to pay a fee as prescribed in Section 1-3-1.

*State Law Reference:* Sections 61.32 and 985.02(2)(a), Wis. Stats.; Ch. 19, Subch. IV, Wis. Stats.

## **Sec 2-2-11 Open Meetings; Adjournment of Meetings.**

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Legally Permitted Closed Meetings.**
  - (1) **Pursuant to Statute.** The provisions of this Code of Ordinances do not prohibit the Village Board or any committee thereof from having a closed meeting ("executive meeting") which is legally convened and/or legally held in a room in said building other than the official meeting room or in some other building in the Village provided proper notice is given thereof pursuant to the Wisconsin Open Meeting Law.
  - (2) **Confidentiality.**
    - a. Village Board members shall keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the

Village's position is not compromised. Confidentiality also includes information provided to members outside of executive sessions when the information is considered to be exempt from disclosure under the laws of the State of Wisconsin.

- b. If the Village Board, after executive session, has provided direction or consensus to Village staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated Village representative handling the issue. Members should consult with the Village President and/or Village Attorney prior to discussing such information with anyone other than other Village Board members, the Village Attorney or designated Village staff. Any Village Board member or Village employee having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the Village Board in a timely manner.
- (c) **Photographs, Motion Pictures, Videotape—Permission Required for Artificial Illumination.** No photographs, motion pictures, or videotapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Village Board meetings without the consent of the Presiding Officer.

*State Law Reference:* Sec. 61.32 and Ch. 19, Subch. IV, Wis. Stats.

## **Sec. 2-2-12 Quorum.**

- (a) A majority of the Trustees shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Clerk shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

*State Law Reference:* Sec. 61.32, Wis. Stats.

## **Sec. 2-2-13 Presiding Officers.**

- (a) **Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside over meetings of the Village Board. In case of absence of the Village President, and

President Pro Tem, the Village Clerk shall call the meeting to order and the Trustees present shall elect one of their number acting President.

- (b) **President Pro Tem.** At the annual organization meeting, the Village Board shall elect one of its members to serve as the President Pro Tem, who shall preside over meetings of the Village Board in the absence of the Village President.
- (c) **Absence of Village Clerk at Meeting.** If the Village Clerk is not present at the time of the initial roll call of the meeting of the Village Board, the Village President shall appoint the Deputy Clerk or any other person present at the meeting to be the Village Clerk pro tem. The Village Clerk pro tem shall prepare and maintain minutes of the meeting of the Village Board. The Village Clerk pro tem shall deliver these minutes to the Village Clerk after the end of the meeting of the Village Board or when the Village Clerk pro tem is replaced during the meeting of the Village Board by the Village Clerk.
- (d) **Duties.**
  - (1) It shall be the duty of the Presiding Officer to:
    - a. Call the meeting to order.
    - b. Keep the meeting to its order of business.
    - c. Control discussion in an orderly manner:
      - 1. Every Village Board member who wishes an opportunity to speak must be recognized by the presiding officer.
      - 2. Permit audience participation at the appropriate times.
      - 3. Require all speakers to state their name and address for the record, speak to the question, and observe the rules of order.
    - d. State each motion before it is discussed and before it is voted upon.
    - e. Put motions to a vote and announce the outcome.
  - (2) In the event of a dispute regarding Village Board procedures, the matter shall be decided in accordance with the parliamentary rules contained in *Robert's Rules of Order*, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

*State Law Reference:* Sec. 61.32, Wis. Stats.

## **Sec. 2-2-14 Meeting Agendas; Order of Business.**

- (a) **Agenda Preparation.**
  - (1) The Village President, in consultation with the Village Administrator and Village Clerk, shall prepare an agenda incorporating the matters comprising the order of business.



- (2) There shall be included on said agenda a time for hearing citizens wishing to address the Board, typically as part of specific agenda items.
  - (3) No matter shall be placed on the agenda of the Village Board unless a request to do so is made to the Village Clerk by the Thursday preceding the meeting (except in emergency situations as determined by the Village President, Village Administrator, or Village Clerk).
  - (4) When a Village resident wishes to have a matter placed on the agenda for consideration at the monthly Village Board meeting, such person shall contact, preferably in writing, the Village Administrator or Village Clerk by the Thursday preceding the next regular monthly meeting with an explanation of the subject matter to be discussed in order to facilitate the proper noticing of the item and an orderly meeting. The Village President shall decide whether the item is to be placed on the agenda for consideration and discussion. Any agenda item of a general, unspecific or vague nature is insufficient. The agenda item must be sufficiently specific so as to inform the general public of the matter that will be placed before the Village Board for discussion and consideration. The Village President, in consultation with the Village Administrator and Village Clerk, is ultimately responsible for preparation of the agenda, the agenda's content, distribution and use. Any matter known to the Village President as likely to become a subject matter at the meeting should be included on the agenda. Trustees requesting items to be placed on the agenda shall contact the Village President. At any Village Board meeting where a topic is not on the agenda, a majority of the Board members may direct that the item be placed on the agenda for the next regular meeting of the Village Board or an agenda for a special Village Board meeting to be held. In the alternative, two (2) Trustees may have an item placed on an agenda by making such a request to the Village Clerk by the Thursday preceding the next regular Village Board meeting.
- (b) **Order of Business.** In preparing agendas for all meetings, the following order of business shall be used as a guideline in conducting the business of the Village Board:
- (1) Call to order by presiding officer;
  - (2) Pledge of allegiance.
  - (3) Approval of agenda.
  - (4) Approval of minutes.
  - (5) Village Clerk's report.
  - (6) Village Treasurer's report.
  - (7) Approval of bills.
  - (8) Citizens' comments (three-minute limit).
  - (9) Village President's comments.
  - (10) Trustee's comments.
  - (11) Village Administrator's comments.
  - (12) Public Works report.
  - (13) Public Safety report.

- (14) Fire Department report.
- (15) Unfinished business.
- (16) New business.
- (17) Communications and announcements.
- (18) Adjournment.
- (c) **Order to be Followed; Citizen Comments.**
  - (1) **Agenda Order.** Unless the Village Board as a whole overrules by a majority vote, the Village President may direct that agenda items be considered in a different order to promote efficiency.
  - (2) **Citizens Addressing the Board.**
    - a. At meetings of the Village Board no person, other than the members of the Village Board, shall address the Village Board or any member of the Village Board. By exception, citizens may address the Board with permission of the presiding officer, by request of a Trustee to the Village President as to matters that are being considered at the time, or during such other times noticed on the agenda for public input. This provision shall not apply to:
      - 1. The Village Clerk, Village Administrator, Director of Public Works, or Building Inspector.
      - 2. Any member of the Village Board.
      - 3. Village Engineer or Village Attorney.
    - b. This provision shall also not apply under the specific orders of business established to recognize residents of the Village or other persons, under the specific order of business to recognize members of any Village office, Village committee, Village agency, Village commission or a special board or other Village officers or except if the person has specifically requested the right to address the Village Board and then only after the approval of the presiding officer.
    - c. The Village President or presiding officer may impose a time limit on the length of time citizens may address the Board, following the guidelines in Subsections (d) and (e).
- (d) **Recognition of Visitors.** In order to maintain and hold meetings in an orderly fashion the following procedure will be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:
  - (1) No discussion allowed from visitors during the course of the meeting unless requested by the Village Board.
  - (2) At the appropriate time, each visitor can be recognized and allowed to speak for no more than three (3) minutes.
  - (3) If a speaker purports to speak for an organization, club or others so as to lead the Village Board to believe that a number of persons support a position, then such person shall state how that position was developed by the group.



(e) **Procedure at Public Hearings.**

- (1) After opening the public hearing, the presiding officer shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (2) Each person speaking on behalf of the proposition shall be limited in time to not more than five (5) minutes. The presiding officer may allow for additional time.
- (3) The presiding officer shall then call on those persons who wish to oppose the proposition.
- (4) Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (5) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (6) If a speaker purports to speak for an organization, club or others so as to lead the Village Board to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
- (7) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

- (f) **Submittal of Written Comments.** If comments are provided in writing, they may be submitted to the Village Board on matters which the Village Board is considering at its meeting. It is encouraged that such written comments be filed with the Village Clerk by the Thursday preceding the regular meeting. If written comments are given at the meeting, the presenter should provide copies for the Village Board and staff.

## **Sec. 2-2-15 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.**

(a) **Definitions—Ordinances, Resolutions and Motions.**

- (1) **Ordinance.** A legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Village Board action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- (2) **Resolution.** An internal legislative act which is a formal statement of policy concerning matters of a special or temporary nature. Board action shall be taken by resolution where required by law and in those instances where an expression of policy more formal than a motion is desired.
- (3) **Motion.** A form of action taken by the Village Board to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the

record, is the equivalent of a resolution in those instances where a resolution is not required by law.

