

CHAPTER 1

GENERAL GOVERNMENT

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1.01 VILLAGE BOARD. The Village Board shall consist of a Village President who shall be elected in odd-numbered years for a term of two years and six trustees, three of whom shall be elected each year at the regular Village election for two year terms.

1.02 OFFICIALS. The following Village officials shall be appointed by the Village President, subject to confirmation by the Village Board and shall serve as stated:

<u>Official</u>	<u>Term of Office</u>
(1) Village Assessor	By Charter Ordinance No. 68
(2) Village Clerk-Treasurer	By Charter Ordinance No. 28
(3) Emergency Government Director	One year beginning first regular Board meeting in January
(4) Building Inspector	One year beginning first regular Board meeting in January
(5) Electrical Inspector	One year beginning first regular Board meeting in January
(6) Plumbing Inspector	One year beginning first regular Board meeting in January

1.03 BOARD OF REVIEW. (1) MEMBERSHIP. The Board of Review shall consist of:

(a) The Village President; except that if the Village President is absent, refuses, or is otherwise unavailable to hear an objection, a Village Trustee appointed as an alternate by the Village President, subject to confirmation by the Village Board each year, additionally, if the Village President is absent, refuses or is otherwise unavailable to hear an objection, the Deputy Village Clerk shall serve;

(b) The Clerk; except that if the Village Clerk is absent, refuses, or is otherwise unavailable to hear an objection, the Deputy Village Clerk shall serve; and

(c) One Village Trustee appointed annually by the President, subject to confirmation by the Village Board, during the month of April; except that if said Trustee is absent, refuses, or is otherwise unavailable to hear an objection, a Village Trustee appointed as an alternate by the Village President, subject to confirmation by the Village Board each year, additionally, if the Village Trustee is otherwise unavailable to hear an objection, the Deputy Village Clerk shall serve.

(2) ORGANIZATION. At the first meeting of the Board, to be held on the second Monday in May (pursuant to State Statutes), the members shall organize by the election of a chairman and a vice-chairman. The Clerk shall act as a secretary of the Board.

1.04 PLAN COMMISSION. (1) MEMBERSHIP.

(a) The Plan Commission shall consist of the Village President, who shall be its Chairman and presiding officer, one Village Trustee and five citizens. Citizen members shall be persons of recognized experience and qualifications.

(b) The Village Trustee Member shall be elected in April for a one-year term by a 2/3 vote of the Village Board. Said term shall commence on May 1.

(c) The citizen members shall be appointed in April by the Village President, subject to confirmation by the Village Board, to hold office for a term of three years beginning with the regular May meeting.

(d) All vacancies on the Plan Commission shall be filled for the unexpired term in the same manner as appointed for the full term.

(e) Compensation for service on the Plan Commission shall be established by the Village Board. Citizen members shall take the official oath of office as required by S. 19.01, Wis. Stats., which oath shall be filed with the Village Clerk.

(2) ORGANIZATION. (a) As soon as all members of the first Plan Commission have been appointed, the Clerk shall give each member written notice of the appointment, and thereon shall fix the time and place of the first meeting, which shall be not less than five, nor more than ten days thereafter. There upon, the Plan Commission shall organize by the election of a vice-chairman, secretary and such other officers as may in their judgement be necessary.

(b) The Plan Commission shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the Village Clerk. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of the members of the Commission.

(c) The Plan Commission may employ expert advice and such staff as may be necessary, and pay for their services and such other expenses as may be necessary and proper within the limits of the budget established by the Village Board or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board.

(d) As far as possible, the Plan Commission shall utilize the services of existing Village officials and employees.

(3) POWERS AND DUTIES. The Plan Commission shall have the powers and duties prescribed in S. 62.23, Wis. Stats., and such other powers and duties as shall be vested in it from time to time by the Board. Minutes of each Plan Commission meeting shall be available within 10 days of each meeting.

1.05 PAULINE HAASS PUBLIC LIBRARY BOARD. There is hereby created a Board known as the Pauline Haass Public Library Board.

(1) MEMBERSHIP. The Committee shall consist of seven (7) members. Three (3) members shall be appointed by the Sussex Village President, subject to confirmation of the Sussex Village Board, and three (3) members shall be appointed by the Lisbon Town Chairman, subject to confirmation by the Lisbon Town Board. One (1) member shall be the Hamilton School District Superintendent or his/her designee.

(2) APPOINTMENTS-TERMS. The term of office of the Pauline Haass Public Library Board shall be staggered three (3) years.

(3) ORGANIZATION. (a) A President, Vice President and Secretary shall be selected by the Board members for a one year term; these selections shall be made annually in the month of May.

(b) The Committee shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be provided to the Sussex Village Clerk and the Lisbon Town Clerk not more than ten (10) days following each meeting.

