

TITLE 2
Government and Administration

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CHAPTER 1
City Government; Elections

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SEC. 2-1-1 CITY GOVERNMENT.

- (a) **Mayor-Council Government.** The City of Delavan is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Delavan operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.
- (b) **Division of Responsibilities.**
- (1) **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws 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 Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
 - (2) **Executive Branch.** The Mayor shall be the chief executive officer. He shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, and commissions discharge their duties. When present, he shall preside at the meetings of the Common Council. He shall from time to time give the Council such information and recommend such measures as he may deem advantageous to the City.
 - (3) **Administrative Officer.** The City Administrator shall be the chief administrative officer. He shall be responsible for directing and coordinating the administration of the City Government in accordance with policies established by the Common Council as set forth in this Code of Ordinances.

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

SEC. 2-1-2 OFFICIAL NEWSPAPER.

The official newspaper of the City of Delavan shall be as determined annually at the Council's organizational meeting.

State Law Reference: Sec. 985.06, Wis. Stats.

SEC. 2-1-3 ALDERMANIC DISTRICTS. (Repealed and recreated 7-24-01, Ord. RC-120) (Repealed and recreated 7/9/02, Ord. RC-141 (Repealed and recreated 8/9/2011, Ord. RC-305) (Repealed and recreated 2-10-15, RC-351)

The City of Delavan shall consist of three (3) Aldermanic Districts, the respective boundaries of which are described as follows:

- (a) **First Aldermanic District:** This district is comprised of the first, second and third, fourth, fifth and fifteenth wards, being all of the portion of the City of Delavan lying west of the following described line, which line is the eastern boundary line of this district: Beginning at the intersection of the northernmost City limits line and the centerline of Terrace Street, thence south along the centerline of Terrace Street to the centerline of Walworth Avenue, thence west along the centerline of Walworth Avenue to the centerline of Cummings Street; thence south along the centerline of Cummings Street to the centerline of Wisconsin Street; thence east along the centerline of Wisconsin Street to the centerline of Beloit Street; thence south along the centerline of Beloit Street to the centerline of Geneva Street; thence east along the centerline of Geneva Street to the centerline of Wisconsin Street; thence east along the centerline of Wisconsin Street to the centerline of Spring Lane; thence north along the centerline of Spring Lane to the centerline of Washington Street; thence east along the centerline of Washington Street to the Centerline of Terrace Street; thence south along the centerline of Terrace Street to the centerline of Geneva Street; thence east along the centerline of Geneva Street to the centerline of Second Street; thence south along the centerline of Second Street to southernmost City limits line.
- (b) **Second Aldermanic District:** This district is comprised of the sixth, seventh, eighth, ninth and tenth wards, being all of the portion of the City of Delavan lying east and north of the following described line, which line is the western and southern boundary line of this district: Beginning at the intersection of the northernmost City limits line and the centerline of Terrace Street, thence south along the centerline of Terrace Street to the centerline of Walworth Avenue; thence west along the centerline of Walworth Avenue to the centerline of Cummings Street; thence south along the centerline of Cummings Street to the centerline of Wisconsin Street; thence east along the centerline of Wisconsin Street to the centerline of Beloit Street; thence south along the centerline of Beloit Street to the centerline of Geneva Street; thence east along the centerline of Geneva Street to the centerline of Wisconsin Street ; thence east along the centerline of Wisconsin Street to the centerline of Spring Lane; thence north along the centerline of Spring Lane to the centerline of Washington Street; thence east along the centerline of Washington Street to the centerline of Seventh Street; thence south along the centerline of Seventh Street to the centerline of the railroad tracks; thence east along the centerline of the railroad tracks to the centerline of Harrison Street; thence north along the centerline of Harrison Street to the centerline of Wisconsin Street; thence east along the centerline of Wisconsin Street to the centerline of Wright Street; thence north along the centerline of Wright Street to the centerline of Racine Street; thence north along the centerline of Sugar Creek Street to the northernmost City limits line.
- (c) **Third Aldermanic District.** This district is comprised of the eleventh, twelfth, thirteenth and fourteenth wards, being all of the portion of the City of Delavan lying east and south of the following described line, which line is the western and northern boundary line of this district: Beginning at the intersection of the

northernmost City limits line and the centerline of Sugar Creek Street, thence south along the centerline of Sugar Creek Street to the centerline of Racine Street; thence south along the centerline of Wright Street to the centerline of Wisconsin Street; thence west along the centerline of Wisconsin Street to the centerline of Harrison Street; thence south along the centerline of Harrison Street to the centerline of the railroad tracks; thence west along the centerline of the railroad tracks to the centerline of Seventh Street; thence north along the centerline of Seventh Street to the centerline of Washington Street; thence west along the centerline of Washington Street to the centerline of Terrace Street; thence south along the centerline of Terrace Street to the centerline of Geneva Street; thence east along the centerline of Geneva Street to the centerline of Second Street; thence south along the centerline of Second Street to the southernmost City limits line.

SEC. 2-1-4 CITY BOUNDARIES.

The City of Delavan is comprised of the following-described lands, all lying in the County of Walworth, State of Wisconsin, and as amended by subsequent annexations on file with the City Clerk and incorporated by reference:

Beginning at the southwest corner of Section 7, T2N, R16E, of the 4th Principal Meridian, Township of Delavan, County of Walworth, State of Wisconsin; thence N87°58'56"E along the south line of said Section, 2569.68 feet to the south quarter corner of said Section; thence north along the north-south one-quarter section line of said Section and the centerline of Terrace Street 75.00 feet; thence N88°50'56"E parallel with the south line of said Section, 528.00 feet; thence N00°38'14"W 255.00 feet; thence S88°50'56"W 528.00 feet to the north-south one-quarter section line of said Section and the centerline of Terrace Street; thence N00°38'14"W along said north-south one-quarter section line 454.30 feet; thence N89°21'46"E 836.00 feet; thence N58°45'59"E 536.51 feet; thence N30°46'16"E 821.95 feet; thence N05°43'42"E 567.00 feet; thence S73°49'50"E 328.64 feet; thence S19°28'29"W 161.93 feet; thence S83°44'56"E 569 feet more or less to the shore of Lake Comus; thence southerly along the shore of said lake 298 feet more or less; thence easterly to the west line of Section 8, T2N, R16E; thence S01°11'49"E along said west line to a point located 1276.0 feet northerly of the southwest corner of Section 8; thence N89°18'48"E 2216.14 feet to the northwest corner of Hansen's Subdivision; thence S00°08'45"E along said subdivision 426.00 feet to the southwest corner; thence N89°18'48"E along said subdivision 705.00 feet; thence N00°08'45"W along said subdivision 60.00 feet; thence N89°18'48"E along said subdivision 249.00 feet to the centerline of Sugar Creek Street as now laid out; thence S00°08'45"E along said centerline 103.00 feet to a point; thence N89°17'05"E 1862.82 feet; thence S02°04'15"E 320.88 feet to the centerline of Racine Street as now laid out; thence S54°50'45"W along said centerline 862.87 feet to the south line of said Section; thence N89°22'20"E along said south line 735.88 feet; thence N33°43'W 211.57 feet; thence N74°56'E 170.90 feet; thence S33°43'E 19.53 feet; thence N85°44'E 158.51 feet; thence S03°46'E 223.20 feet to the south line of said Section; thence continuing N89°22'20"E along the said south line 104.66 feet to the southwest corner of Section 9, T2N, R16E; thence N88°29'38"E along the south line of said Section, 45.55 feet; thence N05°10'22"W 372.08 feet; thence N64°30'38"E 508.98 feet; thence S01°28'58"E 578.17 feet to a point on the south line of said Section; thence N88°29'38"E along said south line 402.88 feet to the northwesterly line of the railroad property; thence S54°45'30"W along said railroad property 1076.53 feet to the west line of Section 16, T2N, R16E; thence N01°09'34"W along said property line and said section line 19.92 feet; thence S54°45'30"W along said property line 1279.67 feet; thence S02°27'30"E 117.76 feet to the southeasterly property line of said railroad; thence N54°45'30"E along said property line 1276.44 feet to the west line said Section; thence N01°09'34"W along said property line and said section line 19.92 feet; thence N54°45'30"E along said property line 1219.41 feet to the north line of said Section; thence N88°29'36"E along the north line of said Section 303.11 feet; thence S01°11'43"E 430.81 feet; thence N88°18'49"E 245.51 feet; thence

N01°13'25"W 236.81 feet; thence S88°18'50"W 95.00 feet; thence N01°13'55"W 194.00 feet to the north line of said Section; thence N88°29'36"E along the north line of said north line 403.25 feet; thence N01°40'24"W 554.46 feet to the southeasterly line of the railroad property; thence northeasterly along said railroad property 1585 feet; thence S01°39'58"E 1437.5 feet to a point on the north line of said Section, located 561.00 feet east of the North ¼ corner of said Section; thence continuing S01°39'58"E 931.1 feet to the southeast right-of-way line of Interstate Highway No. 43; thence S35°30'34"W along said southeast line 482.02 feet; thence N88°29'48"E 1974.32 feet; thence N02°05'E 1285.79 feet to the south line of Mound Road; thence N01°16'26"W 33.00 feet to the north line of said Section; thence N88°29'50"E along said north line 150.00 feet; thence N01°20'05"W 728.50 feet; thence N61°46'55"E 168.20 feet; thence S01°20'05"E 804.12 feet to the northeast corner of said Section; thence S01°16'26"E along the east line of said Section, 4493.46 feet to the north right-of-way line of Geneva Street; thence easterly and southeasterly along the north and northeast right-of-way line of Geneva Street to a point; thence S49°23'W to the southwest right-of-way line of Geneva Street; thence S85°30'W 6932.0 feet; thence S41°25'W 147.48 feet to a point on the north-south one-quarter section line of Section 21, T2N, R16E, said point being located 2130.85 feet south of the north one-quarter corner of said Section; thence N00°45'W along said one-quarter section line 290.04 feet; thence S78°59'W 2665.64 feet; thence S00°56'W 1057.76 feet; thence S51°20'W 1082.12 feet; thence S82°44'W 776.52 feet to the centerline of Borg Road; thence S01°33'30"E along said centerline 768.85 feet; thence S29°45'30"W continuing along said centerline 444.78 feet to the centerline of Linn Road; thence S00°45'E continuing along the centerline of said Borg Road 2645.58 feet to the east-west one-quarter section line of Section 29, T2N, R16E; thence westerly along said one-quarter section line to the west one-quarter corner of said Section 29 and the east one-quarter corner of Section 30, T2N, R16E; thence westerly along the east-west one-quarter section line of said Section 30, to the north-south one-sixteenth section line of the northeast quarter of said Section 30; thence northerly along said one-sixteenth section line to the east-west one-sixteenth section line of the north-east quarter of said Section 30; thence easterly along said one-sixteenth section line to the west line said Section 29; thence northerly along said west line to the north-west corner of said Section 29; thence easterly along the north line said Section 29 to a point on said line located 495.00 feet from the north one-quarter corner of said Section 29; thence N01°14'08"W parallel to the north-south one-quarter section line of Section 20, T2N, R16E, 2409.82 feet to the southeast right-of-way line of Interstate Highway No. 43; thence continuing N01°14'08"W along said north-south one-quarter section line to a point on the east-west one-quarter section line of said Section 20 located 495.00 feet from the center Section monument of said Section 20; thence S89°35'52"W along the east-west one-quarter line of Section 20, 2185.89 feet to the east one-quarter corner of Section 19, T2N, R16E; thence S88°08'29"W along the east-west one-quarter line of said Section, 1329.90 feet to the north-south one-sixteenth section line of the southeast one-quarter of said Section 19; thence S01°16'33"E along said one-sixteenth section line 1700.82 feet; thence N77°32'W 783.67 feet to the east right-of-way line of Second Street at its intersection with the centerline of Swan Creek; thence meandering southeasterly along the centerline of Swan Creek to a point located S46°14'54"E 266.69 feet therefrom; thence S26°16'36"W 367.68 feet; thence N63°54'18"W 223.22 feet to the east right-of-way line of Second Street; thence N24°31'31"E along said east line 392.62 feet; thence N61°33'33"W 70.00 feet to the centerline of Second Street; thence northerly along said centerline 1422.22 feet; thence S88°41'25"W 264.00 feet; thence N01°18'35"W 172.95 feet to the east-west one-quarter section line of said Section 19; thence S88°08'29"W along said one-quarter section line 449.46 feet to the center of Section monument of said Section 19; thence S88°08'29"W along the east-west one-quarter section line of said Section, 2576.48 feet to the east quarter corner of Section 24, T2N, R15E, of the 4th Principal Meridian, Township of Darien; thence N01°23'29"W along the east line of said Section 2246.86 feet; thence S87°24'47"W 366.57 feet; thence N01°23'29"W 391.54 feet to the north line of said Section 24; thence S87°24'47"W along said north line 1067.56 feet; thence S22°17'23"E 204.65 feet to the centerline of Beloit Street; thence S48°12'14"W along said centerline 108.52 feet; thence N22°17'01"W