- (b) **Ordinances.** All ordinances and resolutions shall be prepared as follows:
  - (1) Each ordinance or resolution shall include a note stating the purpose thereof. All ordinances submitted to the Village Board shall be in writing and shall include at the outset a descriptive or brief statement of the subject matter and a title.
  - (2) The sponsor of an ordinance or resolution may be the Village President, one (1) or more Trustees, a department head or a committee, board, or commission.
  - (3) No ordinance, resolution or by-law shall be considered unless presented in writing by a Trustee or by a committee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or by-law need be read in full.
  - (4) On ordinances or resolutions that require special handling, the Village Clerk shall assure that an editorial note is prepared showing compliance with such special handling.
  - (5) The Village Clerk may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
  - (6) Resolutions shall be in writing at the request of one Trustee; such request shall be nondebatable. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- (c) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (d) **Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
- (e) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication and/or legal posting; and published copies thereof shall have appended the date of first publication and/or legal posting.
- (f) **Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Village Board, Village President, Village Administrator, Village Clerk, or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Village Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, or to the Village Administrator, unless objected to by some member of the Village Board.
- (g) **Reference and Reports.** The presiding officer may refer new business coming to the Village Board to an appropriate Board committee unless otherwise referred or acted upon

by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

## **Sec. 2-2-16 Publication and Effect of Ordinances.**

- (a) All ordinances adopted by the Village Board shall, at the discretion and direction of the Village Board, be published in the official newspaper for the Village of Bristol as a Class 1 Notice under Chapter 985, Wis. Stats., or posted in three (3) public places within the Village of Bristol.
- (b) Notwithstanding any provision herein, if any ordinance adopted by the Village Board for the Village of Bristol contains any penalty or forfeiture said ordinance shall be published as a Class 1 Notice under Chapter 985, Wis. Stats.
- (c) If an ordinance resolution, motion or other action is legally posted under this Section, the Village Clerk shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Village Clerk.
- (d) All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

*State Law Reference:* Sections 61.32 and 61.50, Wis. Stats.

## **Sec. 2-2-17 Conduct of Deliberations.**

- (a) **Attendance Roll Call.** When the Presiding Officer shall have called the members to order, the Village Clerk shall proceed to call the roll in rotating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.
- (b) **Roll Call Votes.** A roll call shall not be necessary on any questions or motions except as follows:
  - (1) When the ayes and noes are requested by any member.
  - (2) When required by the state statutes of Wisconsin.
- (c) **Record of Votes.** All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board. Any Trustee may demand a vote on any matter. The Village Clerk shall

call for the ayes and noes on roll call votes in continuous rotation, beginning each roll call one (1) name further down the roster of Trustees. The Village Clerk shall record the ayes and noes on each vote.

- (d) **Parliamentary Procedure.** Except as provided below, the Presiding Officer, in the event of a dispute regarding procedure, shall in all other respects determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, Revised (1984)*, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute.
- (e) **Motions Stated.** Prior to any debate on a matter, the members of the Village Board shall be entitled to a clear understanding of the motion before the Village Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. The presiding officer may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Village Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Village Board prior to the final vote on the matter.
- (f) **Change of Vote.** No member of the Village Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
- (g) **Motions With Preference.** During any meeting of the Village Board certain motions will have preference. In order of precedence they are;
  - (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
  - (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
  - (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Village Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
  - (4) **Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.
  - (5) **Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. The motion is debatable. This motion, if adopted,

ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Village Board.

- (6) ***Motion to Amend or Divide the Question.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
- (7) ***Motion to Postpone Indefinitely.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
- (8) ***Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.*** This motion may be made at any time after the debate and discussion properly before the Village Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (h) **Public Directory Votes.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Village Board. Any vote taken by the general public at a meeting of the Village Board shall be considered by the Board only as an advisory vote and shall not be considered as a directory vote.
- (i) **Compelling Votes; Abstentions.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye." (See also Section 2-5-7 on conflicts of interest).
- (j) **Majority Vote.**
  - (1) Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.
  - (2) In the case of a tie vote on any motion, the motion shall be considered lost.
- (k) **Staff Input.** During regular or special meetings of the Village Board, the Presiding Officer may call for a staff report on business items as the agenda is considered and before a motion is entertained by the presiding officer. Once a motion is pending, debate is limited



to Village Board members; additional staff input will be limited to providing clarification on issues if requested by a Village Board member.

### **Sec. 2-2-18 Reconsideration of Questions.**

Any member voting on the prevailing side may move for reconsideration of the vote on any question at that meeting or the next succeeding regular meeting, except those which cannot be reconsidered pursuant to *Robert's Rules of Order, Revised*. A Trustee may not change his vote on any question after the result has been announced.

### **Sec. 2-2-19 Disturbances and Disorderly Conduct.**

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Village Board, the President may, following a warning, cause the room to be cleared by a law enforcement officer of all persons causing such disorderly conduct.

### **Sec. 2-2-20 Amendment of Rules.**

The rules of Sections 2-2-14 and 2-2-17 through 2-2-19 shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Village Board.

### **Sec. 2-2-21 Suspension of Rules.**

- (a) The rules of Sections 2-2-14 and 2-2-17 through 2-2-19 shall not be suspended except by a two-thirds (2/3) vote of all the members of the Village Board.
- (b) These rules of procedure in Sections 2-2-14 and 2-2-17 through 2-2-19 are adopted for the sole benefit of the members of the Village Board to assist in the orderly conduct of Village Board business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the Village Board to adhere to these rules shall not result in any liability to the Village, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Village Board action.

## Title 2 ► Chapter 3

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# Village Officers and Employees

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### **Sec. 2-3-1 Election of Village Officers; General Provisions; Appointed Officials.**

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties

as shall be required of him/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.

- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings, subject to prior approval by the Village Board.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his/her official capacity is proceeded against or is obliged to proceed before any civil court, board or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.
- (e) **Elected Village Officers.** Pursuant to Section 2-2-1, the Village of Bristol shall elect a Village President and six (6) Trustees. (See Section 2-2-1.)
- (f) **Restrictions.**
  - (1) Only an elector of the Village may hold a Village office, other than an Assessor, if the Village elects to change the office of Assessor to an appointed position.
  - (2) No person may hold the offices of Village Treasurer and Village Assessor at the same time. No person may assume the office of Village Assessor unless certified by the Wisconsin Department of Revenue, under Sec. 73.09, Wis. Stats., as qualified to perform the functions of the office of Village Assessor. If the Village reverts to a system of electing instead of appointing the Assessor and a person is elected to the office and is not certified by June 1 of the year elected, the office is vacant and the Village Board shall fill the vacancy from a list of persons certified by the Wisconsin Department of Revenue.
- (g) **Notice of Election.** Within five (5) days after completion of the canvass under Sec. 7.53, Wis. Stats., the Village Clerk shall transmit a notice of election to each person elected to a Village office.
- (h) **Term of Office.**
  - (1) Every elected Village officer shall hold the office for two (2) years.
  - (2) The regular term of elected Village officers, other than the Village Assessor, if elected, commenced on third (3rd) Tuesday of April in the year of their election.
- (i) **Appointed Officials.** The following Village officials may be appointed in the manner and for the term indicated:



<b>Official</b>	<b>How Appointed</b>	<b>Term</b>
Assessor	Village Board	By contract (3 year maximum contract)
Building Inspector	Village Board	Indefinite
Village Administrator	Village Board	3 year contract
Weed Commissioner	Village Board	1 year
Village Clerk	Village Board	Indefinite
Village Treasurer	Village Board	Indefinite
Village Engineer	Village Board	Indefinite
Public Safety Officer(s)	Village Board	Indefinite
Village Attorney	Village Board	Indefinite
Clerk of Municipal Court	Municipal Judge	Indefinite
Fire Chief	Village Board	Indefinite

*Cross-Reference:* Sections 2-2-1 and 2-2-2.

## **Sec. 2-3-2 Vacancies.**

### **(a) Vacancies Involving Village Officer (Non-Board) Positions.**

- (1) If any elected Village officer, other than a Trustee, is absent or temporarily incapacitated for any cause, the Village Board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed. Appointees shall file the official oath and bond required under the Wisconsin Statutes and this Code of Ordinances.
- (2) If any elected Village officer, other than a Trustee, refuses to perform any official duty, the Village Board may appoint a suitable person to perform those duties which the officer refuses to perform. An appointee shall file the official oath and bond required of the office under the Wisconsin Statutes and this Code of Ordinances. This paragraph does not preclude a finding that refusal to perform official duties constitutes cause under Sec. 17.13(3), Wis. Stats.

### **(b) Vacancies Involving Village Board Positions.**

- (1) Vacancies on the Village Board may be filled by special election or by appointment by the remaining Trustees, except when the vacancy is caused by removal by a Circuit

Court Judge as provided by law, which latter vacancy shall be filled by appointment by the said Judge. Persons appointed under this Subsection to fill vacancies shall hold office for the remainder of the unexpired term.

- (2) In the event the Village Board elects, by majority vote, to fill the Trustee vacancy by appointment, the following procedure shall be followed:
  - a. Notice of the vacancy, including application procedures, shall be given by posting at the regular Village public notice posting locations and on the Village website. Such notice shall be given for a minimum of fourteen (14) days. Written applications shall be filed with the Village Clerk within the time designated in the notice.
- (3) All applicants shall be interviewed at a special open meeting of the Village Board, with appointment made at the next regular Village Board meeting. The appointment may be made by any member of the Village Board placing in nomination by motion the name of an applicant (such motion requires a second), subject to a confirmation vote by majority vote of the Village Board.