(4) DUTIES AND RESPONSIBILITIES. (a) Prepare a joint library plan and a draft of a joint library services agreement for presentation to the Village Board, Town Board, Waukesha County Federated Library System, Waukesha County Board and other appropriate agencies.

(b) To plan for, implement and manage all library services, programs and activities for the Village of Sussex and Town of Lisbon.

(c) To make recommendations to the Sussex Village Board and Lisbon Town Board on the purchase, lease, sale or exchange of land, facilities or equipment necessary to implement provide services.

(d) To advise the Sussex Village Board and Lisbon Town Board of methods and opportunities for funding library services.

(e) The Board shall submit a proposed program and budget for the ensuing year to the Village Board and the Town Board no later than October 1 of each year.

1.06 PARK AND RECREATION BOARD. (1) CREATION. A Park and Recreation Board is hereby created which shall have the powers as shall be granted herein pursuant to the authority granted in sections 27.08 and 27.13, Wis. Stats.

(2) PURPOSE. The purpose of the Park and Recreation Board shall be to plan, implement and supervise the park and recreational needs of the Village of Sussex. The Board will provide for the park and recreation programs for the citizens of Sussex within the limitations of the funds made available therefore by the Village Board.

(3) MEMBERSHIP. The Board shall consist of seven (7) members. The Village Administrator shall serve as the Administrative officer of the Park Board.

One member of the Park & Recreation Board shall be a Village Trustee, to be selected annually by the Village Board for a term of one year, commencing on May 1, of each year. Six citizen members shall be appointed by the Village President, subject to confirmation by the Village Board. The Village President shall serve as a first alternate member. One second alternate member, who may be a Village Trustee or a private citizen, shall be appointed annually by the Village President subject to confirmation by the Village Board, for a term of one year, commencing on May 1, of each year. Citizen member terms shall be three (3) years beginning on May 1.

All members and alternate members shall be residents of the Village.

(a) Officers. The Board shall elect their chairman, vice-chairman, and secretary each year in May.

(b) Official Oath. Official oaths shall be taken by all members in accordance with S. 19.01, Wis. Stats., within 10 days of receiving written notice from the Village Clerk of their appointment. Notice shall include time and place of the first meeting of the Board, which shall be not less than 5 nor more than 10 days thereafter.

(c) Vacancies. Vacancies on the Board shall be filled by appointment by the Village President and confirmed by the Village Board. Such an appointee shall serve the balance of the term of the member replaced.

(d) Alternates. The Village President shall act with full power as a member of the Board when one member is absent, refuses, or is otherwise unavailable to serve. The second alternate members shall act with full power as a member of the Board when two members, or one member and the Village President, are absent, refuse or are otherwise unavailable to serve.

(4) ORGANIZATION. The Board may make such other bylaws and regulations for its own government not inconsistent with this section as it may deem necessary. Meetings shall be held monthly

and at the call of the chairman, and shall be open to the public. Minutes shall be kept showing all actions taken and a copy shall be filed with the Village Clerk as a public record. A quorum shall be 4 members, but all actions shall require the approval of the majority of the Board. Minutes of each Park & Recreation meeting shall be available within ten days of each meeting.

(5) POWERS. The Board shall have only the following powers:

(a) To recommend to the Village Board the purchase, lease, sale or exchange of park or recreation lands, facilities and equipment.

(b) To recommend to the Village Board the acquisition of any park or recreation lands, facilities and equipment by gift, devise, bequest or condemnation, either absolutely or in trust; money, real or personal property, or any incorporated right or privilege.

(c) To govern, manage and control the use of all public parks or recreational lands and recreational activities of the Village and to adopt the necessary rules and regulations for this purpose. All rules and regulations so adopted shall be approved by the Village Board and, if necessary, enforcement ordinances shall be adopted by the Village Board.

(d) To employ, with the agreement of the Village Administrator, all staff and personnel necessary to conduct the recreational programs subject to such limitations as may be set for the appropriations made by the Village Board.

(e) Additional powers as may be assigned by the Village Board.

(6) DUTIES.

(a) To plan for the location, layout and equipping of all parks and recreational lands.

(b) To recommend to the Village Board all recreational equipment needed to equip said parks and recreational lands.

(c) To plan for, implement and manage all recreational activities of the Village of Sussex as may be assigned to the Village Board. To hire and supervise all personnel necessary to carry out the recreational programs of the Village in coordination with the Village Administration.

(d) To recommend to the Village Board any purchases necessary unless the Village Board has approved said purchase in the budget.

(e) To spend only within the budget limits set by the Village Board. No budgetary amount shall be exceeded unless authorized by the Village Board.