155.33 feet; thence N15°44'00"W 118.13 feet to the north line of said Section 24; thence S87°24'47"W along said north line 645.03 feet; thence S02°11'41"E 783.40 feet to the northwest right-of-way line of Beloit Street; thence S48°21'15"W along said northwest line 358.02 feet; thence S52°38'36"W along said northwest line 200.56 feet; thence S48°21'15"W along said northwest line 200.00 feet to the northeast right-of-way line of Interstate Highway No. 43; thence N40°05'21"W along said northeast line 230.13 feet; thence N02°33'18"W 1066.80 feet to the north line of said Section 24; thence S87°24'47"W along said north line 71.00 feet to the south one-quarter corner of Section 13, T2N, R15E; thence S87°27'22"W along the south line of said Section, 433.00 feet; thence N02°32'38"W 360.00 feet; thence S87°27'22"W 360.00 feet; thence S02°32'38"E 360.00 feet to the south line of said Section 13; thence S87°27'22"W along the said south line 1135.22 feet to a point located 692.47 feet from the southwest corner of said Section 13; thence N12°36'20"W 262.30 feet; thence S88°44'34"W 124.74 feet; thence N01°16'14"W 52.63 feet; thence S88°55'46"W 516.71 feet to a point on the west line of said Section located 326.92 feet north of the southwest corner of said Section 13; thence N01°19'37"W along the west line of said Section 2311.27 feet to the west one-quarter corner of said Section 13; thence N87°25'57"E along the east-west one-quarter section line 2621.39 feet to the center of Section monument of said Section 13; thence N87°25'38"E continuing along said east-west one-quarter section line 1063.24 feet to a point; thence N01°23'44"W 662.83 feet to a point located 200.00 feet northeasterly of and measured at right angle to the north right-of-way line of Walworth Avenue as now laid out; thence southeasterly, parallel to said north line 1607.29 feet to the east line of said Section 13; thence N01°23'44"W along said east line to a point located 883.00 feet southerly of the northeast corner of said Section 13; thence S86°46'15"W 425.32 feet; thence N01°23'44"W 331.49 feet; thence N00°39'45"W 335.50 feet; thence N00°59'15"E 215.01 feet to a point on the north line of said Section 13; thence N31°20'15"E 238.25 feet to the centerline of County Trunk Highway "M" as now laid out; thence S57°40'45"E along said centerline 349.58 feet to the northeast corner of said Section 13 and the southwest corner of Section 7, T2N, R16E, the place of beginning. (as of 12/31/96)

SEC. 2-1-5 WARD BOUNDARIES. (Repealed and Recreated 6/14/11, Ord RC-304) (Repealed and Recreated 2-10-15, Ord. RC-351)

In accordance with ward plan promulgated by the General Operations Committee of the Common Council, the City consists of fifteen (15) wards, the respective boundaries of which are describe as follows:

- (a) Ward No. 1. The area encompassed by the following description: Beginning at the intersection of the centerline of Terrace Street and the centerline of Walworth Avenue; thence west to the centerline of Turtle Creek Drive; thence northerly and easterly along the City limits to the centerline of Richmond Road; thence east along the City limits to the centerline of Terrace Street; thence south to the centerline of Walworth Avenue, the place of beginning. Further described as census tracts: 7011013, 7011014, 7011015, 7011018, 7011023, 7011024, 7011026, 7011027, 7011028, 7011029, 7011030, 7011031, 7011033, 7011037, 7011038.
- (b) Ward No. 2 The area encompassed by the following description: Beginning at the intersection of the centerline of Walworth Avenue and the centerline of Cummings Street; thence south to the centerline of Wisconsin Street; thence east to the centerline of Beloit Street; thence southwesterly to the centerline of Creek Road; thence westerly and southerly along the City limits to the centerline of Turtle Creek Drive; thence north to the centerline of Birchwood Street; thence west to the centerline of Butternut Drive; thence north to the centerline of Whispering Pines Drive, thence west to the centerline of Autumn Drive; thence north to the centerline of

Tamarack Street; thence west to the City limits; thence north to the centerline of Walworth Avenue; thence east to the centerline of Cummings Street, the place of beginning. Further described as census tracts: 7013002, 7013003, 7013004, 7013005, 7013006, 7013007, 7013008, 7013012, 7013013, 7013016, 7013038.

(d) Ward No. 3. The area encompassed by the following description: Beginning at the intersection of the centerline of Creek Road and the centerline of Autumn Drive; thence southerly and westerly along the City limits to the centerline of Lawson School Road; thence northerly and easterly along the City limits to the centerline of Tamarack Street; thence east to the centerline of Autumn Drive; thence south to the centerline of Creek Road, the place of beginning. Further described as census tracts: 7013014, 7013015, 7013017, 7013018, 7013019, 7013020, 7013021, 7013022, 7013023, 7013024, 7013025, 7013026, 7013027, 7013028, 7013029, 7013040, 7013049, 7013060, 7013061, 7013062, 7013063.

(e) Ward No. 4. The area encompassed by the following description: Beginning at the intersection of the centerline Autumn Drive and Whispering Pines Drive; thence east to the centerline of Butternut Drive; thence south to the centerline of Birchwood Street; thence east to the centerline of Turtle Creek Drive; thence south to the centerline of Creek Road; thence southerly and westerly along the City limits to the centerline of Creek Road; thence westerly and northerly along the City limits to the centerline of Autumn Drive; thence north to the centerline of Whispering Pines Drive, the place of beginning. Further described as census tracts: 7013011, 7013030, 7013031, 7013033, 7013034, 7013035, 7013044, 7013045, 7013047, 7013054, 7013055, 7013059.

Ward No. 5. The area encompassed by the following description: Beginning at the intersection of the centerline of Washington Street and the centerline of Terrace Street; thence south to the centerline of Geneva Street; thence east to the centerline of Second Street; thence south to the centerline of Homestead Road; thence southerly and westerly along the City limits to the centerline of Beloit Street; thence north to the centerline of Geneva Street; thence east to the centerline of Wisconsin Street; thence easterly to the centerline Spring Lane; thence north to the centerline of Washington Street, thence east to the centerline of Terrace Street, the place of beginning. Further described as census tracts: 7012008, 7012010, 7012011, 7012018, 7012019, 7012021, 7012025, 7012036.

(f) Ward No. 6. The area encompassed by the following description: Beginning at the intersection of the centerline of Walworth Avenue and the centerline of Terrace Street; thence south to the centerline of Washington Street; thence west to the centerline of Spring Lane; thence south to the centerline of Wisconsin Street; thence west to the centerline of Geneva Street; thence west to the centerline of Beloit Street; thence north to the centerline of Wisconsin Street; thence west to the centerline of Cummings Street; thence north to the centerline Walworth Avenue, thence east to the centerline of Terrace Street, the place of beginning. Further described as census tracts: 7012002, 7012003, 7012004, 7012005, 7012006, 7012007, 7012009, 7012034, 7013000, 7013001, 7013056, 7013057, 7013058.

(g) Ward No. 7: The area encompassed by the following description: Beginning at the intersection of the centerline of Washington Street and the centerline of Terrace Street; thence north along Terrace Street to the northernmost City limits; thence easterly along the north City limits to the to the south shore of Comus Lake; thence west along the south shore of Comus Lake to the extension of the centerline of Second Street; thence south to the centerline of Washington Street; thence west to the centerline of Terrace Street, the place of beginning. Further described as census tracts: 7011005, 7011006, 7011007, 7011008, 7011011, 7011012, 7011034, 7011035, 7011036, 7012000, 7012001, 7021005, 7021006, 7021007, 7021020, 7021021.

- (h) Ward No. 8: The area encompassed by the following description: Beginning at the intersection of the centerline of McDowell Street and the centerline of Second Street; thence north to the the south shore of Comus Lake; thence east along the south shore of Comus Lake to the north City limits; thence east to the centerline of Sugar Creek Street; thence south to the centerline of Barnes Street; thence west to the centerline of Ray Street; thence south to the centerline of Racine Street; thence west to the centerline of Eighth Street; thence north to the centerline of Parish Street; thence west to the centerline of Seventh Street; thence north to the centerline of High Street; thence west to the centerline of Fifth Street; thence south to the centerline of McDowell Street, thence west to the centerline of Second Street, the place of beginning. Further described as census tracts: 7021004, 7021009, 7021011, 7021015, 7021018, 7021019.
- (i) Ward No. 9: The area encompassed by the following description: Beginning at the intersection of the centerline Washington Street and the centerline of Second Street; thence north to the centerline of McDowell Street; thence east to the centerline of Fifth Street; thence north to the centerline of High Street; thence east to the centerline of Seventh Street; thence south to the centerline of Parish Street; thence east to the centerline of Eighth Street; thence south to the centerline of Racine Street; thence west to the centerline of Seventh Street; thence south to the centerline Washington Street; thence west to the centerline of Second Street, the place of beginning. Further described as census tracts: 7021010, 7021014, 7021016, 7021017, 7024000, 7024001, 7024002, 7024003, 7024004, 7024005, 7024006, 7024007, 7024008.
- (j) Ward No. 10: The area encompassed by the following description: Beginning at the intersection of the centerline Seventh Street and the centerline of Racine Street; thence east to the centerline of Ray Street; thence north to the centerline of Barnes Street; thence east to the centerline of Sugar Creek Street; thence south to the centerline of Wisconsin Street; thence west to the centerline of Seventh Street; thence north to the centerline of Racine Street, the place of beginning. Further described as census tracts: 7021012, 7021013, 7022000, 7022001, 7022002, 7022005, 7022006, 7022007, 7022009, 7022010, 7022011, 7022012, 7022013, 7022014, 7022015.
- (k) Ward No. 11: The area encompassed by the following description: Beginning at the intersection of the centerline of Phoenix Street and the centerline of Second Street; thence north to the centerline of Geneva Street; thence east to the centerline of the railroad tracks; thence northeasterly to the centerline of Seventh Street; thence north to the centerline of Wisconsin Street; thence east to the centerline of Harrison Street; thence south to the centerline of Ann Street; thence west to the centerline of Bradley Avenue; thence south to the centerline of Geneva Street; thence east to the centerline of Tyrell Avenue; thence south to the centerline of Holland Avenue; thence west to the centerline of Sixth Street; thence north to the centerline of Phoenix Street, thence west to the centerline of Second Street, the place of beginning Further described as census tracts: 7022008, 7022016, 7022021, 7022022, 7023003, 7023004, 7023005, 7023006, 7023009, 7023010, 7023011, 7023012, 7024019, 7024020, 7024021, 7024022, 7024025, 7024026, 7024027, 7024028, 7024029, 7024030, 7024031, 7024032.
- (l) Ward No. 12: The area encompassed by the following description: Beginning at the intersection of the centerline Washington Street and the centerline of Seventh Street; thence south to the centerline of the railroad tracks; thence west to the centerline of Geneva Street; thence west to the centerline of Terrace Street; thence north to the centerline of Washington Street, the place of beginning. Further described as census tracts: 7012012, 7012013, 7012014, 7012015, 7012016, 7012017, 7024009, 7024010, 7024011, 7024012, 7024013, 7024014, 7024015, 7024016, 7024017, 7024018, 7024023, 7024024.