### **Sec. 2-3-3      Official Oath and Bond Requirements.**

- (a) **Official Oath.** Except as provided in Subsection (c), every elected or appointed Village officer shall take and file the oath under Sec. 19.01, Wis. Stats., within five (5) days after notification of election or appointment.
- (b) **Official Bond.** The Village Clerk, Village Treasurer and elected Assessor, if applicable, shall execute and file an official bond provided by the Village. No natural person may be a surety on a bond under this Subsection. The bond may be furnished by a surety company under Sec. 632.17(2), Wis. Stats. The amount of the bond shall be fixed by the Village Board. If the amount of the bond is not fixed by the Board, the amount shall be the same as that required of the last incumbent of the office. If the Village Board at any time determines that the bond is insufficient, it may require an additional bond to be filed within ten (10) days in an amount fixed by the Village Board. If the Village Board establishes Deputy Clerk or Treasurer positions, such persons shall be bonded.
- (c) **Exceptions.** If the Village reverts to a system of electing an Assessor and/or creates a Municipal Court:
  - (1) An elected Assessor shall take and file the official oath and bond at any time between May 27 to May 31.
  - (2) The Municipal Judge shall take and file the official oath and bond under Sec. 755.03, Wis. Stats. (if office created).
- (d) **Failure to File Oath or Bond.** If any person elected or appointed to a Village office fails to file a required official oath or bond within the time prescribed by law, the failure to file constitutes refusal to serve in office.

**State Law Reference:** Sec. 19.01, Wis. Stats.

**Cross-Reference:** Section 2-3-24.

## **Sec. 2-3-4 Compensation of Elective Village Offices.**

- (a) **Nature of Compensation.** Compensation paid to statutory elected Village officials under this Section may be:
  - (1) An annual salary.
  - (2) A per diem compensation for each meeting necessarily devoted to the service of the Village and the discharge of duties. Board members or Village officials shall be the Village's authorized representative at a meeting or be attending an authorized convention/training session to be eligible for per diem compensation.
  - (3) A combination of the above.
- (b) **Changes During Term.** Subject to Subsection (c), the Village Board may not make a change in the compensation of an elective Village office to take effect during the term of office.
- (c) **When Established.** Compensation under this Section shall be established prior to the latest date and time for filing nomination papers for the office. After that date and time, no change may be made in the compensation of the office that applies to the current term of office.

## **Sec. 2-3-5 Reimbursement of Expenses.**

- (a) **Generally.** The Village Board may provide for reimbursement of expenses necessarily incurred by any office or employee of the Village of Bristol in the performance of official Village duties. The Village Board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. Expenses reimbursable under this Section include, but are not limited to:
  - (1) Traveling expenses, including mileage, lodging and meal expenses.
  - (2) Costs associated with programs of instruction related to the officer's or employee's office or employment.
- (b) **Manuals.** The Village Board may purchase handbooks, educational materials and manuals that will materially assist Village officials and employees in the performance of official duties.

## **Sec. 2-3-6 Compensation When Acting in More Than One Official Capacity.**

Except for offices combined pursuant to the Wisconsin Statutes, the Village may not compensate a Village officer for acting in more than one (1) official capacity or office of the Village at the same time.

*State Law Reference:* 946.13, Wis. Stats.

## **Sec. 2-3-7 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 Bristol may operate as efficiently as possible under a system of a part-time Village President and Village Board, and to better insure competent, expeditious, efficient, and harmonious administration and action in respect to any activity common to one (1) or more of the Village's officers, officials, and departments, and in order that there may be a uniform application of policy, there is herewith created the office of Village Administrator for the Village of Bristol, pursuant to Sec. 60.37(3), Wis. Stats.
- (b) **Duties and Responsibilities.** The Village Administrator shall serve as the Chief Administrative Officer of the Village of Bristol, responsible to and under the general direction and policy of the Village President and Village Board, and shall be responsible for the proper administration of all activities of the Village of Bristol. The Village Administrator shall have administrative powers and responsibilities over all departments, department heads and employees of the Village of Bristol. To this end, the Village Administrator shall have the following powers and duties:
- (1) The duties and responsibilities of the Village Administrator include directing the effective and efficient performance of all Village employees and coordinating and expediting all Village services, functions and programs.
  - (2) The Village Administrator shall carry out all directives approved by the Village Board which require administrative implementation through the active direction and coordination of the various Village departments.
  - (3) The Village Administrator shall be responsible for directing, coordinating and expediting the activities of all Village departments, except for such authority vested by Wisconsin Statutes in certain boards and commissions. This includes making or directing such studies as are necessary to determine the most economical and efficient operation of such departments and programs when deemed necessary.
  - (4) The Village Administrator shall be at all times responsible to the Village President and Village Board and shall be responsible for effectuating all actions of the same which require administrative implementation of where the Village President and Village Board have directed him/her to act.
  - (5) The Village Administrator shall be responsible for the administration of all day-to-day operations and services provided by the Village government, including supervision of all Village departments and employees in the monitoring and enforcement of all Village Ordinances, Resolutions, State Statutes, and Village Board directives.
  - (6) The Village Administrator shall establish and implement administrative procedures to increase the effectiveness and efficiency of the Village government which are fully consistent with approved policies established by the Village Board.
  - (7) The Village Administrator shall keep informed concerning current federal, state and county legislation and administrative rules affecting the Village and submit appropriate reports and recommendations thereon to the Village Board.

- (8) The Village Administrator shall represent the Village in matters involving legislative and intergovernmental affairs as required.
- (9) The Village Administrator shall submit, as deemed necessary, recommendations or suggestions for improving the health, safety or welfare of the Village and shall institute and direct a system whereby Village departments, as well as persons having business with the Village President and/or Village Board or any Village department, may properly and efficiently conduct such business.
- (10) The Village Administrator shall establish and maintain procedures to facilitate communication between citizens and Village government to assure that complaints, grievances, recommendations, and other matters receive prompt attention and to assure that all such matters are expeditiously resolved.
- (11) The Village Administrator shall promote the economic well-being and growth of the Village through public and private sector cooperation, and shall coordinate economic development efforts of the Village of Bristol.
- (12) The Village Administrator shall keep the Village Board informed about activities of Village departments through oral or written reports.
- (13) The Village Administrator shall serve as the Village's Personnel Officer, which shall include the development, implementation, interpretation and enforcement of Village Personnel Rules and Regulations as approved by the Village Board. This includes recommending revisions to Village personnel policies when necessary, performing periodic performance evaluations of all non-sworn Village employees, and implementing disciplinary actions when warranted. In addition, the Village Administrator shall recommend salary and wage scales for all Village employees not covered by collective bargaining agreements and direct and oversee the process where personnel problems and/or grievances are promptly resolved.
- (14) The Village Administrator shall direct and oversee the Village's Purchasing Policy as approved by the Village Board.
- (15) The Village Administrator shall monitor the payroll and maintain accurate and complete official employment records for all Village employees.
- (16) The Village Administrator shall develop budgeting procedures, prepare and administer the annual operating and capital budgets in accordance with such guidelines as may be provided by the Village Board and in coordination with all department heads, Board committees, and the Village President.
- (17) The Village Administrator shall supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget; let contracts necessary for the operation and maintenance of Village services for amounts to up and including Five Thousand Dollars (\$5,000.00); receive bids or proposals for purchases or contracts in excess of Five Thousand Dollars (\$5,000.00) for presentation to the Village Board for approval unless the taking of bids is waived by the Village Board.

- (18) The Village Administrator shall institute and operate a system whereby Village departments, as well as persons having business with the Village Board or any Village department, may properly and efficiently conduct such business.
- (19) The Village Administrator shall 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 of Bristol.
- (20) The Village Administrator shall inform the Village President or Village Board concerning any proposed change in service rendered Village residents or Village-located business which shall appreciably affect either the extent, quality, or cost of such service.
- (c) **Duties Prescribed by Law.** The Village Administrator shall perform such other duties as are prescribed by State Statutes and by order of the Village Board. The Village Administrator generally shall perform, under direction of the Village President or other presiding officer of the Village Board, all duties pertaining to his/her office as Administrator, and shall be responsible for all the official acts of assistants.

## Sec. 2-3-8 Village Clerk.

- (a) **Appointed Office.** Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Bristol hereby elects not to be governed by those portions of Sections 61.19 and 61.25, Wis. Stats., which relate to the selection and tenure of the Village Clerk and which are in conflict with this Section (Charter Ordinance).
- (b) **Term.** The appointed Village Clerk shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats. Appointments shall be made pursuant to Section 2-3-1.
- (c) **Audits.** Annual audits may be made of the records of the Village Clerk with the audit to be made by a certified public accountant.
- (d) **Duties.** The Village Clerk shall perform the following duties:
  - (1) **Clerk of Village Board.**
    - a. Serve as Clerk of the Village Board, attend meetings of the Board and keep a full record of its proceedings.
    - b. File all accounts approved by the Village Board or allowed at Village meetings and enter a statement of the accounts in the Village's record books.
  - (2) **Elections and Appointments.**
    - a. Perform the duties required by Chapters 5 to 12, Wis. Stats., relating to elections.
    - b. Transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Village Trustee, Assessor or Clerk, a written notice stating the name and post office address of the elected or appointed officer. The



Village Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.