(f) To recommend to the Village Board all contracts necessary to make capital improvements, maintenance and repair to the parks, park equipment, recreational lands and recreational equipment.

(g) To request of the Village Board all use of Public Works Department personnel and equipment needed for maintenance in the parks and recreational lands. The Village Administrator shall direct when and what equipment and personnel will be utilized for maintenance on parks and recreational lands.

(h) To maintain records of all Board meetings and to keep accurate records and accounts of recreation program costs and income and to segregate those expenses and funds from those of other departments. Said records shall be filed with the Village Clerk on a regular basis.

(7) FINANCES. The Board shall submit to the Village Board by October 1 of each year a proposed program and budget for the ensuing year. The Park and Recreation Board shall not contract any liability in

excess of the budget appropriated unless specifically authorized by the Village Board. All monies received for the purposes of the Board, whether from the general fund or from approved donations, or from such reasonable fees as may be charged for activities, facilities or services shall be deposited in the general fund of the Village and segregated on the books of the Village. The Village Treasurer shall act as Treasurer of the Board without additional compensation. All expenditures shall be made only upon approval of the Village Board and by the issuance of an order for the expenditure by the Village Clerk.

(8) REPORTS. The Board shall issue an annual written report of its findings and activities and an inventory of all its public parks, recreational lands, facilities and equipment, to the Village Board by March 1 of each year.

1.07 BOARD OF APPEALS. See Section 17.1200 of this Municipal Code.

1.08 Intentionally left blank

1.09 COMMUNITY DEVELOPMENT AUTHORITY. Pursuant to the authority granted in Section 66.436, Wis. Stats., and Section 66.4325, Wis. Stats., there is hereby created a community development authority in the Village of Sussex to be governed by the "Village of Sussex Community Development Authority Commission" which will be referred to in this text as the "Authority Commission".

(1) MEMBERSHIP. The Authority Commission shall consist of seven members, who shall all be residents of the Village. Two of the Commissioners shall be a member of the Village Board. All powers of the Sussex Community Development Authority are vested in the Commission.

(2) QUALIFICATIONS OF COMMISSIONERS. In making appointments to the Commission, the Village Board shall give consideration to the general interest of the appointee in redevelopment programs. The Village Board shall, whenever possible, select representatives from the general public, labor, industry, finance, business group and civic organizations. Appointees shall have sufficient ability and experience in related fields, especially finance and management to maintain efficiency in the redevelopment program and its planning and direction.

(3) APPOINTMENTS, TERMS AND PAY OF COMMISSIONERS.

(a) Vote Required. The appointment of all Commissioners shall be as by appointment of the Village President and confirmation of the Village Board as provided for all other Village official appointments.

(b) Terms of Office. The term of office for Commissioners shall be four years with the exception that trustee appointees shall serve a term concurrent with the term of the Village office. The non-Village Trustee Commissioners initial terms shall be staggered and designated by their appointment with two appointments for one year, one for two years, one for three years, one for four years. All terms of office shall run from the effective date of this Ordinance and the anniversary date thereafter. Each Commissioner shall hold his/her office until a successor has been appointed and qualified. Vacancies and new appointments shall be filled in the same manner as provided in paragraph 3.a. above. Removal of Commissioners shall be governed by Section 66.40, Wis. Stats.

(c) PAY. The Village Board may from time to time establish compensation for Commissioners.

(4) EXECUTIVE DIRECTOR. The Executive Director of the Authority Commission shall be the Village Administrator, who shall serve the Commission as its secretary and advisor and shall perform all duties requested by the Commission. The Assistant Director to act in the absence of the Executive Director, shall be appointed by the Executive Director subject to majority confirmation of the Commission.

(5) COMMUNITY DEVELOPMENT AUTHORITY'S JURISDICTION, POWER, AND DUTIES.

(a) Jurisdiction. Upon the effective date of this Ordinance, except as provided in (b) below, the Village shall thereafter be precluded from exercising the powers provided in Section 66.43(4), Wis. Stats. and the Authority Commission shall have exclusive power to proceed to carry on the redevelopment projects in the Village.

(b) Reservation of Rights. The Village shall not be precluded from applying for, accepting and contracting for federal grants, advances or loans where the conditions of said grants, advances or loans require the participation of the Village.

(c) Legal Status of the Authority Commission. Upon the effective date of this Ordinance, the Village of Sussex Community Development Authority is deemed an independent, separate and distinct public body and a body corporate and politic and shall have its own seal.

