

# Chapter 7

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## GENERAL PROVISIONS AS TO OFFICIALS<sup>1</sup>

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### **7.00 Polling Place<sup>2 3</sup>**

The Oostburg Municipal Building located at 1140 Minnesota Avenue is, pursuant to the provisions of Section 6.77, Wis. Stats., hereby designated by the Village Board to be the official polling place for the residents of the Village of Oostburg.

#### **7.00.01 Voter Registration**

(1) Registration Required

Pursuant to the authority of Sections 6.26 through 6.56, Wisconsin Statutes, every voter is required to register for all elections.

(2) Authority of Village Clerk

The Village Clerk shall have full charge and control of the registration of voters and the Village Clerk and all employees in his or her office are authorized to execute the affidavits required by Sections 6.33, 6.35 and 6.36 Wisconsin Statutes.

(3) Process and Procedure

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<sup>1</sup>Adopted January 9, 1989, Posted January 10, 1989. See Minutes of the Village Board, Vol. 7, pg. 812, 813a.

<sup>2</sup>Added Section 7.00 by Ordinance 1-1990, Adopted April 9, 1990, Published April 14, 1990. See Minutes of the Village Board, Vol. 8, pg.

<sup>3</sup>Adopted January 12, 2015. See Minutes of the Village Board, Vol. 24, page 1808.

The process and procedure of registration and voting shall be controlled and shall be carried out pursuant to Sections 6.26 through 6.56, Wisconsin Statutes, and said statutes are incorporated herein by reference, as if set forth in full.

**7.01 Elected Officials**

(1) Trustees -

There shall be 6 trustees of the Village, 3 to be elected at each annual spring election for a term of 2 years commencing on the third Tuesday of April in the year of their election.

(2) Other Elected Officials -

The Village President shall be chosen at the regular spring election in odd numbered years for terms of 2 years commencing on the second Monday of May in the year of their election.

(3) Residence Required -

All elected officers of the Village shall be residents.

**7.02 Appointed Officials**

The following officials of the Village shall be appointed in the manner and for the term indicated below:

Official	How Appointed	When Appointed	Term
Clerk/Treasurer	Village Board	2nd Monday in May in even numbered years	2 years
Assessor	Village Board	2nd Monday in May in even numbered years	2 years
Village Attorney	Village Board		Indefinite
Weed Commissioner	Village Board	2nd Monday in May	1 year
Building Inspector	Village Board		Indefinite

**7.03 Vacancies**

(1) Appointment to Fill Elective Office -

A vacancy in an elective Village office may be filled by appointment by a majority of the members of the Village Board for the remainder of the unexpired term or until a special election is held as hereafter provided.

(2) Special Election to Fill Elective Office -

A vacancy in an elective office may be filled by special election of a successor for the remainder of the unexpired term on the first Tuesday of April next after the vacancy happens, if it happens 90 days or more before such day, but if the vacancy happens within 90 days before the first Tuesday of April, the successor shall be elected on the first Tuesday of April of the next ensuing year, but no election to fill a vacancy in office shall be held at the time or holding the regular election for such office.

(3) Appointment to Fill Appointive Office -

A vacancy in an appointive office shall be filled in the same manner as the original appointment.

(4) Appointment to Fill Newly Created Office -

Whenever an elective office is created by Village ordinance, a temporary appointment may be made by the Village Board pending the election of the incumbent for the first full term.

(5) Elective Office, How Caused -

- (a) The death of the incumbent.
- (b) Resignation of the incumbent.
- (c) Removal of the incumbent.
- (d) Conviction by a State or United States court of, and sentence for, treason, felony or other crime of whatever nature punishable by imprisonment in any jail or prison for one year or more, or by his conviction by any such court of, and sentence for, any offense involving a violation of his official oath, whether or not sentenced to imprisonment.
- (e) The decision of a competent tribunal declaring void his election or appointment or adjudging him insane.
- (f) The failure to take and file the oath of office or to execute or renew the official bond when required by statute.

(6) Appointive Office, How Caused -

Any appointive office shall be deemed vacant or shall become vacant upon the happening of the events above.

## 7.04 Oaths

Every officer of the Village, including members of the Village boards and commissions, shall before entering upon his duties of election take the oath of office prescribed by law and file such oath in the office of the Village Clerk. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

## 7.05 Salaries<sup>4 5</sup>

- A. The Village President and Village 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 except when authorized in accordance to the statutes of the State of Wisconsin.

B. Salaries Established:

The Village Board does hereby ordain that salaries of the Village President and Village Trustees be established as follows effective with the 2023 Village Board, as follows:

President - \$5,500.00 annually, plus \$30.00 per diem rate for meetings attended outside of the Village of Oostburg.