- c. Transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Constable or Municipal Judge in the Village, a written notice stating the name of the Constable or Municipal Judge and the term for which elected or appointed. If the Judge or Constable was elected or appointed to fill a vacancy in the office, the Village Clerk shall include in the notice the name of the incumbent who vacated the office.
- (3) **Sale of Real Property.** Execute the conveyance of real property of the Village.
- (4) **Notices.** Publish or post ordinances, ordinance summaries, legal notices and resolutions as required under the Wisconsin Statutes.
- (5) **Records.**
  - a. Comply with Subch. II of Chapter 19, Wis. Stats., concerning any record of which the Village Clerk is legal custodian.
  - b. Demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Village Clerk shall dispose of the books and papers as required by law.
- (6) **Licenses.** Issue any license or permit granted by the Village Board when any required fee has been paid.
- (7) **Schools.**
  - a. Perform the Clerk's duties under Chapters 115 to 121, Wis. Stats., relating to public instruction.
  - b. Within ten (10) days after the Clerk's appointment, report his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the Village. The Clerk shall report to the administrator the name and post office address of each school district clerk within ten (10) days after the name and address is filed in the Clerk's office.
  - c. Make and keep in the Clerk's office a map of the Village, showing the exact boundaries of school districts within the Village of Bristol.
  - d. Apportion, as provided by law, tax revenues collected by the Village for schools.
- (8) **Highways and Bridges.** Perform the duties specified in Chs. 82, 86-90, Wis. Stats., relating to highways, bridges, fences and drains. This generally includes responsibilities over Village (former Town) highways (Ch. 82), miscellaneous highway provisions (Ch. 86), flood control (Ch. 87), drainage of lands (Ch. 88) and fences (Ch. 90).
- (9) **Notice of Property Tax Revenue.** Notify the clerk of the county in which the Village is located, by March 15, of the proportion of property tax revenue and the credits under Sec. 79.10, Wis. Stats., that is to be disbursed by the County Clerk to each taxing jurisdiction located in the Village of Bristol.

- (10) **Recording Orders and Certificates.** Obtain and maintain a cancellation book pursuant to Sec. 66.081, Wis. Stats.
- (11) **Statement of Indebtedness to Secretary of State.** Furnish, pursuant to Sec. 69.68, Wis. Stats., a full and complete summary of the bonded indebtedness and all indebtedness, the purpose for which the sum was incurred and any accrued interest, if any, remaining unpaid to the Secretary of State.
- (12) **Managed Forest Act.** Receive copies from the Wisconsin Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Village pursuant to Sec. 77.82(5), Wis. Stats. The Village Clerk shall receive copies of notice of hearings established pursuant to Sec. 77.82(6), Wis. Stats., and copies of any orders issued pursuant to Sec. 77.82(8), Wis. Stats.
- (13) **Notice of Cessation of Operations.** Receive the appropriate notice, pursuant to Sec. 109.07, Wis. Stats., of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the Village; the Village Clerk shall then immediately inform the Village Board of receipt of such information.
- (14) **Release and Publication of Assessment Roll.** Receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, Wis. Stats. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.
- (15) **Rabies Control Program.** Promptly post notice in at least three (3) public places in the Village pursuant to Sec. 95.21(3), Wis. Stats., with the notices of quarantine to be furnished by the Wisconsin Department of Health and Social Services.
- (16) **Prepare General Statistics and Annual Statement of Taxes.** Make out and transmit to the County Clerk by years end a statement pursuant to Sec. 69.60, Wis. Stats., showing the assessed value of all property within the Village, all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Village and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Village Clerk shall file a statement of taxes levied to the State Department of Revenue.
- (17) **Make Tax Roll.** Make out the complete list of all taxable real property to be called the Tax Roll as required in Sec. 70.65, Wis. Stats.
- (18) **Correct Tax Roll.** Before and after delivering the Tax Roll, the Clerk shall correct the errors in the Tax Roll required in Sec. 70.73, Wis. Stats.
- (19) **Receive Assessment Roll.** Receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Sec. 70.50, Wis. Stats.
- (20) **Drainage District.** Insert in the Tax Roll, in a separate column, amounts certified by the Drainage Board secretary as assessments and interest due as required under Sec. 88.42, Wis. Stats.



## Sec. 2-3-9 Village Treasurer.

- (a) **Consolidated Offices.** Pursuant to Secs. 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Bristol hereby elects not to be governed by those portions of Secs. 61.19 and 61.26, Wis. Stats., which relate to the selection and tenure of the Village Treasurer, and which are in conflict with this Section (Charter Ordinance). The Village Treasurer shall be appointed pursuant to Section 2-3-1 of this Code of Ordinances.
- (b) **Term.** The appointed Village Treasurer shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats.
- (c) **Audits.** Annual audits shall be made of the records of the Village Treasurer with the audit to be made by a certified public accountant.
- (d) **Duties as Village Treasurer.** The Treasurer shall perform the following duties of Village Treasurer:
  - (1) **Receive and Disburse Village Funds.**
    - a. Receive and take charge of all money belonging to the Village, or which is required by law to be paid into the Village treasury, and disburse the money under Sec. 66.0607, Wis. Stats.
    - b. Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Village Treasurer shall issue numbered receipts for all funds received. At the request of the Village Board, the Village Treasurer shall present the account books, and any supporting documents requested, to the Village Board.
  - (2) **Deposit of Village Funds.**
    - a. Deposit as soon as practicable funds of the Village in the name of the Village of Bristol in the public depositories designated by the Village Board. Failure to comply with this paragraph is grounds for removal from office.
    - b. When money is deposited under Subsection (b)(1), the Village Treasurer's sureties are not liable for any loss as defined in Sec. 34.01(6), Wis. Stats. The interest arising from the money deposited shall be paid into the Village treasury.
  - (3) **Records.** Comply with Subch. II of Ch. 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.
  - (4) **Taxes.** Perform all of the duties relating to taxation required of the Village Treasurer under Chapters 70 to 79, Wis. Stats.
  - (5) **Duties as Treasurer.** In his/her capacity as Village Treasurer, the Village Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
    - a. Make reports to the State on assessments;
    - b. Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all Village operations, including utilities;

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- c. Invest idle funds for maximum interest earnings;
  - d. Prepare monthly financial report;
  - e. Maintain payroll records and prepare payroll checks from approved employee time sheets;
  - f. Prepare check vouchers for payment of approved claims for signature.
- (e) **Duties Prescribed by Law.** The Treasurer shall perform such other duties as are prescribed by State Statutes, Village ordinances, and by order of the Village Board. The Treasurer generally shall perform, under direction of the Village President or other presiding officer of the Board, all duties pertaining to his/her office of Treasurer, and shall be responsible for all the official acts of assistants.
- (f) **Bond.** The Treasurer shall execute to the Village a surety company fidelity bond in an amount determined by the Village Board.

*State Law Reference:* Sections 61.19, 61.25, and 61.26, Wis. Stats.

## **Sec. 2-3-10 Deputy Clerk; Deputy Treasurer.**

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

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

## **Sec. 2-3-11 Assessor.**

- (a) **Qualification.**
- (1) Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Bristol hereby elects not to be governed by those portions of Sections 61.19 and 61.23, Wis. Stats., which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section.
  - (2) Instead of being elected, the Assessor or assessing firm, shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. Said person so appointed to perform the duties of such office shall

have a term and serve as determined by contract [not exceeding five (5) years]. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Sec. 73.02, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

- (b) **Duties.** The Village Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the Village Assessor pursuant to Chapters 60, 66, 70 and 79, Wis. Stats. The Assessor shall begin under Section 70.10, Wis. Stats., to 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 Clerk at the same time and in the same manner in which Village Assessors are required to do as required by Chapter 70, Wis. Stats.

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

**Cross-Reference:** Section 3-3-9, Confidentiality of Assessor's Records.

**Annotation:** *Petzek vs. Graves*, 33 Wis. 2d 175 (1967).

## **Sec. 2-3-12 Building Inspector.**

- (a) **Appointment.** There is hereby created the position of Building Inspector(s), who shall be appointed by the Village President, subject to confirmation by the Village Board. He/she shall have an indefinite term of office or as prescribed by professional services agreement. The Building Inspector shall review plans, collect building code-related fees and arrange for on-site inspections. The Building Inspector shall have proper certification in areas of responsibility from the State of Wisconsin. If an independent contractor is serving as Village Building Inspector, the Village Board may require that such Building Inspector provide evidence of liability insurance.
- (b) **Powers and Duties.**
- (1) The Building Inspector shall enforce the Village's building and housing codes and all other ordinances, laws, and orders of the Village and State which relate to building

construction, alteration, and repair. With the authorization of the Village Board, he/she may appoint one (1) or more Deputy Building Inspectors and may delegate to them the above-mentioned powers and duties.

- (2) The Building Inspector shall make all on-site inspections necessary for compliance and enforcement of the Building Code. The Building Inspector also assigns and ensures installation of fire number signs and inspects culverts and driveways for proper compliance with Village ordinances.
  - (3) The Building Inspector shall also have such responsibilities as assigned under Village highway construction, driveway and culvert ordinances.
  - (4) The Inspectors shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Village when such work is being done in violation of any Village ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the appropriate Inspector.
- (c) **Authority to Enter Premises; Appeals.**
- (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.
  - (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
  - (3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (d) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances pertaining to building codes.
- (e) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.

*Cross-Reference:* Title 15, Building Code.

## **Sec. 2-3-13 Weed Commissioner.**

The Public Safety Officer shall be appointed the Weed Commissioner by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall

commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

*State Law Reference:* Secs. 66.0407 and 66.0517, Wis. Stats.