(d) Powers and Duties. The Authority Commission is hereby empowered with all of the powers and duties granted to it by Sections 66.40, 66.405 to 66.425, 66.43, 66.431, 66.435 and 66.46, Wis. Stats., and by any other statute, code, ordinance, rule or regulation applicable to enable it to carry out its powers and duties under Section 66.4325, Wis. Stats. The Commission, in addition to all its powers granted herein, shall have specific authority to take title to real and personal property in its own name, excluding the right of eminent domain under Chapter 32, Wis. Stats., or any other law relating to eminent domain for redevelopment authority. The Chairperson, or the assistant Chairperson in absence of the Chairperson, and the Executive Director, or the assistant Director in the absence of the Executive Director, shall have the authority to execute all documents on behalf of the Authority Commission.

(6) OPERATIONAL MEETING. The Authority Commission shall immediately after its membership has been appointed, hold an organizational meeting and perform the following duties:

(a) Elect a chairperson, vice chairperson and treasurer.

(b) Commence preparation for the adoption of a set of by-laws which shall, after approval of the Village Board, be adopted and thereafter shall govern the procedure and organization of the Authority Commission.

(c) Contractually retain the services of the Village Engineer, or his designate, Village Attorney, or his designate, and Village Financial Consultant, or his designate, to represent, assist and advise the Authority Commission.

(7) COMPREHENSIVE PLAN OF REDEVELOPMENT. Except for such redevelopment projects as may be given to the Authority Commission by the Village Board, the Authority Commission shall not commence or undertake any redevelopment projects until it has created an acceptable comprehensive plan of redevelopment as provided for in Section 66.431(6), Wis. Stats.

(8) PERSONNEL. The Authority Commission may employ such personnel as is required to carry out its duties and responsibilities subject only to budget constraints in Section 9 below.

(9) BUDGET. On or before September 1 of each year, the Authority Commission shall prepare and submit to the Village Board for approval a budget prepared in conformity with Section 65.90, Wis. Stats. The Village Board shall have the power to alter or modify said budget relating to salaries, office operations or facilities. The Village Board may levy such taxes and assessments as may be necessary to provide funds for the budget.

(10) LIMITATION OF POWERS. Except as expressly reserved or defined in this Ordinance, the Authority Commission is hereby granted all other powers permitted by law.

1.10 CODE OF ETHICS. (1) **DECLARATION OF POLICY.** The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all Village of Sussex officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village. The purpose of this code is twofold: 1. 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 Sussex. 2. By directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Sussex.

(2) **RESPONSIBILITY OF PUBLIC OFFICE.** Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and carry out impartially the laws of the nation, state and municipality and to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

(3) **DEDICATED SERVICE.** All officials and employees of the Village of Sussex should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, 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.

(4) **FAIR AND EQUAL TREATMENT.**

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

(b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(5) **CONFLICT OF INTEREST.**

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

(b) **Definitions.**

1. **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

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

3. Person. Any person, corporation, partnership or joint venture.

(c) Specific Conflicts Enumerated.

1. 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 official duties or would tend to impair his independence of judgement or action in the performance of official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

2. 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 he use such information to advance the financial or other private interest of himself or others.

3. Gifts and Favors. No official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the Village; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Favors shall include, but are not limited to, admission tickets to sports or entertainment events, restaurant meals, transportation for personal purposes, and providing accommodations at a hotel or resort.

Specific Exemptions. Modest ceremonial events, i.e. ground breakings, grand openings as well as business lunches, outings and conferences shall be exempt, provided that the value does not exceed \$25.00. Mementos such as coffee cups, provided the value is less than \$10.00 and that distribution is of a general nature. The traditional Village of Sussex Appreciation Dinner, held in recognition of the citizen committee members' public service, is specifically exempted as it is sponsored by the Village without intent to influence committee members.

Gifts received under unusual circumstances should be referred to the ethics board within ten (10) days for recommended disposition.

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

(d) Contracts With the Village. No Village officer or employee who in his capacity as such officer or employee participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the Village unless, within the confines of s. 946.13:

1. The contract is awarded through a process of public notice and competitive bidding, or
2. The ethics board hereinafter created waives the requirement of this section after determining that it is in the best interest of the Village to do so.

(e) Disclosure of Interest in Legislation. 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, or the ethics board created by this ordinance, the nature and extent of such interest.

Any other official or employee who has a financial or personal interest in any proposed legislative action of the Village Board and who participates in discussion with or gives an official opinion or recommendation to the Village Board, shall disclose on the records of the Village Board the nature and extent of such interest.

(6) DISCLOSURE OF CERTAIN FINANCIAL INTERESTS.

(a) In addition to the financial disclosure required by subsection (5)(e) of this ordinance, the Village President, Trustees, Clerk, Treasurer, Attorney, Comptroller, Assessor, Building Inspector, Director of Public Works, Members of the Plan Commission, Members of the Zoning Board of Appeals, and such other members of Commissions and Committees and Village Employee positions which may be established, and who have similar economic and financial responsibilities shall file an initial statement of economic interests within a time period specified by the Board of Ethics.