Trustee - \$4,000.00 annually, plus \$30.00 per diem rate for meetings attended outside of the Village of Oostburg.

## 7.06 Village President

- (1) The President shall preside at all meetings of the Village Board, he shall sign all orders, ordinances, bylaws, rules, regulations, licenses and permits adopted or authorized by

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<sup>4</sup> Adopted December 10, 2012, See Minutes of the Village Board Vol. 22, pg. 1730.

<sup>5</sup> Amended January 10, 2022, See Minutes of the Village Board Vol. 31.

the Board and all orders drawn on the Village treasury. He shall maintain peace and good order, see that the ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity, appoint as many special marshals as he shall deem necessary, who for the time being shall possess all powers and rights of constables.

- (2) The President shall coordinate all the activities of the Village and the various boards, commissions, independent officers, etc., so that the community needs may be supplied in an orderly, economic and efficient manner, and shall carry out such additional duties as may be directed by the Village Board.

### **7.07 Village Clerk**

- (1) The Village Clerk shall attend the meetings of the Village Board and keep a full record of its proceedings and shall record and sign the proceedings and all ordinances, rules, bylaws, resolutions and regulations adopted. The Clerk shall sign or countersign and keep a record of all licenses, commissions and permits granted or authorized by the Board, and in carrying out such duties, shall keep the following books:
  - (a) A **Minute Book** in which shall be recorded in chronological order full minutes of all elections, general or special, and the statements of the inspectors therein; full minutes of all the proceedings of the Board of Trustees; the titles of all ordinances, rules, and regulations, and bylaws with reference to the book and page where the same may be found.
  - (b) An **Ordinance Book** in which shall be recorded at length ordinances, rules, regulations and bylaws.
  - (c) A **Finance Book** in which shall be kept a full and complete record of the finances of the Village, showing the receipts, the date, the amount, and the source thereof, and the disbursements with the date, amount, and object for which paid out and such other matters as the Board prescribes.
  - (d) Such other books as the board directs.
- (2) The Clerk shall countersign and cause to be published or posted every ordinance, bylaw or resolution as required by law, have proper proof thereof made and filed and shall otherwise carry out the provisions of the duties of Clerk as provided in §61.25, Wis. Stats. and such other duties as directed by the Village Board.
- (3) The Village Clerk shall receive all moneys belonging to or accruing to the Village from any source whatever, or which are directed by law to be paid to such officer, and keep an accurate detailed account of all transactions. The Clerk shall pay out Village money only on written order pursuant to procedures as may be established by the Village Board.
- (4) The Village Clerk may appoint a Deputy Clerk subject to approval by a majority vote or the members of the Village Board, who shall take and file the oath of office, and in case of the absence sickness or other disability of the Clerk, may perform such duties, unless the Village Board appoints a person to act as Clerk during such time.

### **7.08 Village Treasurer**

The Village Treasurer shall receive all moneys belonging or accruing to the Village or directed by law to be paid to such Treasurer, deposit such funds in the public depository designated by the Village Board and shall otherwise carry out the provisions of the duties of Treasurer as provided in §61.26, Wis. Stats., together with such other duties as directed by the Village Board.

### **7.09 Village Assessor**

The Village assessor shall make an assessment of all property within the boundaries of the Village which is liable to taxation in the manner and within the time prescribed by law and

shall return the assessment roll to the Village Clerk on or before the date required by the State Statutes. The Assessor shall attend all meetings of the Board of Review and shall carry out such additional duties as may be directed by the Village Board.

### **7.10 Village Attorney**

The Village Board may appoint a Village Attorney who shall be the legal advisor for the Board and represent the Village in any litigation for such term and under such conditions as the Board may from time to time require.

### **7.11 Weed Commissioner**

The Village Board shall appoint one or more weed commissioners on or before the 2nd Monday in May each year, and such commissioners shall hold office for a term of one year and until his successor has qualified. If more than one commissioner is appointed, the Village Board shall divide the Village into as many districts as there are commissioners appointed, and each shall be assigned to a specific district. The Weed Commissioner shall carry out the duties and have the authority as set forth in §66.98, Wis. Stats.

### **7.12 Board of Review**

(1) Membership -

The Board of Review shall consist of the Village President, Village Clerk and 2 trustees. If any trustee is unable to serve in that capacity, the Village President may appoint a substitute trustee and such Trustee shall serve for the remainder of the year.

(2) Proceedings -

The Board of Review shall meet at the Village Council Rooms annually on the second Monday of May. The proceedings of the Board shall be in accordance with the provisions of §70.47, Wis. Stats.