## **Sec. 2-3-14 Municipal Judge; Municipal Court.**

- (a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the Village of Bristol and the Town of Bristol.
- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the Village of Bristol.
- (c) **Election; Term.** The Municipal Judge shall be elected at large from the Village of Bristol in the spring elections in even-numbered years for a term of four (4) years commencing on May 1 succeeding the election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Sec. 8.10, Wis. Stats., and selection at a primary election if such is held as provided in Sec. 8.11, Wis. Stats. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.
- (d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Village Board, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c) of the Wisconsin Statutes, as amended.
- (e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Kenosha County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond of Ten Thousand Dollars (\$10,000.00) as fixed by the Village Board.
- (f) **Procedure in Municipal Court.**
  - (1) The procedure in Municipal Court for the Village of Bristol shall be as provided in this Section and state law, including, but not by way of limitation, Chapters 23, 62, 66, 345, 755 and 800, Wis. Stats.
  - (2) The Municipal Court shall be open as determined by the Municipal Judge.
  - (3) The Municipal Judge shall keep his/her office and hold court in the Municipal Building.
  - (4) If the Municipal Judge is temporarily absent, sick or disabled, the provisions of Sec. 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 Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Village Board. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.

- (5) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
- (6) The procedures of the Municipal Court shall be in accord with the applicable Wisconsin Statutes and Village Ordinances. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the Village Attorney shall draft a bond schedule, which shall become effective upon approval by the Village Board. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

(g) **Fees.**

- (1) Bonds for appearance and other funds collected by the Court shall be treated as escrow funds and deposited with the Village Treasurer. Partial payments shall be maintained by the Clerk of Courts in a designated municipal bank account; specific documentation shall also be maintained providing for an audit of such account until full payment has been received, at which time the funds will be deposited with the Village Treasurer.
- (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him/her and shall pay over such moneys to the Village Treasurer not later than the end of each month. At the time of payment, the Municipal Court Clerk shall report to the Village Treasurer 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. The Village Treasurer shall disburse the fees as provided in Sec. 814.65, Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.0114, Wis. Stats.

(h) **Jurisdiction.**

- (1) ***Jurisdiction in General.*** The Municipal Court shall have jurisdiction over incidents occurring on or after the date of establishment of the Court, as provided in Article VII, Sec. 14 of the Wisconsin Constitution, Secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and bylaws.
- (2) ***Warrants.*** The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under Secs. 755.045(2) and 66.0119, Wis. Stats.
- (3) ***Juvenile Matters.*** The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the joint municipal court agreement enacts an ordinance under the authority of Sec. 938.17(2)(cm), Wis. Stats.

- (i) **Board May Abolish Municipal Court.** The Village Board may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.
- (j) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.
- (k) **Contempt of Court.**
  - (1) The Municipal Judge may punish for contempt of Municipal Court for the Village of Bristol persons guilty of either of the following acts:
    - a. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
    - b. Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.
  - (2) A Municipal Judge may impose a forfeiture for contempt in an amount not to exceed Fifty Dollars (\$50.00) or, upon nonpayment of the forfeiture, penalty assessment under Sec. 165.87, Wis. Stats., and jail assessment under Sec. 302.46, Wis. Stats., and any applicable domestic assessment under Sec. 973.055(1), Wis. Stats., a jail sentence not to exceed seven (7) days. The Municipal Judge may suspend motor vehicle driving privileges as authorized by state law and Section 1-1-6.
- (l) **Court Authority to Impose Alternative Disposition and Sanctions.**
  - (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Sections 938.343 and 938.344, Wis. Stats., in accordance with the provision of those statutes.
  - (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Sections 938.343 or 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in Section 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
  - (3) This Section is enacted under the authority of Section 938.17(2)(cm), Wis. Stats.

*State Law Reference:* Chapters 755 and 800, Wis. Stats.

## **Sec. 2-3-15 Clerk of the Municipal Court.**

- (a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Village Board. The Clerk of the Municipal Court shall hold office for an indefinite term of office. The Clerk shall, before entering upon the duties of his/her office, take the oath provided by Sec. 19.01, Wis. Stats., and give such bond as the Village Board may require. The oath and bond of the Clerk of Municipal Court shall be filed with the Village Clerk. The cost of such bond shall be paid by the Village of Bristol.



- (b) **Duties.** The Municipal Court Clerk shall:
- (1) File and review citations and complaints;
  - (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
  - (3) Compile docket numbers for citations and complaints and gather all material pertinent to cases;
  - (4) Determine and schedule Court dates and facilities;
  - (5) Communicate with law officers, attorneys and defendants regarding court proceedings;
  - (6) Balance dockets at the conclusion of court proceedings;
  - (7) Prepare and mail warrants and summons;
  - (8) Prepare monthly report of financial activities;
  - (9) Assist in the collection of traffic bonds;
  - (10) Prepare necessary communications for jury trials and transfers to Circuit Court;
  - (11) Perform such other duties as may be required by the Municipal Judge and Village Board.

## **Sec. 2-3-16 Village Attorney.**

- (a) **Election.** The Office of Village Attorney is an appointed position. The Village Attorney may be appointed by the Village Board and shall serve at the pleasure of the Board. The Village Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Village Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
- (1) The Attorney shall conduct all of the law business in which the Village is interested.
  - (2) He/she shall, when requested by Village officers, given written legal opinions, which shall be filed with the Village of Bristol.
  - (3) He/she shall draft ordinances, bonds and other instruments as may be required by Village officers.
  - (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by Ordinance.
  - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
  - (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

*State Law Reference:* Section 60.37, Wis. Stats.

## **Sec 2-3-17 Village Engineer.**

The office of Village Engineer is an appointed position. The Village Engineer may be appointed by the Village Board and shall serve at the pleasure of the Board. When authorized by the Village Board, the Village Engineer shall provide engineering services to the Village. The cost of professional services provided to the Village, such as, but not limited to, legal and engineering services, may be billed back to private parties when such parties have created the need for such expenditures.

## **Sec. 2-3-18 Village Auditor/Accountant.**

- (a) **Retention.** The Village Board may retain or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Village in financial matters.
- (b) **Compensation.** The Village Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Village Board.
- (c) **Duties.** The accountant has the duties and responsibilities as established in the Wisconsin Statutes, plus any additional powers and duties established pursuant to the retainer contract between the accountant and the Village Board. The appropriate bond shall be filed prior to the Village Board executing the written contract.

## **Sec. 2-3-19 Public Safety Officer(s).**

- (a) **Purpose.** The purpose of this Section is to define the duties and determine the jurisdiction of the Village of Bristol Public Safety Officer(s).
- (b) **Qualifications.**
  - (1) The Public Safety Officer(s) shall be a minimum of twenty-one (21) years of age, of good moral character with no prior criminal record and may be, but is not required to be certified as a law enforcement officer by the State of Wisconsin Law Enforcement Training and Standards Board.
  - (2) The Public Safety Officer(s) may carry a firearm in the course of his/her duties and shall have the power and authority to arrest violators of the Village of Bristol Code of Ordinances as provided by law. The Public Safety Officer(s) shall be properly certified with the firearm as a condition of official possession and use.
  - (3) The Public Safety Officer(s) shall be appointed by the Village Board for a three (3) year term or as otherwise established by contract. Additional Public Safety Officers may be appointed from time to time as the Village Board determines.

- (c) **Jurisdiction and Duties.** The jurisdiction of the Public Safety Officer(s) shall be as following:
- (1) To patrol the Village of Bristol and enforce the provisions of this Code of Ordinances, issuing warnings and citations as appropriate for violations and to cause to be prosecuted any such violations of which he/she has knowledge or information.
  - (2) To serve as a ministerial officer of the Municipal Court and, in conjunction therewith:
    - a. Serve within the county or elsewhere any writ, process, order or notice, and to execute any order, warrant or execution lawfully directed to or required to be executed by him/her by any court or officer of the Village of Bristol.
    - b. Attend sessions of the Municipal Court and the county circuit court when required to do so in the course of his/her duties.
    - c. Inform the District Attorney of all improper trespasses on public lands of which he/she shall have knowledge or information.
    - d. Conduct such investigations and inspections as may be necessary in the course of enforcing the ordinances of the Village of Bristol, obtaining special inspection warrants therefor when necessary and required by law.
    - e. Assist other officials and employees of the Village of Bristol upon request when such assistance is required to enforce the ordinances of the Village delegated to others to administer.
    - f. Serve as Constable, with authority as defined by this Section.
    - g. Perform all other duties as may be required by law or the Village Board.

## **Sec. 2-3-20 Fire Chief.**

- (a) **Appointment.** The Fire Chief shall assume office pursuant to Section 2-3-1. He/she shall be the Village Fire Inspector by virtue of his/her office.
- (b) **Powers and Duties of Chief.**
- (1) The Fire Chief shall have general supervision of the Department, subject to this Chapter, and shall be responsible for the personnel and general efficiency of the Department.
  - (2) The Fire Chief shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

*Cross-Reference:* Title 5, Chapter 2.

## **Sec. 2-3-21 Village Employees; Residency; Meeting Attendance.**

- (a) **Village Employees.** The Village Board may employ on a temporary or regular basis persons necessary to carry out the functions of Village government. The Village Board may establish the qualifications and terms of employment, which may include the residency

of the employee. The Village Board may delegate the authority to hire Village employees to any Village official or employee.