(b) Within seven (7) days after a person becomes a candidate for any elective Village office enumerated in (a), or prior to appointment to such office, such person shall file two (2) statements of economic interests with the Village Clerk; the Clerk shall forthwith forward one copy of the statement to the Board of Ethics.

(c) No person required to file a statement of economic interests under this section who has not complied with (b) shall have his name appear on the ballot, take the oath of office, or receive his salary or compensation until he files such statements of economic interests. The Village Clerk is directed to strike from the ballot the name of any candidate who has not complied with (b).

(d) The name of all persons or firms currently doing business, or expecting to do business with the Village of Sussex to whom the person filing, spouse or minor children owe a debt of \$5,000.00 or more, excluding debts on personal and commercial loans issued by accredited lending agencies, unless such loans would not be made available to the general public.

(7) FORM OF STATEMENT. The person filing any statement of economic interests under this Ordinance shall file the statement on a form prescribed by the Board of Ethics and shall supply the following information to the board:

(a) The name and address of the person, spouse and minor children and all names they use in business or any professional practice.

(b) The name of all corporations and other business interests currently doing business, or expecting to do business with the Village of Sussex in which the person, spouse or minor children hold any office or directorship or own or control, directly or indirectly, more than 2% of the outstanding stock or more than 2% of other business ownership.

(c) The names of the employers of the person and spouse and a brief statement of the nature of the employment, excluding confidential salary information.

(d) A description of all parcels of real estate within the Village and adjoining towns in which the person, spouse or minor children own any interest, including an option to purchase.

(e) The name of all persons or firms currently doing business, or expecting to do business with the Village of Sussex to whom the person filing, spouse or minor children owe a debt of \$5,000.00 or more, excluding debts on personal and commercial loans issued by accredited lending agencies, unless such loans would not be made available to the general public.

(f) Any license or permit issued by the Village to the person, spouse or minor children.

(8) CAMPAIGN CONTRIBUTIONS. Campaign contributions shall be reported by all candidates for Village office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Ethics Board.

(9) ETHICS BOARD.

(a) The Village Board shall serve as an Ethics Board, excepting Board members that are subjects of a sworn complaint.

(b) The Village Administrator shall serve as its secretary, but shall not vote. The Village Attorney shall furnish the Board whatever legal assistance is necessary to carry out its functions.

(c) The Finance and Personnel Evaluation Committee shall submit recommendations to the Village Board regarding written rules and procedures regarding this ordinance.

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

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

(11) PENALTY AND SANCTIONS. Violation of any provision of this Ordinance may constitute a cause for suspension, removal from office or employment or other disciplinary action.

1.11 SPRING PRIMARY.

(1) Candidates for municipal offices to be filled at spring election shall be nominated by nomination papers and selected in the primary election as required by State Law.

(2) DATE OF PRIMARY. A spring primary, when required, shall be held on the third Tuesday in February to nominate candidates to be voted for at the spring election.

(3) NOMINATION PAPERS - SPRING ELECTION. Nomination papers for offices to be filled in the spring election shall be filed no later than 5:00 P.M. on the first Tuesday in January. They shall conform to the requirement to the provisions of S. 6.27, Wis. Stats., the Village hereby elects that registration shall be required for all primaries and elections.

(4) If the number of candidates for any elective Village office does not exceed 2 times the number to be elected to such office, no primary shall be held for such office and the names of such candidates shall be printed on the official ballot for the ensuing election.

(5) VILLAGE ELECTION - TIME AND NOTICE. Notice of every primary shall be given by the Clerk pursuant to SS 10.66, Wis. Stats.

1.12 REQUIRED REGISTRATION FOR ALL PRIMARIES AND ELECTIONS. (1) Pursuant to the provisions of SS 6.27, Wis. Stats., the Village hereby elects that registration shall be required for all primaries and elections.

(2) The Village Clerk shall forthwith certify this action to the County Clerk and the Secretary of State.

1.13 SALARIES: VILLAGE PRESIDENT AND MEMBERS OF BOARD OF TRUSTEES AND COMMITTEES OF THE BOARD. The salaries of the Village President, the members of the Village Board and all members of committees and commissions of the Village shall be established and fixed by resolution, unless otherwise provided and until changed pursuant to State law.

1.14 BOARD OF FIRE APPEALS. (1) MEMBERSHIP. The Board of Fire Appeals shall consist of the Chairman of the Public Safety and Welfare Committee of the Village Board ex officio and two (2) citizen members appointed by the Village President, subject to confirmation by the Village Board. All citizen members shall be Village residents. All members shall have voting rights.