- (m) Ward No. 13: The area encompassed by the following description: Beginning at the intersection of the centerline of Second Street and the centerline of Phoenix Street; thence east to the centerline of Sixth Street; thence south to the centerline of Holland Avenue; thence east to the centerline of Tyrell Avenue; thence southeasterly to the centerline of Park Avenue; thence northeasterly to the centerline of Phoenix Street; thence east to the centerline of Borg Road; thence south to the centerline of North Shore Drive; thence west to the City limits; thence westerly, northerly, and westerly along the City limits to the centerline Second Street; thence north to the centerline of Phoenix Street, the place of beginning. Further described as census tracts: 7012035, 7023008, 7023016, 7023017, 7023018, 8002020, 8002021, 8002022, 8002027, 7023015s801, 7023019s800, 8002023s798, 8002024s797, 8002025s638, 8002026s799.
- (n) Ward No. 14: The area encompassed by the following description: Beginning at the intersection of the centerline of Racine Street and Sugar Creek Street; thence north to the City limits; thence northerly, easterly, southerly, and westerly along the City limits to the centerline Borg Road; thence north to the centerline of Phoenix Street; thence west to the centerline of Park Avenue; thence southwesterly to the centerline of Tyrell Avenue; thence northwesterly to the centerline of Geneva Street; thence west to the centerline of Bradley Avenue; thence north to the centerline of Ann Street; thence east to the centerline of Harrison Street; thence north to the centerline of Wisconsin Street; thence east to the centerline of Wright Street; thence north to the centerline of Racine Street, the place of beginning. Further described as census tracts: 7022003, 7022004, 7022017, 7022018, 7022019, 7022020, 7023000, 7023001, 7023002, 7023007, 7023014, 8001020, 8001024, 8001025, 8001032, 8001034, 8001036, 8001037, 8001038, 8001039, 8001042, 8001043, 8001044, 8001046, 8001047, 8001048, 8001051, 8001052, 8001053, 8001054, 8001055, 8001059, 8001060, 8001061, 8001062, 8001063, 8001065, 8001066, 8001069, 8001070, 8001071, 8001093, 8002000, 8002001, 8002002, 8002003, 8002004, 8002005, 8002006, 8002007, 8002018, 8003010, 8003014, 8003015, 8003016, 8003017, 8003018, 8003019, 8003020, 8003021, 8003022, 8003023, 8003024, 8003026, 8003036.
- (o) Ward No. 15: The area encompassed by the following description: Being tax parcel XWUP 00237 annexed into the City of Delavan on September 12, 1978. Further described as census tract: 6002023. (Created 2-10-15; Ord. RC-351)

SEC. 2-1-6 ELECTIONS.

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April.
- (b) **Polling Hours.** The polling hours for all elections shall comply with Wisconsin Statutes. (Amended 03/09/04 Ordinance RC-179) (Amended 9/16/08, Ord RC-254)
- (c) **Election Officials.**
 - (1) Appointment of Election Officials. There shall be seven (7) inspectors for each polling place at each election held under Chapters 5 to 12, Wis. Stats. When voting machines are used, the number of inspectors may be reduced to five (5). Inspectors shall be appointed as provided in Sec. 7.50, Wis. Stats.
 - (2) Appointment: Duties: Powers.
 - a. Such election officials shall have all of the powers and perform all of the duties prescribed for such officers by the statutes. Inspectors shall serve as clerks of election as may be necessary.
 - b. Such election officials shall be selected in the manner provided by law
 - c. Such election officials shall receive such compensation as fixed by resolution of the Common Council.

- (3) Board of Canvassers. There shall be a Board of Canvassers which shall consist of the City Clerk and two (2) citizens of the City appointed by the Clerk. The Board of Canvassers shall canvass each election in the manner prescribed by the Wisconsin Statutes.
- (d) (1) Polling Place. The three Aldermanic Districts including all nine wards of the City of Delavan shall be combined to all vote in the Municipal Building. Separate ballot boxes do not have to be maintained for the ballots of the respective districts and wards. (Created 8/8/00, RC-101)

State Law Reference: Sec. 7.53, Wis. Stats.

SEC. 2-1-7 SPRING PRIMARY FOR CITY OFFICES.

Whenever three (3) or more candidates file nomination papers for a city office, a primary to nominate candidates for the office shall be held pursuant to Wis. Stats. 8.11(1)(b). (Amended RC-231, 4/10/2007)

State Law Reference: Sec. 8.05(4), Wis. Stats.

SEC. 2-1-8 VOTER REGISTRATION.

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

CHAPTER 2
Mayor; Common Council

2-2-1	Common Council
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2-2-11	Special Meetings
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2-2-14	Presiding Officers
2-2-15	Order of Business (Amended 8/8/06 Ord RC 219) (Repealed and Recreated 7/8/2008, Ord RC-249)
2-2-16	Introduction of Business, Resolutions and Ordinances; Disposition of Communications (Amended 04-12-00, RC-96)
2-2-17	Publication and Effect of Ordinances
2-2-18	Conduct of Deliberations

SEC. 2-2-1 COMMON COUNCIL.

- (a) **Composition; General Powers.** The Mayor and Aldermen of the City of Delavan shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.
- (b) **Eligibility.** No person shall be elected by the people to a City office who are not at the time of his election a citizen of the United States and of the State of Wisconsin, and an elector of the City, and in case of an aldermanic district office, of the aldermanic district, and actually residing therein.

State Law Reference: Sec. 62.11, Wis. Stats.

SEC. 2-2-2 ALDERMEN.

- (a) **Election, Term, Number.** The City shall have six (6) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of his office as Mayor. The six (6) Aldermen shall constitute the Common Council. Two (2) Aldermen shall be elected from each aldermanic district. One (1) Alderman from each of the three (3) aldermanic districts shall be elected at the annual City election in the even-numbered years, and one (1) each of said Aldermen shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.

- (b) **Appointment as Mayor.** Upon the Mayor's death, resignation, or loss of residency, or disability making fulfilling the responsibilities of office impossible, the Common Council may appoint, by majority vote, one (1) of its members to fill the unexpired mayoral term. An Alderman shall be eligible for appointment by the Common Council to the office of Mayor to fill an unexpired term. He would relinquish the position of Alderman at the time of appointment to serve as Mayor.

State Law Reference: Sections 62.09 and 62.11, Wis. Stats.

SEC. 2-2-3 MAYOR.

- (a) **Election.** The Mayor shall be elected in even-numbered years for a term of two (2) years.
- (b) **Duties.**
- (1) Pursuant to Section 2-1-1, the Mayor shall be the Chief Executive officer of the City. He shall take care that City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. When present, he shall preside at the meetings of the Council.
 - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** He shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to him by the City Clerk, and shall be enforced upon his approval, evidenced by his signature, or upon his failing to approve or disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, he shall file his objection with the Clerk, who shall present it to the Council at its next regular meeting. A two thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

State Law Reference: Sec. 62.09(8), Wis. Stats.

SEC. 2-2-4 PRESIDENT AND VICE-PRESIDENT OF THE COUNCIL (Adopted 6/23/2009, RC-272)

- (a) **Council President.** The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved, by filing objections with the City Clerk. He shall, when so officiating, be styled "Acting Mayor."

The President of the Council shall be elected for a one (1) year term of office. When presiding, the Council President is, by statute, arguably imbued with all of those powers and duties conferred on the Mayor. Nevertheless, the Council President, while presiding, is not automatically divested of his or her aldermanic status. The Council President, accordingly, may retain his or her vote as an alderperson or may opt to vote only in case of a tie. Under no circumstances, however, may the Council President cast two votes. If there is a special meeting called by the President as Acting Mayor, his powers would be limited to the power of the mayor.

- (b) **Council Vice-President.** The Common Council, at its first meeting subsequent to the regular election and qualification of new members, shall, after organization, choose from its regular members a Vice-President who, in the absence of the Mayor and Council President, shall preside at meetings of the Council and, during the absence or inability of the Mayor and Council President, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved by filing objections with the Clerk. He shall, when so officiating, be styled "Acting Mayor."

When presiding, the Council Vice-President is, by statute, arguably imbued with all of those powers and duties conferred on the Mayor. Nevertheless, the Council Vice-President, while presiding, is not automatically divested of his or her aldermanic status. The Council Vice-President, accordingly, may retain his or her vote as an alderperson or may opt to vote only in case of a tie. Under no circumstances, however, may the Council President cast two votes. If there is a special meeting called by the Council Vice-President as Acting Mayor, his powers would be limited to the power of the mayor.

State Law Reference: Sec. 62.09(8)(e), Wis. Stats.

SEC. 2-2-5 STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS. (Amended 4/16/2019 by RC-409)

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint the following committees, consisting of three (3) Aldermen each, except for the Public Works Committee which shall include two (2) members who are City residents in addition to the three (3) Aldermen. The respective general duties of the committees shall be as follows and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
- (1) Finance Committee.
 - a. Review and finalize annual budget, for public hearing and Common Council approval.
 - b. Monitor expenditures.
 - c. Review requests for nonbudgeted or emergency expenditures.
 - d. Review any proposed changes in the City's insurance coverage.
 - e. Consider any other matters which may be referred by the Common Council.
 - f. The Finance Committee is authorized to approve, on behalf of the City, individual budgeted items exceeding \$5,000 up to and including \$10,000.
 - g. Review and periodically recommend adjustments to water and sewer rates.
 - h. Review and recommend policies that impact financial matters for the Utility.
 - (2) Public Works Committee.
 - a. Review and finalize annual capital improvement program.
 - b. Recommend policy guidelines regarding public improvements.
 - c. Mediate any dispute between a property owner and the City regarding public improvements.
 - d. Review and approve any unusual requests for use of any municipal buildings.
 - e. Review and recommend any proposed changes, remodeling, additions, etc., to any municipal buildings.
 - f. Consider any other matters which may be referred by the Common Council.
 - g. Cause inspections to be made of all properties served by the public water system where cross

connections with the public water system is deemed possible.