- (b) **Residency.** The following special office positions need not be Village of Bristol residents to hold these positions (other Village officials described in this Chapter shall be Village of Bristol residents):
- (1) Village Attorney.
  - (2) Village Engineer.
  - (3) Village Auditor/Accountant.
  - (4) Village Assessor.
  - (5) Building Inspector.
  - (6) Other consultants.
  - (7) Public Safety Officer(s).
- (c) **Meeting Attendance.** Special office holders listed in Subsection (b) shall attend or make all good faith efforts to attend all properly called meetings of the Village Board if their attendance is requested at least three (3) days prior to the meeting, or as established by professional services agreement.

## **Sec. 2-3-22 Custody of Official Property.**

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

*State Law Reference:* Section 19.21, Wis. Stats.

## **Sec. 2-3-23 Eligibility for Office/Incompatibility of Office.**

- (a) Any person who is a qualified elector in the Village of Bristol may hold any elected Village office. No member of the Village Board may, during his or her term, be eligible for any Village office or Village position which, during such term, the office or position has been created by or the selection to which is vested in the Village Board. Any member of the Village Board will be eligible for such Village office or Village position if he or she resigns from the Village Board before being appointed to the Village office or Village position and if the office or position was not created during his or her term in office.
- (b) Certain Village offices are incompatible, by common law and statutory law, with other Village offices and also with other county, state or federal offices. No Village officer shall serve in both offices at the same time. If any question or concern by any person is raised to the Village Board regarding incompatibility of any office in the Village of Bristol, the Village Attorney, at the request of the Village Board, shall review the matter and shall provide his or her written comments to the Village Board.

## Sec. 2-3-24 Official Oath and Bond.

(a) **Authority.** The Village Board has the specific statutory authority, powers and duties, pursuant to Ch. 69, Wis. Stats., and under Section 2-3-3 of this Code of Ordinances, to require that certain elected officials take an official oath and to require that they file the appropriate bond.

(b) **Oath.**

(1) **General Provision.** All elected officers and appointed officers of the Village of Bristol, except elected assessors and municipal judges, (if such position is established), shall take and file the below noted oath within five (5) days after notification of election or appointment by the Village Clerk. The written oath of office and the oral oath of office, pursuant to Sec. 19.01, Wis. Stats., shall be substantially in the following form:

a. **Written Oath.**

STATE OF WISCONSIN,

County of Kenosha

I, the undersigned, who have been elected (or appointed) to the office of \_\_\_\_\_, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

b. **Oral Oath.**

I, \_\_\_\_\_ swear (or affirm) that I will support the constitution of the state of Wisconsin, and will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ to the best of my ability. So help me God.

(2) **Filing Locations.** The official oath of all elected officers and appointed officers of the Village shall be filed with the Village Clerk except that the Municipal Judge (if applicable) shall file his or her oath with the Clerk of the Circuit Court.

- (3) **Failure to File Oath.** If any elected officer or appointed officer of the Village of Bristol fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No Municipal Judge in the Village of Bristol shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed his or her oath.
- (c) **Bonds.**
- (1) **General Provision.** The bond costs shall be provided by the Village of Bristol. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Sec. 632.17(2), Wis. Stats. The Village Board may at anytime determine that any bond amount established is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Village Board. Specifically, the Clerk shall be bonded due to handling public monies, but he/she shall not be required to file a duplicate treasurer's bond per Section 3-1-15.
  - (2) **Filing Location.** The official bond shall be filed with the Village Clerk except that the Municipal Judge shall file his or her bond with the Clerk of Circuit Court.
  - (3) **Failure to File Bond.** The elected officers and appointed officers of the Village required to file a bond shall file the required bond before entering upon the duties of the office. If the elected officers and appointed officers of the Village fails to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Village Board. No Municipal Judge of the Village shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed the required bond.





## Title 2 ► Chapter 4

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# Boards, Commissions and Committees

<b>2-4-1</b>	Board of Review
<b>2-4-2</b>	Plan Commission
<b>2-4-3</b>	Parks and Recreation Committee
<b>2-4-4</b>	Community Development Authority
<b>2-4-5</b>	Zoning Board of Appeals
<b>2-4-6</b>	Miscellaneous Committee Liaison Positions
<b>2-4-7</b>	General Provisions Regarding Meetings and Public Notice
<b>2-4-8</b>	Residency Required for Service on Boards, Committees or Commissions; Minimum Attendance Standard

### Sec. 2-4-1 Board of Review.

#### (a) **Composition.**

- (1) **Membership.** The Board of Review shall consist of the Village President, all Village Board Trustees, and the Village Clerk.
- (2) **Alternate Members.** Pursuant to Secs. 70.47(6m)(c) and 70.46(1), Wis. Stats., the Village Board hereby provides for the appointment of alternates to serve on the Board of Review in the event a standing board member of the Board of Review is removed pursuant to Sec. 70.47(a), Wis. Stats., or recused pursuant to Sec. 70.47(b), Wis. Stats. The Village Board shall establish and maintain a public list of names and persons eligible and appointed by the Village Board to serve as alternative members of the Board of Review. The list shall be arranged and maintained by the Village Clerk in a priority order of probable and likely service as an alternative. The Village President shall annually appoint three (3) alternate members. The Village Clerk shall notify any named member who has been lawfully removed under Sec. 60.47(6m)(a) or (b), Wis. Stats., and shall notify the alternate person of his/her appointment to replace a named member of the Board of Review. The alternate, once noticed, if he/she approves the appointment, and he/she would not violate Sec. 19.59, Wis. Stats., shall then take the oath of office and act as a member of the Board of Review under Sec. 60.47(6m)(c), Wis. Stats.

**2-4-1**

- (3) **Training.** No Board of Review may be constituted unless it includes at least one (1) voting member who, within two (2) years of the Board's first meeting, has attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The Village Clerk shall provide an affidavit to the Wisconsin Department of Revenue stating whether the requirement under this Section has been fulfilled.
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.
- (c) **Meetings.** The Board of Review shall meet annually on the second Monday of May, or any day within the next thirty (30) days, at the Bristol Municipal Building of the Village of Bristol, and notice of such meeting shall be published pursuant to the State Statutes. The Board, through the Village Clerk, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.
- (d) **Compensation.** Compensation for Board of Review members shall be as established by the Village Board.
- (e) **Open Meetings.** All meetings of the Board of Review shall be publicly held and open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of a Board of Review.
- (f) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Bristol to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.

*State Law Reference:* Secs. 70.46 and 70.47, Wis. Stats.

## **Sec. 2-4-2 Plan Commission.**

- (a) **Establishment.** The Village Board of the Village of Bristol does ordain that there is established a Village Plan Commission for the Village of Bristol, in accordance with Sections 61.35 and 62.23, Wis. Stats. The Village Board hereby establishes a seven (7) member Plan Commission under Secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Village Planning Agency" under Secs. 236.02(13) and 236.45, Wis. Stats., which authorizes the Village to adopt a subdivision or other land division ordinance.
- (b) **Membership.**
  - (1) **Composition.** The Village of Bristol Plan Commission shall consist of seven (7) members and two (2) alternates. The Plan Commission shall have, at a minimum, three (3) citizen members who are not current Village officers. The Village President

shall appoint the members of the Plan Commission, subject to confirmation by the Village Board. The Village President may appoint himself or herself or another Village Board member to the Plan Commission.

- (2) **Appointments.**
    - a. Appointments are 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. Plan Commissioners shall serve a term of three (3) years and all terms shall terminate on the 30th day of April.
    - b. The Commission Secretary shall be appointed by the Chairperson of the Plan Commission.
  - (3) **Official Oaths.** Official oaths shall be taken by all members in accordance with Section 19.01, Was. Stats., within ten (10) days of receiving notice of their appointments.
  - (4) **Terms of Citizen Members.** Terms for the six (6) citizen members shall commence upon original creation of the Plan Commission for a period ending one, two and three years, respectively, from the succeeding first day of May, and thereafter annually during April, two (2) such members shall be appointed for staggered terms of three (3) years. Terms for citizen members shall be for three (3) years thereafter.
  - (5) **Removal for Non-Attendance.** Plan Commissioners may be removed before expiration of their terms by a majority vote of the Village Board. Absence of any member of the Plan Commission in violation of Sec. 2-4-5 shall be considered just cause for removal by the Village Board without public hearing.
  - (6) **Compensation; Expenses.** The Village Board may establish a per diem allowance per meeting for citizen and Village Board members of the Plan Commission, as allowed under Sec. 66.0501(2), Wis. Stats. In addition, the Village Board may reimburse reasonable costs and expenses. Alternate members of the Plan Commission will be compensated for meeting attendance if they attend meetings as alternate members.
- (c) **Organization.** The Plan Commission shall organize and adopt rules for its own governance in accordance with the provisions of this Section:
- (1) **Meetings.** Meetings may be held monthly and at the call of the Chairperson or a majority of the full membership of the Plan Commission and shall be open to the public. The Plan Commission may, under Sec. 62.23(1), Wis. Stats., adopt rules for the transaction of its business, subject to Village ordinances and state law.
  - (2) **Committees.** Special and standing committees may be appointed by the Chairperson.
  - (3) **Quorum.** A quorum shall be four (4) members, except when considering a motion to adjourn. The majority of those present and eligible to vote shall be required for any action required by the Commission's agenda. A land use plan amendment requires the vote to two-thirds (2/3) of those members present and eligible to vote.
  - (4) **Written Record.** A written record shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made, and a copy shall be filed with the Village Clerk as a public record.