(2) TERM OF OFFICE. The term of the citizen members shall be 2 years. All members shall be qualified residents of the Village. The Chairman of the Public Safety and Welfare Committee of the Village Board shall serve on the Board of Fire Appeals while in the position of Chairman of the Public Safety and Welfare Committee.

(3) POWERS AND DUTIES. The Board of Fire Appeals shall hear and determine all appeals provided in S 5.15(11) of this Code. The Board may request assistance from other Village officers, departments, commissions and boards. The Chairman may administer oaths and compel the attendance of witnesses.

(4) ORGANIZATION. The Board of Fire Appeals shall organize and adopt rules or procedure for its own government in accordance with the provisions of this Ordinance.

- (a) Meetings shall be held at the call of the Chairman and shall be subject to the open meeting law.
- (b) Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of fact. These records shall be immediately filed in the office of the Board and shall be a public record.

The Secretary and the Office of the Board of Fire Appeals shall be the Village Clerk and the Village Clerk's Office.

- (c) The Concurring Vote of a majority of the Board shall be necessary to approve an application or grant a permit.
- (d) Appeals and Applications shall be made by the owner or lessee of the structure or land to be affected, the appellant's attorney and shall include the following information:
 - 1. Name and address of the appellant.

2. Address and description of the subject property.
 3. Plans and specifications of sufficient detail to describe the physical layout of the subject property and any and all proposed changes to the same.
 4. The requirements of the applicable provisions of the Fire Prevention Code to the subject property.
 5. The nature and extent of the variance from the applicable provisions of the Fire Prevention Code requested.
 6. A copy of the Fire Chief's original decision.
 7. A list of the names and addresses of landowners within 200 feet of the subject property.
 8. Any and all additional information required by the Fire Board of Appeals or the Fire Chief.
- (e) Hearings shall be set at a reasonable time and place and public notice thereof shall be given by publication as a Class 2 notice (pursuant to Wisconsin Statutes Chapter 985) in a newspaper of general circulation in the Village of Sussex at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing. Additionally, notice shall be given to all landowners within 200 feet of the subject property by regular mail to the last known address. The appellant and Fire Chief shall be given notice of the hearing and all notice is subject to the open meetings law in the State of Wisconsin. At the hearing the appellant may appear in person, by agent, or by attorney.

(5) **GRANT OF APPLICATION OR PERMIT.** The Board of Fire Appeals shall upon review have the power on a case by case basis to grant individual variances from the provisions of the Fire Prevention Code, as will not be contrary to public interest, when, owing to special conditions, a literal enforcement of the Fire Prevention Code will result in practical difficulty or unnecessary hardship, provided the spirit and purposes of the Fire Prevention Code shall be observed, public safety, welfare, and justice secured.

(6) **DECISION.** The Board of Fire Appeals shall decide all appeals and applications within a reasonable amount of time no to exceed 90 days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant, Fire Chief and Bureau of Fire Prevention.

- (a) Conditions may be placed upon any permit ordered or authorized by this Board.
- (b) Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to the permit.

(7) **REVIEW BY COURT OF RECORD.** Any person or persons aggrieved by an decision by the Board of Fire Appeals may present to the Court of Record a Petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such Petition shall be presented to the Court within 30 days after the filing of the decision in the Office of the Fire Board of Appeals.

1.15 VILLAGE ADMINISTRATOR. (1) **CREATION.** In order that the various officers, officials, employees and departments executing policy and administering the affairs of the Village may operate as

efficiently as possible under a system of part-time Village President and part-time trustees, and to better insure competent, expeditious, efficient and harmonious administration and action in respect to any activity common to one or more of the Village's officers, officials and departments, and in order that there may be a uniform application of policy, there is created the office of Village Administrator.

(2) PURPOSE. The Administrator shall have administrative powers and responsibilities over all departments and department heads of the Village. He shall, under the Sussex Water Commission, have administrative powers and responsibilities over the Water Utility and Sewer Utility of the Village. He shall be ineligible for membership on any Police and Fire Board or Commission.

(3) APPOINTMENT; REMOVAL; RESIDENCY REQUIREMENT. The Administrator shall be appointed for an indefinite term by an affirmative vote of a majority of the members-elect of the Village Board. Removal from office shall require a majority vote of the members-elect. The Administrator shall not be required to become a resident of the Village, however residency is preferred.

(4) POSITION FULL-TIME; RESPONSIBILITY. The position of Administrator shall be a full-time position, and he shall be responsible to only the Village Board.

(5) DUTIES. (a) Coordinating the administrative activities of Village departments.

(b) Effectuating all actions of the Village Board which require administrative action and report any problems or difficulties in connection therewith to the Village Board and Village President.

(c) Prepare, in cooperation with other Department heads, the annual Village Budget for submission to the Village Board.