(3) General Operations Committee.

- a. Review and recommend to the Common Council action regarding proposed legislation impacting upon the City and its residents.
- b. Review existing ordinances or proposed amendments to the City Code for recommendation to the Council.
- c. Interpret the meaning or intent of any existing ordinance and, if necessary, request formal clarification from the City Attorney.
- d. Determine priorities of pending actions, when time or budgetary constraints require that such determination be made, or when requested by a City officer.
- e. Recommend for Common Council adoption resolutions expressing policy of the City regarding matters for which formal declaration of official policy is required.
- f. Review traffic or pedestrian safety matters and recommend needed action for Common Council approval.
- g. Advise proper officials regarding enforcement of the Minimum Standards Housing Code.
- h. Review applications for operators' licenses, liquor licenses, picnic licenses, etc.
- i. Advisory to the Mayor, regarding the operation of the police department and the fire department.
- j. Together with the Mayor as chairman, function as the Emergency Government Committee.
- k. Exercise any and all functions, powers, and duties of the Board of Health appearing in this Code or as may be required by law.
1. Consider any other matters which may be referred by the Common Council.

(b) **Committee of the Whole.** If any issue requires committee review by more than one (1) committee, this issue shall automatically be referred to the entire Common Council meeting as a "Committee of the Whole."

(c) **Committee Appointments.**

- (1) The chairperson and vice-chairperson of each standing committee shall be designated by the Mayor. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Aldermen shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee without voting powers and shall not be counted for purposes of determining a quorum. (Amended 04-13-04, RC-182)
- (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall be ex officio be chairman of the same.
- (3) The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- (4) Non-aldermanic members of standing committees shall be appointed by the Mayor and confirmed by the Common Council to serve two (2) year staggered terms. Non-aldermanic members are limited to two (2) consecutive full terms of membership thereon, such persons to be ineligible thereafter for reappointment to the same committee for a period of one (1) year. The fulfillment of unexpired term(s) (i.e., less than full terms) by appointment shall not be counted in determining the maximum two (2) consecutive terms. Terms for non-aldermanic members of standing committees shall be deemed to commence on May 1st following the Council's organizational meeting.

(d) **Reference and Reports.**

- (1) All ordinances, resolutions, communications, and other matters submitted to the Council shall be read by title and author and may be referred to the appropriate committee by the Mayor without motion unless objected to by a Council member. The Clerk shall read and record each such reference

by title, unless such document has been previously distributed. Any Alderman may require the reading in full of any matter at any time it is before the Council.

- (2) Each committee shall, at the next regular Council meeting, submit a report on all matters referred to it unless a longer time be granted by vote of the Council. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Minority reports may be submitted.
- (e) **Cooperation of City Officers.** All City officers shall, upon request of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

SEC. 2-2-6 GENERAL POWERS OF THE COMMON COUNCIL.

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City 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 City, 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 Common Council may acquire property, real or personal, within or without the City, 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 continuous to the City, 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 City-owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with 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 Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **City Finances.** The Common Council 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 City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities 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 Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

SEC. 2-2-7 COOPERATION WITH OTHER MUNICIPALITIES.

The Common Council, on behalf of the City, may join with other villages, towns, or cities 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 and joint purchasing programs.

State Law Reference: Sec. 66.30, Wis. Stats.

SEC. 2-2-8 INTERNAL POWERS OF THE COUNCIL.

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen and expel or fine for neglect of duty. The Common Council shall be judge of the election and qualification of its members.

State Law Reference: Sec. 62.11, Wis. Stats.

SEC. 2-2-9 SALARIES.

The Mayor and Aldermen who make up the Common Council, whether operating under general or special law, may, by three-quarters (3/4) majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and Aldermen. Salaries heretofore established shall so remain until changed by ordinance. Salary increases shall not be applicable to incumbent Aldermen during their term of office during which increases are granted.

State Law Reference: Sec. 62.09(6), Wis. Stats.

SEC. 2-2-10 MEETINGS OF THE COMMON COUNCIL. (amended 5/12/98 Ordinance RC-42) (amended 04/18/2017 Ord RC-384)

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the third Tuesday of each calendar month, at the hour of 6:30 p.m. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Delavan Municipal Building, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.

State Law Reference: Sec. 62.11(2), Wis. Stats.

SEC. 2-2-11 SPECIAL MEETINGS.

Special meetings may be called by the Mayor or by three (3) Aldermen upon written notice of the time and purpose thereof to each member of the Council delivered to him personally or left at his usual place of abode at least six (6) hours before the meeting. The City Clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings.

State Law Reference: Sec. 62.11(2), Wis. Stats.

SEC. 2-2-12 OPEN MEETINGS.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards, committees and commissions, shall be open to the public in compliance with Wisconsin's Open Meeting Law.

State Law Reference: Sec. 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats

SEC. 2-2-13 QUORUM. (Amended 5/12/2009 Ordinance RC-273) (Amended 7/16/2019, Ord. 411)

- (a) Two-thirds (2/3) of the members of the Common Council shall constitute a quorum. A lesser number than two-thirds (2/3) of the members of the Common Council may compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No other action than set forth in this section shall be taken unless a quorum is present.
- (b) The Common Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.
- (c) A simple majority of any Standing Committee which includes citizen representatives shall constitute a quorum, provided at least two (2) Alderpersons are present.

State Law Reference: Sec. 62. 11(3)(b), Wis. Stats.

SEC. 2-2-14 PRESIDING OFFICERS.

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In the absence of the Mayor and President of the Council, the Vice President of the Council shall preside. In case of absence of the Mayor, President of the Council and Council Vice-President, the Clerk shall call the meeting to order and the Aldermen present shall elect one (1) of their number president pro tem.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, (Revised), unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the City Clerk, the Deputy Clerk shall serve as recording secretary.

State Law Reference: Sec. 62.09(8), Wis. Stats.

SEC. 2-2-15 ORDER OF BUSINESS.

- (a) **Order of Business.** For meeting purposes, the time of agenda applicability shall be deemed to be 6:30 p.m. At all meetings, the following order may be observed in conducting the business of the Common Council: (Repealed and Recreated 7/8/08, Ord. RC-249)
- (1) Call to order and roll call.
 - (2) Approval of minutes.
 - (3) Communications.
 - (4) Public comments.
 - (5) Reports of standing committees.
 - (6) Public hearings.
 - (7) Unfinished business.
 - (8) New business.
 - (9) Approval of bills.
 - (10) Adjourn.
- (b) **Consent Agenda.** Approval of multiple agenda items with a single vote (consent agenda). It shall be in order to adopt multiple agenda items with single motion and second, provided no Council member objects. (Repealed and Recreated 7/8/08, Ord. RC-249)
- (c) **Order to be Followed.** No business shall be taken up out of order unless by two-thirds (2/3) consent of all aldermen and in the absence of any debate whatsoever.
- (d) **Citizen Comments.** The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council.
- (e) **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Council may adjourn or proceed subject to Section 2-2-13(a).
- (f) **Common Council Agenda Items.** Items may be placed on the agenda for the common Council by the Mayor, Council President, a City committee, or by two (2) Aldermen upon written request, one week prior to the date of the Common Council meeting. Said agenda items shall be submitted to the City Clerk no less than 7 days in advance except in the case of urgent or emergency matters. (Amended 8/8/06 Ord RC 219)

SEC. 2-2-16 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall include at the outset a brief statement of the subject matter and a title. All written material introduced shall be read by the Mayor, Clerk, Committee Chairman or the appropriate authority, and then discussed and acted upon as the Common Council deems appropriate (Amended 04-12-00, RC-96)
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of provisions of this Code shall only be accomplished if the amendment or repeal thereof contains the title or section to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**
- (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
 - (2) Ordinances will be placed on the agenda for Council action only if they are submitted to the City Clerk in written form a minimum of four (4) days prior to the meeting at which action is requested.

- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Council, the Clerk or other City officer for reference to the Common Council, shall be delivered by the Clerk or such other City officer to the Mayor or to the presiding officer of the Council as soon as convenient after receipt of the same and, in any event, prior to or at the opening of the next meeting of the Council following the receipt of same. Every such petition or other writing and every paper, communication or other proceeding which shall come before the Council for action may be referred by the Mayor or presiding officer to a committee or other proper body or official unless objected to by a member of the Council.

SEC. 2-2-17 PUBLICATION AND EFFECT OF ORDINANCES.

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once and shall be immediately recorded, with the affidavit of publication, by the City Clerk in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force after passage and on the day of publication, unless otherwise provided therein or by law.

State Law Reference: Sec. 62.11(4), Wis. Stats.

SEC. 2-2-18 CONDUCT OF DELIBERATIONS.

- (a) **Roll Call.** 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.
 - (3) On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and noes.
- (b) **Recording of Votes.** All aye and nay votes shall be recorded in the official minutes.
- (c) **Rules.** Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order (latest edition), which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances.
 - (1) No person shall address the Council until recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) No person other than an Alderman shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.

- (4) No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it, except a motion can be made to amend the motion.
- (5) The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of those members of the Council voting (with a quorum present) in favor of any proposed ordinance or resolution or confirmation of an appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute.
- (6) Any member of the Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the journal.
- (7) When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.
- (d) **Reconsideration of Questions.** It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.
- (e) **Call For the Previous Question.** Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the previous question." If a majority of the members present vote in the affirmative, its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question without further debate.
- (f) **Amendment of Rules.** The rules of Section 2-2-18 shall not be rescinded or amended unless the proposed amendment or motion to rescind has been introduced at a previous regular meeting, and then the action to amend or rescind shall require a vote of two-thirds (2/3) of all the members of the Council at the subsequent regular meeting.
- (g) **Suspension of Rules.** Any of the provisions of Sections 2-2-18 inclusive, of this Code may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

CHAPTER 3
Municipal Officers and Supervisory Employees

2-3-1	General Provisions
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SEC. 2-3-1 GENERAL PROVISIONS.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and, except as to the Mayor, shall perform such duties as shall be required of him by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors, and corruption in office shall apply to City officers.
- (d) **Legal Representation.** Whenever any City official in his official capacity is proceeded against or obliged to proceed before any civil court, board, committee or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

- (e) **Officers.** The following officials shall be deemed City officers: Mayor, City Administrator, City Clerk, City Treasurer, Director of Public Works, City Attorney, Police and Fire Commissioners, Assessor, Municipal Judge, Chief of Police, Fire Chief, Building Inspector and Aldermen.
State Law Reference: Sections 62.09(1)-(7) and 62.115, Wis. Stats.