- (5) **Commission Members As Local Officials.** All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, Sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes: Public Records, Secs. 19.21 - 19.39; Code of Ethics for Local Government Officials, Secs. 19.42, 19.58 and 19.59; Open Meetings, Secs. 19.82 - 19.89; Misconduct in Public Office, Sec. 946.12; and Private Interest in Public Contracts, Sec. 946.13.
- (6) **Presiding Officer.** The Village President shall appoint the presiding officer of the Plan Commission.
- (d) **Powers.** The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote municipal planning. Such powers shall include the following:
  - (1) **Experts and Staff.** The Plan Commission shall have the authority to employ experts, and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Village Board.
  - (2) **Reports and Recommendations.** The Plan Commission shall make reports and recommendations relating to the plan for development for the Village to public officials, agencies, utilities, other organizations, and citizens.
  - (3) **Public Improvements Recommendations.** The Plan Commission may recommend public improvement programs and financing thereof to the Village Board.
  - (4) **Information Requests.** The Plan Commission may request information from any public official to be furnished within a reasonable period of time.
- (e) **Plan Implementation and Administration; Ordinance Development.**
  - (1) **Ordinance Development.** If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following for Village Board review and action:
    - a. **Zoning.** A proposed Village zoning ordinance under Section 62.23(7), Wis. Stats., a Village construction site erosion control and stormwater management zoning ordinance, a Village exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats., and any other zoning ordinance within the Village's authority.
    - b. **Official Map.** A proposed official map ordinance under Sec. 62.23(6), Wis. Stats.
    - c. **Subdivisions.** A proposed Village subdivision or other land division ordinance under Sec. 236.45, Wis. Stats.
    - d. **Other.** Any other ordinance specified by the Village Board (Note: e.g., historic preservation, design review site plan review).
  - (2) **Ordinance Amendment.** The Plan Commission, on its own motion, or at the direction of the Village Board by its resolution or motion, may prepare proposed amendments to the Village's ordinances relating to comprehensive planning and land use.

- (3) **Non-Regulatory Programs.** The Plan Commission, on its own motion, or at the direction of the Village Board by resolution or motion, may propose non-regulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvements planning.
  - (4) **Comprehensive Plan Consistency.** Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.
- (f) **Referrals to the Plan Commission.**
- (1) **Required Referrals Under Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for advisory report:
    - a. The location and architectural design of any public building.
    - b. The location of any public statue or other memorial.
    - c. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
      - 1. Street, alley or other public way;
      - 2. Park or playground;
      - 3. Airport;
      - 4. Area for parking vehicles; or
      - 5. Other memorial or public grounds.
    - d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
    - e. All plats under the Village's jurisdiction under Ch. 236, Wis. Stats., including divisions under a Village subdivision or other land division ordinance adopted under Sec. 236.45, Wis. Stats.
    - f. The location, character and extent or acquisition, lease or sale of lands for:
      - 1. Public or semi-public housing;
      - 2. Slum clearance;
      - 3. Relief of congestion; or
      - 4. Vacation camps for children.
    - g. The amendment or repeal of any ordinance adopted under Sec. 62.23, Wis. Stats., including ordinances relating to the Plan Commission, Village Comprehensive Plan under Sec. 66.1001, Wis. Stats., Village official map and/or Village zoning.
  - (2) **Required Referrals Under Sections of the Wisconsin Statutes Other Than Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for report:

- a. An application for initial licensure of a child welfare agency or group home under Sec. 48.68(3), Wis. Stats.
  - b. An application for initial licensure of a community-based residential facility under Sec. 50.03(4), Wis. Stats.
  - c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian mall under Sec. 66.0905, Wis. Stats.
  - d. Matters relating to the establishment or termination of an architectural conservancy district under Sec. 66.1007, Wis. Stats.
  - e. Matter's relating to the establishment of a reinvestment neighborhood required to be referred under Sec. 66.1107, Wis. Stats.
  - f. Matters relating to the establishment or termination of a business improvement district required to be referred under Sec. 66.1109, Wis. Stats.
  - g. A proposed housing project under Sec. 66.1211(3), Wis. Stats.
  - h. Matters relating to urban redevelopment and renewal in the Village required to be referred under Subch. XIII of Ch. 66, Wis. Stats.
  - i. The adoption or amendment of a Village subdivision or other land division ordinance under Sec. 236.45(4), Wis. Stats.
  - j. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (3) **Required Referrals Under This Section.** In addition to referrals required by the Wisconsin Statutes, the following matters may be referred to the Plan Commission for report:
- a. Proposed regulations or amendments relating to historic preservation under Sec. 60.64, Wis. Stats.
  - b. A proposed Village official map ordinance under Sec. 62.23(6), Wis. Stats., or any other proposed Village ordinance under Sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Plan Commission.
  - c. A proposed zoning ordinance, or amendment or rezoning, adopted under Section 62.23(7), Wis. Stats., a construction site erosion control and stormwater management zoning ordinance under Sec. 627(6), Wis. Stats., a Village exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats.
  - d. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Sec. 62.23(7a), Wis. Stats.
  - e. A proposed boundary change pursuant to an approved cooperative plan agreement under Sec. 66.0307, Wis. Stats., or a proposed boundary agreement under Sec. 66.0225, Wis. Stats., or other authority.
  - f. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Sec. 66.0307(7m), Wis. Stats.



- g. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.
  - h. Any proposed contract, for the provision of information, or the preparation of a Comprehensive Plan, an element of a plan or an implementation measure, between the Village and the regional planning commission, under Sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
  - i. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Sec. 66.0435, Wis. Stats.
  - j. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Sec. 66.1009, Wis. Stats.
  - k. A proposed airport zoning ordinance under Sec. 114.136(2), Wis. Stats.
  - l. A proposal to create environmental remediation tax incremental financing in the Village under Sec. 66.1106, Wis. Stats.
  - m. A proposed county agricultural preservation plan or amendment, under Subchapter IV of Ch. 91, Wis. Stats., referred by the county to the Village, or proposed Village agricultural preservation plan or amendment.
  - n. Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Plan Commission.
- (4) **Discretionary Referrals.** The Village Board, or other Village officer or body with final approval authority or referral authorization under the Village ordinances, may refer any of the following to the Plan Commission for report:
- a. A proposed intergovernmental cooperation agreement, under Sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under Sec. 66.0305, Wis. Stats.
  - b. Any other matter deemed advisable for referral to the Plan Commission for report.
- (5) **Referral Period.** Except where more specific review time periods have been specified elsewhere in this Code of Ordinances, no final action may be taken by the Village Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Plan Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Village Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Village's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.
- (g) **Additional Powers and Duties.** The Plan Commission shall have all additional powers and duties granted or assigned by the Village Board or Village ordinances. All powers and



duties granted by the Wisconsin Statutes to city plan commissions and any amendments thereto are hereby granted or assigned to the Plan Commission and such Statutes are hereby adopted by reference.

*State Law Reference:* Sections 61.35, 62.23, and Ch. 236, Wis. Stats.

### **Sec. 2-4-3 Parks and Recreation Committee.**

- (a) **Establishment.** There is established a Parks and Recreation Committee for the Village of Bristol, Kenosha County, Wisconsin, for the purpose of providing programs designed to promote fitness, administer the parks and recreation programs of the Village, and to study, review and make recommendations to the Village Board regarding parks and recreation programs.
- (b) **Membership.** The Parks and Recreation Committee shall consist of five (5) members. The members shall be appointed by the Village Board by simple majority. Each member of the Committee shall serve for a term of two (2) years commencing May 1st, with the terms of three (3) members expiring in even-numbered years and two (2) members in odd-numbered years.
- (c) **Organization.**
  - (1) The Parks and Recreation Committee members shall annually meet at its first regular meeting after May 1st and organize to adopt rules for its own governance, subject to these ordinances.
  - (2) The Committee shall elect from its membership a Chairperson, who shall be the presiding officer at all meetings of the Committee, and a Vice-Chairperson to serve in the Chairperson's absence. The Committee shall also elect a Secretary, who shall be responsible for keeping minutes and records of all actions of the Committee, including resolutions, findings, determinations and recommendations as may be required on each item of the Committee's agendas.
  - (3) The Secretary of the Committee shall prepare the minutes of each meeting within seven (7) days of the meeting and file a copy of the same with the Village Clerk.
- (d) **Meetings.** Meetings shall be held on the third Monday of each calendar quarter or at the call of the Chairperson or any three (3) members of the Parks and Recreation Committee. The Committee's Chairperson shall prepare the agendas for meetings of the Committee and submit the same to the Village Clerk for posting not less than forty-eight (48) hours prior to such meeting.
- (e) **Responsibilities and Powers.** The Parks and Recreation Committee shall have such powers as may be necessary to enable it to perform and promote its functions and duties to include the following:

- (1) To make reports and recommendations relating to the development and execution of programs relative to the purpose of the Committee and to aid the Village Board in creating recreational facilities within the Village of Bristol.
- (2) To establish regulations for the use and enjoyment of Village of Bristol parks by the public.
- (3) To work with the relevant subunits of government of Kenosha County and to make recommendations to the Village Board to maintain good relations with the County of Kenosha Recreation Board for the use of Village of Bristol park facilities. This shall include the setting of schedules for athletic events/tournaments and to make recommendations to the Village Board regarding contract(s) negotiations.
- (4) To work with the Bristol Progress Days Committee to promote a successful Village function from the viewpoint of providing recreation for the entire population of the Village of Bristol.
- (5) To supervise and regulate the operations of concession stands in Village parks, including, but not limited to, establishing guidelines for the operation and maintenance of concession stands and to establish responsibility for maintenance of athletic facilities during periods of use. In this regard, the Committee shall appoint a supervisor for concession maintenance and establish compensation for such position, subject to Village Board approval.
- (6) The Committee shall prepare an annual budget for each year and submit the same to the Village Administrator no later than the 15th day of September for approval in the budget process by the Village Board. Such budget shall include all amounts necessary for the operation of concession stands, program expenses, desired capital improvements for Village parks, recommended salaries, facilities upkeep wages, concession stand workers' salaries, and all other expenses which may relate to the matters within the purview of the review of the Parks and Recreation Committee.