### **7.13 Municipal Library Board<sup>6</sup>**

(1) Creation of Board -

There is established a Library Board to administer the Oostburg Village Library which shall hereafter be construed as being a municipal library under the provisions of §43.52 of the Wisconsin Statutes. The Board shall consist of 5 members who shall be residents of the Village, except that not more than 2 members may be residents of the towns adjacent to the village.

(2) Appointment to Powers and Duties -

(a) The President of the Village Board shall appoint, subject to the approval of the Village Board, the members of the Village Library Board. Each regular appointment shall be for a term of 3 years. In making the appointments, the President shall appoint as one of the members a school district administrator or his representative to represent the public school district in which the library is located. Not more than one member of the Village Board shall at any one time be a member of the Library Board.

(b) The Library Board shall have such powers and duties and shall carry out their responsibilities subject to such limitations as set forth in the Wisconsin Statutes and especially the provisions of §43.54 or any acts amendatory thereto.

### **7.14 Planning Commission<sup>7</sup>**

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<sup>6</sup> For statutory provisions on village library boards, see Wis. Stats. 1973, §43.26, *et seq.*

<sup>7</sup> For statutory provisions on village planning, see Wis. Stats. 1973, §61.35; for provisions on city planning applicable to villages, see Wis. Stats. 1973, §62.23.

(1) Appointment & Duties -

- (a) The Village Board shall appoint a Planning Commission which shall consist of the Village President, who shall be its presiding officer, a Village Trustee, and 3 or more citizens appointed by the President and subject to confirmation by the Village Board. They shall receive no compensation for services on the Commission.
- (b) The Village Clerk/Treasurer shall be the nonvoting secretary of the Commission.
- (c) The Village President may from time to time subject to confirmation by the Commission, appoint nonvoting ex-officio members to the Board. Such appointees shall be for a specified time and be subject to removal at the pleasure of the Commission.
- (d) The Planning Commission shall have the following duties:

- (i) Master Plan -

The Commission shall make and adopt a Master Plan for the physical development of the Village, including any areas outside of its boundaries which, in the Commission's judgment, bear relation to the development of the Village. The Master Plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads, street railways and busses, and the general location and extent of sewers, water conduits and other public utilities whether privately and publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change or use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, the general character, extent and layout of the replanning of blighted districts and slum areas, and a comprehensive zoning plan. The Commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail.

- (aa) The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity of the general welfare, as well as efficiency and economy in the process of development.
- (bb) The Commission may adopt the Master Plan as a whole by a single resolution, or, as the work of making the whole Master Plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan.
- (cc) The adoption of the Plan, or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all members or the Planning Commission.
- (dd) The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the Plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the

Commission, and a copy of the plan or part thereof shall be certified to the Village Board.

- (ee) The purpose and effect of the adoption and certifying of the Master Plan or part thereof shall be solely to aid the Planning Commission and the Village Board in the performance of their duties.
- (ff) The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon.
- (gg) All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work.

(ii) Reports -

The commission may make reports and recommendations relating to the Plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens.

(iii) Public Improvement Recommendations -

It may recommend, to the President of the Village Board, programs for public improvements and the financing thereof.

(iv) Records and Proceedings -

The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(v) General and Planning -

In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(vi) Recommendations on Referral Matters -

The Planning Commission shall consider and report before final action is taken by the Village Board or other public body or officer, on the following matters:

- (aa) The location and architectural design of any public building.
- (bb) The location of any statue or other memorial.
- (cc) The location, acceptance, extension, alteration, vacation, abandonment, change or use, sale, acquisition of land for or lease or land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds.
- (dd) The location, extension, abandonment or authorization for any public utility whether publicly or privately owned.
- (ee) All plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236.
- (ff) The location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children.
- (gg) The amendment or repeal or any ordinance adopted pursuant to this section.

(hh) Unless such report is made within 30 days, or such longer period as may be stipulated by the Village Board, the Village Board or other public body or officer may take final action without it.

(vii) Plan Review Procedures -

(aa) The zoning administrator shall transmit all applications for Plan review to the Planning Commission. The Planning Commission shall review the applications at or before their next regularly scheduled meeting.

(bb) On application for remodeling or construction of single-family homes, the Planning Commission shall have final review and approval authority. Within 30 days of the date of application, the Village Planning Commission shall approve, deny or conditionally approve issuance of a building permit.

(cc) On application for construction of multi-family housing, commercial and industrial projects, the Village Board shall be the final approval authority. In these cases, the Village Plan Commission shall initially review the application and send a recommendation to the Village Board.

(viii) Specific Delegation -

The commission shall also carry out such duties as may from time to time be delegated to it by the Village Board.