(d) Act as personnel officer for the Village, recommend salary and wage scales and working conditions for those officers, officials or employees not covered by collective bargaining agreements. Periodically evaluate job classifications and, when necessary, formulate and propose new job classifications.

(e) Supervise the bookkeeping and accounting systems in all departments so as to increase the efficiency of the operation of each.

(f) Review and report to the Village President and the Village Board any variations in the operation of the Village Budget.

(g) Make such reports as the Village Board may, from time to time, require as to the current fiscal status of the Village and the current fiscal status of budgeted items under the Village Budget.

(h) Supervise taking of departmental inventories.

(i) Formulate and place into operation Village-wide purchasing for such items of purchase as may be economically or advisable for the Village to purchase on a Village-wide basis.

(j) Maintain a current personnel file for all departments.

(k) Submit to the Village Board, from time to time, recommendations or suggestions for improving the health, safety or welfare of the Village.

(l) Institute and operate a system whereby Village departments and persons having business with the Village Board or any Village department may properly and efficiently conduct such business; establish procedures to facilitate communications between citizens and the Village to assure that complaints,

grievances, recommendations and other matters receive prompt attention by a responsible official and to assure that all matters receive prompt attention by a responsible officer and are expeditiously resolved.

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

(n) Inform the Village President or Village Board concerning any proposed change in service rendered Village residents or Village located businesses which, in his judgement shall appreciably affect either the extent, quality or cost of such service.

(o) Recommend to the Village Board the designation of any appropriate department or officer for the transaction of any business which is not of a routine nature.

(p) File with the Village Board such reports at such times as the Village Board may require concerning the activities of his office so that the Village Board may be currently apprised of any actions of the Administrator and the nature and reason for such actions taken by him.

(q) Take charge of all Village owned buildings and grounds, to administer the operation and maintenance of all Village owned property, lands, buildings and equipment, and all public ways, ditches, drains, sewer and water systems, and construction or improvements undertaken either directly or indirectly by the Village.

(r) Represent the Village in intergovernmental matters and affairs.

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

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

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

(v) Serve as the personnel officer for the Village.

(w) The Administrator shall have authority over hiring, dismissal and suspension of department employees. He shall obtain Board approval to hire, dismiss or suspend department supervisors and to create new positions. Any employee dismissed or suspended by the Administrator shall be entitled to a hearing before the Board at their next regularly scheduled Board meeting, at which time the Board may uphold or reverse the decision of the Administrator.

(x) Keep informed concerning current state and federal legislation affecting the Village and submit recommendations to the Board.

(y) Keep informed concerning the availability of state and federal funds for local programs and apply for funds under the direction of the Board.

(z) Act as press officer for the Village. As such, under the direction of the President, he shall be the spokesman on all matters within his authority and responsibility and shall assure that the news media are kept fully informed about the operations of the Village.

(aa) The Administrator shall see that all Village ordinances are efficiently and equally enforced.

(bb) The Administrator will always seek clarification of any of the above duties whenever his duties are not clear.

(6) SALARY. The salary of the Administrator shall be as the Village Board shall from time to time determine and prescribe. The Village Board shall review such salary on an annual basis.

1.16 ASSISTANT VILLAGE ADMINISTRATOR

(1) CREATION. There is hereby created the position of Assistant Village Administrator.

(2) PURPOSE. The Assistant Village Administrator shall be hired by the Village Administrator to assist the Village Administrator with the administration of the Village. The Assistant Village Administrator shall have all the powers of the Village Administrator in the absence of the Administrator or when delegated such power by the Village Administrator.

(3) DUTIES. The duties of the position are those assigned by the Village Administrator.

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1.19 SENIOR CITIZEN ADVISORY COMMITTEE

(1) CREATION. There is hereby created an advisory committee to be known as the Senior Citizens Advisory Committee which shall serve as an advisory body for senior programming and operations in the Village of Sussex.

(2) MEMBERSHIP. Such Committee shall consist of nine (9) members, one (1) to be a member of the Village Board, and eight (8) members who are representatives of the senior community throughout the greater Sussex region. The members of the Committee shall be appointed by the Village President and confirmed by the Village Board.

(3) APPOINTMENT-TERM. The term of office of the members of the Committee shall be for one year. Four (4) of the first senior member's terms shall expire on April 30th and four (4) senior members shall expire on October 30th so that the terms of no more than four (4) members expire at any one time. From that point, every member will serve a one year term. The terms of office for the senior members will begin on May 1st and November 1st each year. The membership of the Village Trustee shall be a one year term beginning on May 1 of the year he/she is appointed to the Committee. The Village President may appoint an alternate Village Board member for the appointed Village Board member in the event he/she is unable to attend a meeting. No compensation shall be paid by the Village to the Committee members.