SEC. 2-3-2 CITY ADMINISTRATOR. (amended 4/14/98 Ordinance RC-37)(Repealed & recreated 7/9/02 Ord. RC-142)

- (a) **Appointment.** In order to coordinate and improve the various municipal services rendered to the citizens of Delavan, there is created the position of City Administrator. The City Administrator shall be appointed for an indefinite term by an affirmative vote of at least two-thirds (2/3) majority of all the members of the Common Council and shall serve at the pleasure of said Council. Removal from office shall require affirmative vote of at least two-thirds (2/3) majority of all the members of said Council. The salary of the City Administrator shall be as the Common Council shall, from time to time, determine.
- (b) **General Authority.**
- (1) The City Administrator shall be the chief administrative officer and shall be directly responsible to the Common Council.
 - (2) The duties of the City Administrator shall be, but are not limited to, directing, coordinating, and expediting activities of all City departments, divisions, and officers, who shall be directly responsible to him/her unless otherwise provided for by this Code or by Wisconsin Statute and other duties as may be directed by the Common Council.
 - (3) The City Administrator shall have the following specific authorities:
 - a. To act as personnel officer reviewing requests and recommendations on salaries, wages, working conditions, and union contractual matters and to screen candidates and recommend the hiring of department heads and other City staff, except the Police and Fire Chiefs who shall be selected by the Police and Fire Commission.
 - b. In cooperation with the Common Council, preparation and submission of the annual City budget.
 - c. Budget implementation, including authority to transfer up to One Thousand Dollars (\$1,000.00) between items in any one program area, except capital accounts. The Administrator shall report any such transfer to the Finance Committee at its next regularly scheduled meeting.
 - d. To recommend to the Mayor and Common Council measures for adoption which are deemed appropriate to deal with significant municipal problems, with the right to participate in all discussions on such measures with the Mayor and Common Council, subject to Council rules or procedures.
 - e. (repealed 4/14/98 Ordinance RC-37)
- (a) **Duties and Responsibilities.** The City Administrator shall have all of the following duties and responsibilities:
- (1) To serve as comptroller in accordance with Sec. 62.09(10), Wis. Stats.
 - (2) To attend meetings of the Council and recommend meetings of other boards, commissions, and committees.
 - (3) To submit annually to the Mayor and Council and make available to the public complete reports on the financial affairs of the City and the status of municipal programs.
 - (4) To make monthly reports to the Mayor and Council concerning the operation of all City departments, offices, and special programs.

- (5) To keep the Mayor and Council fully advised as to the financial condition and future financial needs of the City.
- (6) To make such recommendations to the Mayor and Council concerning the overall management of the City as necessary.
- (7) To establish and maintain a centralized purchasing system in the City and approve general purchasing policies for all supplies, materials, and equipment.
- (8) To assist in preparation of Council agendas in cooperation with the Mayor and City Clerk, and prepare news releases and informational public relations materials.
- (9) To serve as the chief personnel officer of the City and act as chief negotiator in labor negotiations with union representatives; he/she shall review retirement, life insurance, and health insurance programs; unless specifically provided in this Code of Ordinances, he/she shall have the authority to appoint other City employees, subject to Council confirmation.
- (10) To prepare and continually update a capital improvement program for the City.
- (11) To coordinate the development activities within the City.
- (12) To serve as the coordinator for securing state and federal grant and loan assistance for all city programs.
- (13) To analyze, evaluate, and measure the performance of the City administration and make recommendations to the Mayor and Council for the most efficient operation of the City government.
- (14) To submit recommendations to the Mayor and Council for new or changed programs that would improve the quality of life in the City.
- (15) To serve as Deputy Director of Emergency Government.
- (16) To perform any other duties prescribed by the State Statutes or as may be lawfully ordered by the Common Council.

SEC. 2-3-3 CITY CLERK (Amended 12/8/1998 by RC-59)(Amended 03/15/00 by RC-93)

- (a) **Appointment.** The City Clerk shall be appointed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Council. The acts of the Clerk shall be covered by official bond as the Common Council shall direct.
- (b) **Duties.** The City Clerk shall be responsible for performing those duties required by Sec. 62.09(11) of the Wisconsin Statutes and for the following additional duties:
 - (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections.
 - (2) Publish all legal notices unless otherwise provided, file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere.
 - (3) Issue all licenses required by ordinance or statute, except as otherwise provided.
 - (4) Prepare the tax roll and tax notices required by the State of Wisconsin.
 - (5) Maintain files for the Common Council, City Planning Commission, Delbrook Golf Course Commission, and such other official boards and commissions as may be directed.
 - (6) Maintain a file on all City records, ordinances, resolutions and vouchers.

- (7) Type and distribute reports for the Council and for federal and state agencies.
- (8) Audit and obtain approval on claims charged against the City.
- (9) Prepare financial and bank statements regarding the City's general fiscal matters
- (10) Issue purchase orders pursuant to City purchasing policies.
- (11) Assist the City Assessor in maintaining property assessment records.
- (12) Administer oaths and affirmations.
- (13) Maintain fiscal records for the City.
- (14) Issue licenses to various vendors in the City.
- (15) Serve as a member and clerk of the Board of Review and make reports to the state on assessments.
- (16) Perform other duties as may be required by the City Administrator; such duties may be changed by the Administrator.

State Law Reference: Sec. 62.09(11), Wis. Stats.

SEC. 2-3-4 DEPUTY CLERK. (Amended 4/16/2019 by RC-409)

- (a) **Appointment.** The City Clerk may appoint, upon the recommendation of the City Administrator, a Deputy Clerk. The Deputy Clerk shall act under the Clerk's direction and during the temporary absence or disability of the Clerk or during a vacancy in such office, shall perform the duties of Clerk. The acts of the Deputy shall be covered by official bond as the Common Council shall direct.
- (b) **Duties.** The Deputy City Clerk shall act under the Clerk's direction, and in the Clerk's absence or disability or in case of a vacancy, shall perform the Clerk's duties, and shall have the power to administer oaths and affirmations.

State Law Reference: Sec. 62.09(11)(i), Wis. Stats.

SEC. 2-3-5 TREASURER (Amended 12/8/1998 by RC-59)(Amended 03/15/00 by RC-93)(Amended 4/16/2019 by RC-409)

- (a) **Appointment.** The City Treasurer shall be annually appointed by the Mayor, upon recommendation of the City Administrator, subject to confirmation by the Council.
- (b) **Duties.** The City Treasurer shall be responsible for performing those duties required by Sec. 62.09(9) of the Wisconsin Statutes and as may be provided in the job description for the position.
- (c) **Bond.** The City Treasurer shall execute and file an official bond as required by this Code of Ordinances and the Common Council.

State Law Reference: Sec. 62.09(9), Wis. Stats.

Cross-Reference: Section 3-1-2.

SEC. 2-3-6 DEPUTY TREASURER. (Amended 4/16/2019 RC-409)

- (a) **Appointment.** The City Treasurer may appoint, upon the recommendation of the City Administrator, a Deputy Treasurer. The Deputy Treasurer shall act under the Treasurer's direction and, during the temporary absence or disability of the Treasurer or during a vacancy in such office, shall perform the duties of Treasurer. The acts of the Deputy shall be covered by official bond as the Common Council may direct.
- (b) **Duties.** The Deputy Treasurer shall act under the Treasurer's direction, and in the Treasurer's absence or disability or in case of a vacancy shall perform the Treasurer's duties.

SEC. 2-3-7 CITY ATTORNEY.

- (a) **Appointment.** The City Attorney shall be annually appointed by the Mayor, subject to confirmation by the Council. The City Attorney may appoint an Assistant City Attorney to assist in his duties.
- (b) **Duties.** The City Attorney shall have the following duties:
 - (1) The City Attorney shall conduct all of the law business in which the City is interested.
 - (2) He shall, when requested by City officers, give written legal opinions, which shall be filed with the Clerk.
 - (3) He shall draft ordinances, bonds, and other instruments as may be required by City officers.
 - (4) The Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.
 - (5) The City Attorney shall perform such other duties as provided by state law and as designated by the Common Council or City Administrator.
 - (6) All papers prepared by the City Attorney, copies thereof, correspondence received by him, copies of letters, and all papers and materials of every nature and description which comes to his hands as City Attorney shall be the property of the City of Delavan and shall be turned over by the City Attorney to his successor in office.

State Law Reference: Sec. 62.09(12), Wis. Stats.

SEC. 2-3-8 CHIEF OF POLICE.

- (a) **Appointment.** The Chief of Police shall be appointed by the Police and Fire Commission pursuant to state law.
- (b) **General Duties.** The Chief of Police shall:
 - (1) Have command of the Police Department of the City under direction of the Mayor, Common Council, and City Administrator, to the extent that the Council may delegate such authority of direction to said Administrator. He shall be charged with the general administration and control of the Department and shall be responsible for the Department's management, efficiency and general good conduct. He shall perform all duties prescribed to him by laws of the state and the ordinances of the City.
 - (2) Cause the public peace to be preserved and shall arrest with or without process and with reasonable diligence take before the proper court every person found in the City engaged in any disturbance of the peace or violating any law or regulation of the state or ordinance of the City. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.
 - (3) Be responsible for internal policy and control. General administrative supervision and direction shall be received from the City Administrator.

State Law Reference: Sec. 62.13, Wis. Stats.

Cross-Reference: Section 5-1-4.

SEC. 2-3-9 FIRE CHIEF.

- (a) **Appointment.** The Fire Chief shall be appointed by the Police and Fire Commission pursuant to state law.
- (b) **Duties and Powers.** The Chief shall have command of the Fire Department personnel, apparatus, and equipment under the direction of the Mayor, City Administrator, and Common Council to the extent that the Council may delegate such authority of direction to said Administrator. The Chief shall be present at fires and command all fire-fighting operations. He shall enforce or cause to be enforced all fire prevention ordinances, laws, and regulations of the City and State. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. He shall be responsible for internal policy and control. General administrative supervision and direction shall be received from the City Administrator.
- (c) **Reports to Chief.** The Fire Chief shall report to the Common Council from time to time at his discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his office as may, from time to time, be required of him by the Common Council.
- (d) **Disciplinary Authority.** The Chief shall have the disciplinary power to suspend any officer or member for neglect or refusal to perform his departmental duty, subject to the right of such suspended officer or member to public hearing thereon before the Board of Police and Fire Commissioners pursuant to law.

State Law Reference: Sec. 62.13, Wis. Stats.

Cross-Reference: Title 5, Chapter 2.

SEC. 2-3-10 DEPUTY COORDINATOR OF EMERGENCY GOVERNMENT SERVICES.

- (a) **Office Created.** There is hereby created the office of Deputy Coordinator of Emergency Government Services for the City of Delavan.
- (b) **Appointment.** The Deputy Coordinator shall be the City Administrator.
- (c) **Duties and Authority.** The Deputy Coordinator shall assist the County Coordinator in the following:
 - (1) Developing and promulgating emergency government plans for the municipality consistent with state and county plans.
 - (2) Directing the emergency government program for the City and performing such other duties related to emergency government as are required by the county and City and the respective emergency government committee.
 - (3) Directing the City emergency government training programs and exercises.
 - (4) Directing the City's participation in emergency government programs, exercises and activities.
 - (5) Appointing assistants.

SEC. 2-3-11 ASSESSOR.

- (a) The City of Delavan hereby elects not to be governed by those portions of Sec. 62.09(3)(b) of the Wisconsin Statutes relating to the method of selection of the City Assessor which are in conflict with this Section.
- (b) The City Assessor shall be appointed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Council. A corporation or an independent contractor may be appointed as the City 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 or she has been granted the appropriate certification under Sec. 73.09, 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.
- (c) The City Assessor shall perform those duties required of assessors by the Wisconsin Statutes.