## **Sec. 2-4-4 Community Development Authority.**

### **(a) Purpose.**

- (1) The Bristol Village Board hereby finds, determines and declares that the undertaking of programs and projects for blight elimination and prevention, slum clearance and prevention, urban renewal and redevelopment, and community development and redevelopment (collectively, "qualified redevelopment projects") will encourage well-planned, integrated, stable, safe and healthful neighborhoods, the provisions of healthful homes, a quality living environment, adequate places of employment for the people of the Village of Bristol, and an increase in the general property tax base of the Village of Bristol.
- (2) The Village Board hereby finds, determines and declares that there exists within the Village of Bristol a need for qualified redevelopment projects, and that creation of a

Community Development Authority (CDA) in the Village of Bristol will serve the public interest.

- (b) **Creations.** Pursuant to Sections 66.1339, 66.1341 and 66.1335, Wis. Stats., the Village Board hereby creates a Community Development Authority in the Village of Bristol, which authority shall be known as the "Community Development Authority (CDA) of the Village of Bristol, Wisconsin". Said Authority shall be a separate body politic for the purpose of carrying out qualified redevelopment projects, and shall have all powers, duties and functions of community development authorities contained in Section 66.1335, Wis. Stats., as amended from time to time, with the exception of the power of eminent domain. The CDA shall also act as the agent of the Village of Bristol in planning and carrying out community development programs and activities approved by the Village Board under the Federal Housing and Community Development Act of 1974.
- (c) **Procedures.** As a means of more clearly setting forth its powers and rules of procedure, the Community Development Authority shall adopt a set of bylaws or internal operating procedures which shall, among other things, establish the general policies, duties and provide for the appointment of the CDA Chairperson, Treasurer, Secretary and Executive Director. The initial bylaws and/or rules of procedure, and subsequent amendments, shall be approved by a majority vote of the Village Board.
- (d) **Composition.** The Village Board authorizes and directs the Village Clerk, immediately upon original adoption of this Section, to certify a copy and transmit such copy to the Village President. The Village Board authorizes and directs the Village President, upon receipt of said certified copy, to appoint seven (7) qualified, resident persons as Commissioners of the CDA, which appointments shall be subject to confirmation by the Village Board. Two (2) of said Commissioners shall be members of the Village Board and shall serve on the CDA during their respective terms of office as Village Board members. The initial appointments of the five (5) non-Village Board Commissioners shall be for the following terms: two (2) Commissioners for one (1) year, and one (1) Commissioner each for terms of two (2), three (3) and four (4) years. Thereafter, the terms of the non-Village Board members shall be four (4) years and until their successors are appointed and qualified.
- (e) **Vacancies.** In the event that vacancies on the Community Development Authority should exist for a period of fifteen (15) days or more and the Village President should fail to nominate individuals to said vacancies, the Village Board may, by majority vote, fill such vacancies on the Community Development Authority.

*State Law Reference:* Sections 66.1335, 66.1339 and 66.1341, Wis. Stats.

## **Sec. 2-4-5      Zoning Board of Appeals.**

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and

ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairperson.

(b) **Powers.** The Zoning Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
- (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
- (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.
- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the land use

permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(c) **Meeting and Rules.**

- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Zoning Board of Appeals may go into closed session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Special meetings may be scheduled by the Chairperson or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (3) Hearings may be held at any regular or special meeting at the time set by the Chairperson. Statutory notice requirements for hearings shall be followed.
- (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (5) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be public record. The Zoning Board of Appeals shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (6) No Zoning Board of Appeals member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairperson shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.

- (d) **Offices.** The Village Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

*State Law Reference:* Sec. 62.23(7)(e), Wis. Stats.

## **Sec. 2-4-6      Miscellaneous Committee Liaison Positions.**

The Village President shall annually after the spring election appoint Village representatives as liaisons, subject to Village Board confirmation, to the Fire Department and Progress Days Committee, in addition to those liaison positions designated in Section 2-3-10(d)(2).

## **Sec. 2-4-7      General Provisions Regarding Meetings and Public Notice.**

### **(a) Regular Meetings; Public Notice.**

- (1) Every Board, Committee and Commission created by or existing under the ordinances of the Village of Bristol shall:
  - a. Schedule a date, time and place for its meetings;
  - b. Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
  - c. Post and/or publish an agenda of the matters to be taken up at such meeting.
- (2) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
- (3) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

### **NOTICE OF MEETING**

#### **VILLAGE OF BRISTOL, WISCONSIN**

(commission)

Please take notice that a meeting of the (commission) of the Village of Bristol will be held on (date), 20\_\_\_\_, at (time) p.m., at the Bristol Municipal Building to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: \_\_\_\_\_

\_\_\_\_\_(Commission)\_\_\_\_\_

By \_\_\_\_\_

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in



accessible location or format must contact the Village Office at the telephone, \_\_\_\_\_  
\_\_\_\_\_ (address) \_\_\_\_\_ by 2:00 p.m. the Friday prior to the meeting so any necessary  
arrangements can be made to accommodate each request.

- (b) **Notice to Members.** Every member of any board, commission or committee of the Village of Bristol shall be notified by the Village Clerk that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (c) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Village Clerk within one (1) week of the meeting date.

## **Sec. 2-4-8      Residency Required for Service on Boards, Committees or Commissions; Minimum Attendance Standard.**

- (a) **Residency.** No person not a legal resident of the Village of Bristol shall be appointed in a voting capacity to any Village board, committee or commission, except that residents of the Town of Bristol may be appointed to the Parks and Recreation Committee. Any voting board, commission or committee member who moves from the Village of Bristol shall immediately be removed from such board or committee.
- (b) **Attendance Standard.** Members of boards, committees and commissions are required to attend a minimum of three (3) consecutive meetings or sixty percent (60%) of regular/special meetings within a six (6) month period of their respective bodies, unless excused by the chairperson of that body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance by majority vote of the Village Board. Multiple incidents of failure to follow established guidelines and procedures may also be considered just cause for removal by the Village Board without public hearing.



## Title 2 ► Chapter 5

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# Ethics Code and Employment

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### **Sec. 2-5-1      Statement of Purpose.**

- (a) 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 in this Chapter a Code of Ethics for all Village of Bristol officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village of Bristol.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of Bristol and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Village in their elected and appointed officials and employees. The Village Board hereby reaffirms that

each elected and appointed Village official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Bristol.

## **Sec. 2-5-2 Definitions.**

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village of Bristol.
- (c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **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.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Ten Thousand Dollars (\$10,000.00) of the outstanding stock of any business.
- (g) **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.

## **Sec. 2-5-3 Statutory Standards of Conduct.**

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) **Sec. 19.42.** Code of Ethics – Definitions.
- (b) **Sec. 19.59.** Code of Ethics for Government Officials, Employees and Candidates.
- (c) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (d) **Sec. 946.11.** Special Privileges from Public Utilities.
- (e) **Sec. 946.12.** Misconduct in Public Office.
- (f) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

## **Sec. 2-5-4 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 Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, 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 must be their prime concern.

## **Sec. 2-5-5 Dedicated Service.**

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Village Clerk. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

## **Sec. 2-5-6 Fair and Equal Treatment.**

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned 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 official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.

- (c) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

## **Sec. 2-5-7 Conflict of Interest.**

(a) **Financial and Personal Interest Prohibited.**

- (1) No official or employee of the Village, whether 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 official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
- (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
- (3) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
- (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- (c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- (d) **Gifts and Favors.**
  - (1) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village of Bristol.
  - (2) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
  - (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
  - (4) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (e) **Representing Private Interests Before Village Agencies or Courts.**
  - (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
  - (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance

of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

- (f) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
- (g) **Contracts with the Village.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:
  - (1) The contract is awarded through a process of public notice and competitive bidding;
  - (2) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;
  - (3) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.
- (h) **Disclosure of Interest in Legislation.**
  - (1) To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Village Board the nature of and extent of such interest.
  - (2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official or employee has any influence or input or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action, shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

## **Sec. 2-5-8 Advisory Opinions.**

Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems necessary or appropriate, may request an advisory opinion from the Village Attorney.

## **Sec. 2-5-9 Sanctions.**

A determination that an employee's actions constitute improper conduct under the provisions of this Chapter shall constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.