(4) POWERS. The Committee shall have the following powers, duties and responsibilities.
(a) To organize as soon as the members of the Committee are appointed by election of a chairman, vice-chairman and secretary.
(b) To recommend general programs and operations for seniors in the Village of Sussex.
(c) To accept gifts and donations on behalf of the Senior Citizens Center, any monetary donations or gifts shall be deposited with the Village Clerk-Treasurer.
(d) To meet at least bi-monthly.
(e) To recommend an annual budget for senior programming/ operations to the Village

Board.

(f) To make recommendations to the Village Board related to alterations, remodeling or expansion of the facilities provided the Senior Citizens Center by the Village Board.

(5) STAFF. The Director of Recreational Services shall serve as the primary staff member for this Committee.

1.20 MUNICIPAL COURT

(1) MUNICIPAL COURT CREATED. There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as "Lake Country Municipal Court," or so many of those municipalities which enact an ordinance identical to the ordinance pursuant to Wis. Stat. §755.01(4).

(2) MUNICIPAL JUDGE. Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac La Belle, Village of Nashotah, Village of Dousman, Town of Lisbon, or Village of Sussex, or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to Wis. Stat. §66.0301 for the joint exercise of the power granted under Wis. Stat. §755.01. Such Municipal Judge shall be elected at large in the spring election for a term of two (2) years commencing on May 1. Candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wis. Stat. §8.10 and selection at a primary election if such is held as provided in Wis. Stat. §8.11. The Village Board of the Village of Sussex shall provide for a primary election whenever three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in Wis. Stat. §8.11(l)(a), and such primary election shall be held on the third Tuesday of February as provided in Wis. Stat. §5.02(22).

(3) ELECTIONS. The Municipal Clerk of each municipality shall see to the compliance with Wis. Stat. §§5.58(l)(c), 5.60(l)(b), 5.60(2), 7.10(l)(a), 7.60(4)(a), and 8.10(6)(a) to provide for the election of a Municipal Judge under Wis. Stat. §755.01(4).

(4) OATH AND BOND. The judge shall, after his/her election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stat. §757.02(l) and at the same time execute and file an official bond in the amount of \$5,000. The judge shall not act until his/her oath and bond have been filed as required by Wis. Stat. §19.01(4)(c) and the requirements of Wis. Stat. §755.03(2) have been complied with.

(5) SALARY. The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his/her term during which such judge has not executed his/her official bond or official oath, as required by Wis. Stat. §755.03 and filed pursuant to Wis. Stat. §19.01(4)(c). The municipalities may be separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Wis. Stat. §66.0301.

(6) JURISDICTION. The Municipal Judge of the Municipal Court shall have jurisdiction as provided by Wis. Stat. §§755.045 and 755.05 and as otherwise provided by state law. The Municipal Judge is authorized to issue inspection warrants under Wis. Stat. §66.0119.

(7) LOCATION AND HOURS. The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc, all at 174 East Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

(8) FINES AND FORFEITURES. The Municipal Judge may impose punishment and sentences as provided by Wis. Stat. §800.09 and as provided in the ordinances of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac LaBelle, Village of Nashotah, Village of Dousman, Town of Lisbon and Village of Sussex. All forfeitures, fees, penalty assessments, and costs shall be paid to the Treasurer of the municipality with which the case arose within 7 days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessments and cost, if any.

(9) DEPOSITS. The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 of the Wisconsin Statutes and, where applicable, other provisions of the Wisconsin Statutes as referred to in subsection (10) below. The Municipal Judge shall establish in accordance with Wis. Stat. §800.03(3) a schedule of deposits for violations of city, village, and town ordinances, resolutions, and by laws, except traffic regulations which are and shall be governed by §345.27 of the Wisconsin Statutes and boating regulations which are and shall be governed by Wis. Stat. §23.67. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

(10) PROCEDURES IN MUNICIPAL COURT. The procedure in Municipal Court shall be as provided by this ordinance and state law including, but not excluding because of enumeration, Chapters 66, 345, 711, 757 and 800 of the Wisconsin Statutes.

(11) CONTEMPT PROCEDURES.

(a) The Municipal judge may impose a sanction authorized under Wis. Stat. §800.12(2) for contempt of court, as defined in Wis. Stat. §785.01(l), in accordance with the procedures under Wis. Stat. §785.03.

(b) The Municipal Judge may impose a forfeiture for contempt under Wis. Stat §800.12(l) in an amount not to exceed \$50 or, upon nonpayment of the forfeiture and the penalty assessment under Wis. Stat. §165.87, a jail sentence not to exceed 7 days.

(12) ABOLISHMENT. The Municipal Court hereby established shall not be abolished while the Wis. Stat. §755.01(4) agreement is in effect.