State Law Reference: Public Officials' oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sec. 62.09(1)(c), 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.; Sec. 70.055, Wis. Stats.

SEC. 2-3-12 HEALTH OFFICER CONSULTANT; HEALTH OFFICER.

- (a) **Selection.** The Board of Health, upon recommendation of the City Administrator, shall appoint a Health Officer Consultant, subject to majority approval. Such Health Officer Consultant shall be a physician or, in lieu thereof, a person with training and experience in public health administration which shall meet training and experience requirements established by the State Department of Health and Social Services. If the Health Officer Consultant is not a physician, the Board of Health shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.

- (b) **Vacancy.** If a vacancy in the position of Health Officer Consultant occurs, the Board of Health shall immediately fill the position.
- (c) **Responsibilities.**
 - (1) The Health Officer Consultant shall provide such rules and regulations as are necessary for the preservation of health to prevent the spread of communicable diseases and to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Common Council by the Health Officer Consultant, and if the Council approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
 - (2) The Health Officer Consultant shall, from time to time, recommend to the Common Council and Board of Health such sanitary measures to be executed by the City as seem necessary and shall discharge such other duties as may be imposed by the Council by ordinance or resolution or required by the Department of Health and Social Services.
 - (3) The Health Officer Consultant shall perform such other duties as directed by the Common Council.
- (d) **Health Officer.** The Board of Health may appoint, upon the recommendation of the City Administrator, a Health Officer(s), subject to confirmation by a majority of members of the Council. The Health Officer shall act under the direction of the City Administrator, Health Officer Consultant and Board of Health and, during the temporary absence or disability of the Health Officer consultant or during a vacancy in such office, shall perform the duties of Health Officer Consultant.

State Law Reference: Section 251, Wis. Stats.;

Cross-Reference: Section 8-1-1(a).

SEC. 2-3-13 MUNICIPAL JUDGE; MUNICIPAL COURT. (Amended 3/19/2019 Ord. RC-405)

- (a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established the Municipal Court for the City of Delavan, Wisconsin.
- (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 City of Delavan, Wisconsin.
- (c) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the even-numbered years for a term of two (2) years commencing on May 1 succeeding the election.
- (d) **Eligibility.** No person shall be elected Municipal Judge who is not at the time of his election a citizen of the United States and of the State of Wisconsin, and an elector of the City, and actually residing therein. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics.
- (e) **Salary.** The salary, as established by the Common Council, of the Municipal Judge may be established 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 a term of the Judge. Salaries may be paid annually or in equal installments as determined by the Common Council, 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.
- (f) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Walworth County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond in such amount as shall be fixed by the Common Council.
- (g) **Procedure in Municipal Court.**
 - (1) The procedure in Municipal Court for the City of Delavan shall be provided by this Chapter and state law, including, but not by way of limitation, Chapters 62, 66, 755, and 800 of the Wisconsin Statutes.
 - (2) The Municipal Court shall be open as determined by the Municipal Judge.
 - (3) The Municipal Judge shall keep his office and hold court in the Delavan 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 Common Council.
 - (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 City 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 Municipal Judge shall draft a bond schedule, which shall become effective upon approval by the Common Council. No bond shall exceed the maximum penalty, which could be imposed for the ordinance violation. The Police Chief shall be furnished a copy of all bond schedules and amendments thereto.
 - (7) A security guard appointed by the Chief of Police shall be assigned to the Municipal Court as court officer.
- (h) **Council May Abolish Municipal Court.** The City Council may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.
- (I) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

(j) **Contempt of Court.**

- (1) The Municipal Judge may impose a sanction authorized under Sec. 800.12(2), Wis. Stats., for contempt of court as defined in Sections 785.01(1), Wis. Stats., in accordance with the procedures under Sec. 785.01, Wis. Stats., in accordance with the procedures under Sec. 785.03, Wis. Stats.
- (2) The Municipal Judge may impose a forfeiture for contempt under Sec. 800.12(1), Wis. Stats., in an amount not to exceed Fifty Dollars (\$50.00) or upon non-payment of the forfeiture and the penalty assessment under 165.87, Wis. Stats., a jail sentence not to exceed seven (7) days.

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

SEC. 2-3-14 COURT CLERK; DEPUTY COURT CLERK.

- (a) **Appointment.** The Municipal Judge shall, in writing, appoint such Clerk and Deputy Clerks as are authorized by the Common Council. Their salaries shall be fixed by the Common Council. The Clerk(s) shall, before entering upon the duties of their office, take the oath provided by Sec. 19.01, Wis. Stats., and give such bond as the Council may require. Oaths and bonds of the Clerk and Deputy Clerk(s) of Municipal Court shall be filed with the City Clerk. The cost of such bond shall be paid by the City.
- (b) **Duties.** The Court Clerk and Deputy Court Clerk(s) shall:
 - (1) File and review citations and complaints, assuring their correctness.
 - (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge.
 - (3) Assign docket numbers to citations and complaints; type the docket sheets and gather all material pertinent to cases.
 - (4) Determine and schedule court dates and facilities.
 - (5) Arrange for juvenile cases to be heard away from regular court.
 - (6) Communicate with law officers, attorneys, and defendants regarding court proceedings.
 - (7) Balance dockets at the conclusion of court proceedings.
 - (8) Prepare warrants and summons.
 - (9) Prepare monthly report of financial activities.
 - (10) Assist in the collection of bonds.
 - (11) Prepare necessary communications for jury trials and transfers to Circuit Court.
 - (12) Perform such other duties as may be required by the Municipal Judge and City Administrator.

SEC. 2-3-15 DIRECTOR OF PUBLIC WORKS. (Amended 4/14/98 Ordinance RC-36)(Amended 4/16/2019 RC-409)

- (a) **Appointment.** The Director of Public Works shall be annually appointed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Council.
- (b) **Responsibilities.** The Director of Public Works shall provide direction and technical coordination for the activities of the Public Works Department of the City, which shall be comprised of the Streets Division.
- (c) **Duties.** The Director of Public Works shall be responsible for performing those duties required by Sec. 62.14 of the Wisconsin Statutes and as may be provided in the job description for the position.

SEC. 2-3-16 BUILDING INSPECTOR. (Amended 3/8/2011, Ordinance RC-300)

- (a) **Appointment.** The Building Inspector shall be appointed by the City Administrator, subject to confirmation by the Council. In the absence of a Building Inspector, the duties of that position shall be performed by the

Director of Public Works.

- (b) **Duties.** The Building Inspector shall have the following duties:
- (1) Review plans and applications for building permits.
 - (2) Issue permits for new construction, remodeling, and demolition of buildings.
 - (3) Inspect foundations, frames, roofs, etc., to assure that they meet the requirements of the building code.
 - (4) Inspect existing units of dwelling and commercial buildings for zoning occupancy, housing, plumbing, electrical, heating, ventilating, air conditioning and energy code compliance.
 - (5) Recommend and advise the public and contractors on code compliance.
 - (6) Issue orders to correct discrepancies and code violations.
 - (7) Consult with builders, owners and members of the public pertaining to the City codes and ordinances.
 - (8) Report on the status of code enforcement activity to appropriate City officials and committees.
 - (9) Assist the Director of Public Works with project inspections and in dealing with contractors.
 - (10) Serve as Zoning Administrator.
 - (11) Issue and administer City building, plumbing, electrical and heating, ventilating and air conditioning code permits, and serve as enforcement officer for the same.

~~SEC. 2-3-17 UTILITY BUSINESS MANAGER~~ (Repealed 4/16/2019 RC-409)

~~SEC. 2-3-18 Director of Utilities~~: (Repealed 4/16/2019 RC-409)

~~SEC. 2-3-19 PARK AND RECREATION DIRECTOR~~. (Repealed and Recreated 4/14/98 Ordinance RC-34)

- (a) **Appointment.** The Recreation Director shall be appointed by the City Administrator, following a recommendation from the Park and Recreation Commission, subject to confirmation by the Council.
- (b) **Duties.** The Recreation Director shall:
- (1) Develop and administer recreation programs.
 - (2) Administer and supervise parks and recreation budgets.
 - (3) Recruit, train and supervise park and recreation staff.
 - (4) Coordinate recreation programs, planning and facilities use with community organizations and schools.
 - (5) Conduct and attend various meetings regarding parks and recreation programs.
 - (6) Promote parks and recreation programs.
 - (7) Prepare program schedules, cancel events, instruct participants regarding safety and equipment use. Evaluate city recreation programs for effectiveness in meeting needs of public.
 - (8) Develop long-term capital budgets and plans for recreation and parks.
 - (9) Represent the department with local, state and national associations dealing with parks and recreation. Prepare agenda and conduct meeting of Park and Recreation Board.
 - (10) Monitor parks and recreation facilities and equipment condition.
 - (11) Maintain knowledge of current parks and recreation program trends, products and services.

Cross-Reference: Section 2-4-6.

SEC. 2-3-20 WEED COMMISSIONER (Amended 2/8/2011, Ordinance RC-298)

The Weed Commissioner shall be annually appointed by the Mayor, upon the recommendation of the City Administrator, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Clerk. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Section 66.0517, Wis. Stats.

SEC. 2-3-21 ELIGIBILITY FOR OFFICE.

(a) **Eligibility.**

- (1) No person shall be elected by the people to a City office who is not, at the time of his election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward or aldermanic office, of the ward or aldermanic district, and actually residing therein.
- (2) An appointee by the Mayor, requiring confirmation by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- (3) No member of the Common Council shall, during the term for which he is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

(b) **Terms of Office.**

- (1) Commencement. The regular terms of office of the Mayor and Aldermen shall commence on the third Tuesday of April succeeding their election. The regular terms of other elected officers shall commence on the first day of May succeeding their election, unless otherwise provided by ordinance or the Wisconsin Statutes.
- (2) Length. Except as otherwise provided, the regular term of officers elected by the electors, including Aldermen, shall be two (2) years, and except as Otherwise provided, the terms of officers appointed and other selections made by the Mayor or elected by the Council shall be one (1) year, commencing upon their appointment or selection on the third Tuesday in April.

State Law Reference: Sec. 62.09(2), Wis. Stats.

SEC. 2-3-22 OATH OF OFFICE; BONDS OF OFFICERS.

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his official oath within ten (10) days after the notice of his election or appointment.
- (b) **Bonds.** The City Clerk, Treasurer, Municipal Judge, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may, notwithstanding prior amounts determined by resolution or ordinance, at any time require new or additional bonds of any officer. All official bonds must be approved by

the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds, excepting that of the Municipal Judge, which shall be filed with the Clerk of Circuit Court, shall be filed with the City Clerk and shall be recorded by him in a book kept by him for that purpose.

SEC. 2-3-23 COMBINATION APPOINTIVE OFFICES.

More than one appointive office may be held by the same person when such offices, as so combined, are deemed compatible by the Mayor and Common Council. In the event of consolidation of statutory offices, a charter ordinance shall be required.

SEC. 2-3-24 RULE MAKING AUTHORITY.

- (a) **Authorization for Municipal Officers and Supervisory Employees.** Municipal officers and supervisory employees of the City may make rules, regulations, or policy directives for the administration of their departments, but not for the conduct of the general public.
- (b) **Approval of Rules.** Any proposed departmental rule, regulation, or policy directive shall be referred to the City Administrator for review. Within fifteen (15) days of formal presentation to the City Administrator, the City Administrator shall either forward the proposed rule along with recommendations to the Mayor for review or return the proposed rule to the department along with the selected revisions. Any rule, or any part thereof, returned by the City Administrator to the department head shall be deemed to be unacceptable and not in force.
- (c) **Time of Taking Effect.** All proposed rules, regulations, or policy directives shall be effective thirty (30) calendar days after presentation to the City Administrator, unless returned by either the City Administrator or the Mayor, or the Common Council acts by resolution to nullify such rule. In emergency situations requiring immediate actions, rules may become effective immediately; but all rules so enacted shall be reported to the City Administrator, the Council, and the Mayor within twenty-four (24) hours, with the reasons for the necessity of immediate implementation. All emergency rules are temporary in nature and must be formally presented as required in Subsection (b) to become permanent rules.

CHAPTER 4 Boards, Commissions, and Committees

2-4-1	Board Of Review
2-4-2	Library Board (Amended 10/13/98 Ordinance RC-55) (Adopted 5/12/09 RC-264)
2-4-3	Board Of Health
2-4-4	Board Of Appeals (Amended 10/13/98 Ordinance RC-55) (Adopted 5/12/09RC-265)
2-4-5	Plan Commission (Amended 03-15-00 RC-94) (Adopted 5/12/09 RC-266)
2-4-6	Parks And Recreation Commission (Amended 4/14/98 Ord RC-35) (Adopted 5/12/09 RC-267)
2-4-7	Water And Sewer Commission (Amended 07-12-16, Ord RC-369)(Repealed 4/16/19 RC-409)
2-4-8	Police And Fire Commission
2-4-9	Delbrook Golf Course Commission (Amended 04/13/2004 By RC-183) (Adopted 5/12/09 RC-269)
2-4-10	Personnel Commission (Amended 10/11/2011 RC-310)
2-4-11	Delavan Arboretum Association (Repealed And Recreated 09/14/1999 By RC-74) (Adopted 5/12/09 RC-270)
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2-4-14	Compensation For Members Of Boards And Commissions
2-4-15	Ex Officio Members Of Boards, Commissions, And Committees
2-4-16	General Provisions Regarding Meetings And Public Notice
2-4-17	Residency Required For Service On Boards Or Commissions
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2-4-19	Tourism Commission

SEC. 2-4-1 BOARD OF REVIEW.

- (a) **Members.** The Mayor, City Clerk, and Aldermen of the three (3) aldermanic districts of the City shall constitute the Board of Review.
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (c) **Meetings.**
- (1) The Board of Review shall meet as prescribed by Sec. 70.47(1), Wis. Stats., at the Municipal Building of the City of Delavan.
 - (2) **Notice.** Notice of the time and place of such meeting shall be posted by the City Clerk in at least three (3) public places in the City, including the Municipal Building.
 - (3) **Sessions.** (Amended 9/25/01 Ord. RC-122)
 - a. At its first meeting, the Board of Review shall receive the assessment roll and sworn statements from the Clerk and prior to adjournment shall be in session, pursuant to Section 70.47(3) of the Wisconsin Statutes, for taxpayers to appear and examine such assessment roll and other assessment data and be heard in relation to the assessment. If the assessment roll is not completed, the Board shall adjourn for such time as shall be necessary to complete the roll and shall post a written notice on the outer door of the place of meeting stating to what time said meeting is adjourned.

- (4) 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) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, all as provided by Statutes. The City Clerk, who shall be the Clerk of the Board of Review, shall keep a minute book of all proceedings of the Board. The filing of written objections shall be as required by the Wisconsin Statutes.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

SEC. 2-4-2 LIBRARY BOARD. (Amended 10/13/98 Ordinance RC-55)

(a) **Organization; Terms.**

- (1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the Aram Public Library consisting of a seven (7) member board, one of whom shall be an Alderman. Members shall have a three (3) year term of office. The librarian shall be an ex officio member of the Library Board. Up to two (2) additional members may be appointed pursuant to Sec. 43.60(3), Wis. Stats.
 - (2) Terms of such members shall be from July first in the year of their appointment, and thereafter each regular appointment shall be for a term of three (3) years. Not more than one (1) member of the Common Council shall, at any one time, be a member of the Library Board. Not more than two (2) members shall be residents of a town adjacent to the City of Delavan. All other members shall be residents of the City of Delavan. The members shall be appointed by the Mayor, subject to confirmation by the Common Council. In the event the member appointed by the Mayor is not confirmed by the Common Council within sixty (60) days of the annual organizational meeting set forth in Sec. 2-2-10(a), the Common Council shall appoint the member. Each proposed appointment shall be voted on at the meeting where proposed. The Mayor shall appoint as one of the Library Board members a school district administrator, or his representative, to represent the public school district or districts in which the library is located. (Amended 5/12/09, Ord. RC-264)
 - (3) A majority of the membership of the Board shall constitute a quorum.
 - (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize and elect from among their number a President and such other officers as they deem necessary to prescribe and adopt user rules and regulations for the operation of the library.
- (b) **Duties and Powers.** The Library Board shall have the duties and powers as prescribed by Chapter 43 and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes.

State Law Reference: Sections 43.54, 43.58 and 43.60, Wis. Stats.

SEC. 2-4-3 BOARD OF HEALTH.

- (a) **Members.** The City of Delavan Board of Health shall consist of the members of the Common Council's General Operations Committee. The Health Officer Consultant of the City shall be appointed by said Board of Health. The Health Officer Consultant shall be an ex officio member of such Board and its executive officer. The City Clerk shall be the Clerk thereof.

- (b) **Power of Appointment.** The Board of Health may appoint persons to aid them.
- (c) **Responsibilities.**
- (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health of the City of Delavan to assume the general administration of health and sanitation laws and regulations in the City, to supervise the work of the Health Officer, and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the City.
 - (2) The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the City of Delavan. All orders and regulations of the Board shall be published in the official newspaper and after publication shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Sec. 251, Wis. Stats.

Cross-Reference: Section 8-1-1(a).

SEC. 2-4-4 BOARD OF APPEALS.

- (a) **Members.** The Board of Appeals shall consist of five (5) members appointed by the Mayor, subject to confirmation by the Common Council, for three (3) year terms, in such manner that the term of one (1) shall expire one year, two (2) the next, and two (2) the following year. The Mayor shall also appoint, subject to Council confirmation, an alternate member for a term of three (3) years who shall act with full power only when a member of the Board of Appeals refuses or declines to vote, is disqualified because of interest, or when such member is absent. In the event the Common Council does not confirm the Mayor's appointment to the Board of Appeals within sixty (60) days of the date of the annual organizational meeting set forth in Sec. 2-2-10(a), the Common Council shall appoint a member of the Board of Appeals. Each proposed appointment shall be voted on at the meeting where proposed. In making appointments to the Board, consideration shall be given to the composition of the Board so that there be not only members qualified to handle zoning matters but also member(s) qualified by experience and training to pass on matters of building construction and safety. Appointments shall be made at the organizational meeting the third Tuesday in April. Terms of office shall commence the first day of May. The Mayor shall designate a member as Chairman. Members and alternate shall serve without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing by the Council. Vacancies shall be filled for the unexpired terms of members vacating positions on the Board. The City Clerk shall serve as secretary of the Board. (Amended 10/13/98 Ordinance RC-55) (Amended 5/12/09 Ordinance RC-265)
- (b) **Organization.**
- (1) The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Clerk or, in his absence, the Deputy Clerk shall administer oaths and compel the attendance of witnesses. All meetings shall be open to the public, subject to the right to adjourn to closed session as allowed by state law.
 - (2) The 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 examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals, which is the City Clerk's office, and shall be a public record, except for any minutes of a closed session.

- (c) **Powers.** The Board of Appeals shall have dual capacities as follows:
- (1) As a Zoning Board of Appeals. See Zoning Code for powers, functions and duties. Notwithstanding any references therein and elsewhere in this Municipal Code to "Zoning Board of Appeals," the same shall be deemed to refer to the Board of Appeals provided for in this Section.
 - (2) As a Building Board of Appeals. See [Title 15, Chapter 1,] "Housing Code and Minimum Standards Housing -- Property Maintenance" for powers, functions, and duties. Notwithstanding any references therein and elsewhere in this Municipal Code to "Building Board of Appeals," the same shall be deemed to refer to the Board of Appeals provided for in this Section. The Board may expand its organizational rules for government and procedure made under Title 13, Chapter 1, to enable it to more properly deal with its functions.

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

SEC. 2-4-5 PLAN COMMISSION.

- (a) **Members.** The Plan Commission shall consist of seven (7) members. At least three (3) members of the Plan Commission shall be citizen members who are not City officials. (Amended 03/15/00 RC-94)
- (b) **Appointment.** All members of the Plan Commission shall be appointed by the Mayor, subject to confirmation by the Common Council. In the event the Common Council does not confirm a member of the Plan Commission appointed by the Mayor within sixty (60) days of the date of the annual organizational meeting set forth in Sec. 2-2-10(a), the Common Council shall appoint a member of the Plan Commission. Each proposed appointment shall be voted on at the meeting where proposed Appointment shall be made 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. (Amended 03/15/00 RC-94) (Adopted 5/12/09 Ordinance RC-266)
- (c) **Organization of Commission.** The Mayor shall choose the presiding officer for the Plan Commission. In the absence of said presiding officer, the Plan Commission may select an acting presiding officer. The City Clerk shall serve as secretary. All members of the Plan Commission shall serve as such without compensation. (Amended 03/15/00 RC-94)
- (d) **Record.** 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 City Clerk. Four (4) members shall constitute a quorum
- (e) **Duties.**
 - (1) The Master Plan.
 - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and shall contain at least the elements described in Section 66.0295 Wis. Stats. (Amended 03/15/00 RC-94)
 - b. 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. 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 the members of the Plan Commission, subject to confirmation by the Common Council. 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 Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.

- (2) Mandatory Referrals to Commission. The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; 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; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
- (3) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. 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 markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

State Law Reference: Sec. 62.23 and Chapter 236, Wis. Stats.

SEC. 2-4-6 PARKS AND RECREATION COMMISSION. (Amended 4/14/98 Ordinance RC-235)

- (a) **Members.** The Parks and Recreation Commission shall consist of an Alderman appointed annually by the Mayor and six (6) citizens who are citizens of the City appointed by the Mayor for three (3) year terms. All appointments by the Mayor shall be subject to confirmation by the Common Council. . In the event the Common Council does not confirm a member appointed to the Parks and Recreation Commission by the Mayor within sixty (60) days of the date of the annual organizational meeting set forth in Sec. 2-2-10(a), the Common Council shall appoint a member to the Parks and Recreation Commission. Each proposed appointment shall be voted on at the meeting where proposed The Park and Recreation Director shall be an ex officio member of the Commission. Terms of office for citizen members shall commence on the first day of May. (Amended 03/15/00 RC-94) (Adopted 5/12/09 Ordinance RC-267)
- (b) **Officers.** The Commission shall annually elect one (1) member as chairman and one (1) member as vice-chairman. The Park and Recreation Director shall serve as Commission Secretary.

- (c) **Meetings.** The Commission shall hold regular monthly meetings.
- (d) **Procedure.** Four (4) members shall constitute a quorum. Action shall be by a majority of those present and voting. The Commission shall adopt rules of procedure for governing the conduct of its meetings.
- (e) **Powers and Duties.** The Commission shall have all the powers conferred by law upon park and recreational boards in cities of the fourth class and shall be chargeable with all the duties so required such as recommend, supervise work, and administer funds of all parks, playgrounds, and recreational activities as part of properties within the City. The Parks and Recreation Commission is specifically empowered:
 - (1) To govern, manage, control, improve, and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly, and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes, subject to budget considerations.
 - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest, or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
 - (3) With Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purposes.
 - (4) With Council approval, to execute every trust imposed upon the use of property or property rights by the deed, testament, or other conveyance transferring the title of such property to the City for park purposes.
 - (5) With Council approval, to have the powers necessary and convenient for the effective and efficient management, control, supervision, and operation of the Delavan park system and recreation program, subject to budgetary approval by the Common Council.
 - (6) To establish rules and regulations, including user fees as deemed necessary and desirable for the proper use, care, and operation of parks, park facilities, recreation programs, and other activities under their control, provided, however, that such rules and regulations do not conflict with the laws of the State of Wisconsin or this Code of Ordinances
 - (7) Such other and further duties as may be prescribed by the Common Council.
- (f) **Record.** The Parks and Recreation Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
- (g) **Finance.**
 - (1) Budget. The Commission shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Commission's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the Parks and Recreation Department.
 - (2) Deposits. All revenues and income from the operation of park and recreation programs shall be deposited with the City Treasurer as general revenue of the City.
 - (3) Monetary Contributions. All monies donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund.

Cross-Reference: Section 2-3-19

~~SEC. 2-4-7 WATER AND SEWAGE COMMISSION.~~ (Amended 07-12-16, Ord RC-369)(Repealed 4/16/2019 RC-409)**SEC. 2-4-8 POLICE AND FIRE COMMISSION.**

- (a) **Members.** The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, one (1) of whom shall be an Alderman. A quorum shall consist of three (3) members. The Mayor shall annually, in April, appoint in writing, to be filed with the secretary of the Commission, one (1) Aldermanic appointment and one (1) citizen member for a term of five (5) years, subject to confirmation by the Council. Such terms of office shall commence on May 1. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party. The Commission shall keep a record of its proceedings.
- (b) **Authority.** The Board of Police and Fire Commissioners shall have the power and authority prescribed by Sec. 62.13, Wis. Stats., excepting Subsection (6) thereof, and this Code of Ordinances. The Commission is charged with the responsibilities of employment and dismissal from service of all police officers and fire department personnel, as prescribed in Sec. 62.13, Wis. Stats. The Commission shall appoint the Chief of Police and Fire Chief.

SEC. 2-4-9 DELBROOK GOLF COURSE COMMISSION.

- (a) **Members.** The Delbrook Golf Commission shall consist of seven (7) members, six (6) of whom shall be qualified electors of the City of Delavan, to serve for terms of three (3) years, and one (1) of whom shall be a member of the Common Council, to serve a term of one (1) year. The Common Council member and two (2) citizen members shall be appointed each year on the third Tuesday in April by the Mayor, subject to the approval of the Common Council. In the event the Common Council does not confirm an appointment by the Mayor within sixty (60) days of the annual organizational meeting set forth in Sec. 2-2-10(a), the Common Council shall appoint a member of the Delbrook Golf Commission. In case of vacancy, the Mayor shall appoint a successor to fill the unexpired term, such appointment to be approved by the Council. In the event the successor appointed by the Mayor is not confirmed by the Council within sixty (60) days of the date of said appointment, the Council shall appoint the successor. Each proposed appointment shall be voted on at the meeting where proposed Terms of office shall commence on the first day of May. (Amended 04/13/2004 By RC-183) (Amended 03/15/00 RC-94) (Adopted 5/12/09 RC-269)
- (b) **Officers.** The Commission shall elect one (1) member as Chairman and one (1) member as Vice-Chairman.
- (c) **Meetings.** The Commission shall hold regular monthly meetings. The time and place of the regular meeting, as well as the manner of calling special meetings, shall be as specified in the rules of procedure adopted by the Commission pursuant to Subsection (d) below. The City Clerk shall serve as Secretary.
- (d) **Procedure.** Four (4) members shall be a quorum. Action shall be by a majority of those present and voting. The Commission shall adopt rules of procedure on governing the conduct of its meetings.
- (e) **Powers and Duties.**
- (1) With Council approval the Commission shall have all the powers necessary and convenient for the effective and efficient management, control, supervision, and operation of the Delbrook Golf Course, subject to budgetary approval by the Common Council. The Commission shall do nothing which would establish a use or condition for a substantial period, which use or condition would not be consistent with the use of the facilities as a golf course and like activities.
 - (2) The Commission is authorized to call upon other City commissions, personnel, officers, and departments for such services and assistance as said Commission deems necessary. The costs of such services shall be charged against the commission funds.

- (3) The Commission shall have, in conjunction with the Public Works Director, jurisdiction over the buildings, personal property, and real property which now or in the future comprises the Delbrook Golf Course.
 - (4) Such other and further duties as may be prescribed by the Common Council.
- (f) **Finance.**
- (1) Deposits. All revenues and income from the operation of the Delbrook Golf Course shall be deposited in a timely manner with the City Treasurer who shall receipt therefor. Such deposits are to be general revenues of the City.
 - (2) Disbursements or Expenses. No expenditure shall be made or contracted for, no moneys and disbursements paid out for, or in connection with, the Delbrook Golf Course and Commission operation and maintenance thereof, unless first approved by the Commission, as the Commission shall direct. This provision shall not alter the requirement that all claims and disbursements to be charged against the Delbrook Golf Course or the Commission be approved and paid in the manner directed by the ordinances of this Commission and the Statutes of the State of Wisconsin.
 - (3) Financial Records. The City Clerk shall maintain the records of Delbrook revenues, receipts, payments, and disbursements in such a manner that the financial condition of said Delbrook funds are readily ascertainable at any time.
 - (4) Budget. The Commission shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Commission's recommendations as to the maintenance and operation of the Delbrook Golf Course. Said annual budget shall contain estimates as to revenues to be derived from Delbrook Golf Course user fees as well as estimated expenditures for operating the golf course.

SEC. 2-4-10 PERSONNEL COMMISSION (Amended 10/11/2011 RC-310)(Amended 4/16/2019 RC-409)

- (a) **Members.** There is hereby created a Personnel Commission, which shall consist of the Mayor who shall act as Chairman, the members of the General Operations Committee, and a member of the Library Board as appointed by said Library Board. The City Clerk shall act as recording secretary for the Personnel Commission.
- (b) **Purpose.** The purpose of this Commission shall be to review and make recommendations on proposed changes to the City's Personnel Policies.
- (c) **Meetings.** The Commission shall meet from time to time as need arises upon call of meeting by the Chairman or Secretary.

SEC. 2-4-11 DELAVAN ARBORETUM ASSOCIATION. (RC-74)

- (a) **Purpose.** The purpose of the Delavan Arboretum Association shall be to provide for the care and enhancement of the memorial trees, shrubs and hedges, and appurtenances located at the City Delavan's Arboretum. The Association's duties are to make recommendations aimed at developing, nurturing and improving the physical appearance of the Arboretum in the interest of sustaining and improving the City's appeal as an attractive place to live and to visit.
- (b) **Membership.** The Association shall consist of three (3) members; the Park Foreman, Park and Recreation Director and a citizen member who shall serve as the Chairman. The Chairman shall be appointed by the Mayor with the confirmation of the Common Council at the organizational meeting. In the event the

Chairman is not confirmed by the Common Council within sixty (60) days of the date of the annual organizational meeting at which the appointment is made set forth in Sec. 2-2-10(a), the Common Council shall appoint the Chairman. The Chairman shall have a five (5) year term of office. (Adopted 5/12/09 RC-270)

- (c) **Powers of Association.** The Arboretum Association shall have the following powers:
- (1) To raise funds for its purposes through the sale of plaques, benches, trees, shrubs and cremation interment. Said funds shall be turned over to the City Treasurer and placed into a non-lapsing fund, for the expressed purpose of maintaining the Delavan Arboretum. All monies donated to the City specifically for Arboretum use shall also be deposited into the afore-stated non-lapsing fund.
 - (2) To suggest policies and procedures to assure that the integrity of the Memorial Arboretum is maintained.
 - (3) To work in conjunction with the Park and Recreation Commission to govern, manage, control, improve and care for the Delavan Arboretum.
 - (4) Recommend to the Common Council rules and regulations as deemed necessary and desirable for the proper use, care, and operation of the Arboretum, provided, however, that such rules and regulations do not conflict with the laws of the State of Wisconsin or the Code of Ordinances.
 - (5) With Council approval, to have the powers necessary and convenient for the effective and efficient management, control, supervision, and operation of the Delavan Arboretum, subject to budgetary approval by the Common Council.
- (d) **Remuneration.** The Chairman shall be paid an annual stipend of \$100 per year to cover expenses associated with the overseeing of the Arboretum.

SEC. 2-4-12 COMMUNITY DEVELOPMENT AUTHORITY.

- (a) **Authority Commission Created.** Pursuant to the authority granted in Sec. 66.4325, Wis. Stats., there is hereby created a community development authority in the City of Delavan to be governed by the City of Delavan Community Development Authority Commission which will be referred to in this text as the "Authority Commission".
- (b) **Commission Membership and Terms of Office.**
- (1) Membership. The Authority Commission shall consist of seven (7) members, who shall all be residents of the City. Two (2) of the Commissioners shall be members of the Common Council. All powers of the Delavan Community Development Authority are vested in the Commission.
 - (2) Qualifications of Members. In making appointments to the Commission, the Common Council shall give consideration to the general interest of the appointee in redevelopment, economic development and housing programs. The Common Council 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, Reimbursement/Compensation.
 - a. **Vote Required.** The appointment of all commissioners shall be by appointment of the Mayor and confirmation of the Common Council as provided for other City official appointments. In the event a Commissioner appointed by the Mayor is not confirmed by the Common Council within sixty (60) days of the annual organizational meeting set forth in Sec. 2-2-10(a), the Common Council shall appoint the Commissioner. Each proposed appointment shall be voted on at the meeting where

proposed. (Adopted 5/12/09 RC-271)

- b. **Terms of Office.** The term of office for Commissioners shall be four (4) years beginning on May 1 of each year with the exception that Alderman appointees shall serve a term concurrent with the terms of their City office. The non-aldermanic Commissioners' initial terms shall be staggered and designated by their appointment with two (2) appointments for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, all deemed to be from May 1. Original appointments of respective non-aldermanic Commissioners for the respective initial terms shall be made as of the effective date of this Section, said commissioners to immediately assume office for what shall be deemed interim terms pending the subsequent May 1 date for commencement of their respective initial terms. Each commissioner shall hold his/her office until a successor has been appointed and qualified. Aldermanic appointments made as of the effective date of this Chapter shall be for the balance of their respective aldermanic terms of office. Vacancies and new appointments shall be filled in the same manner as provided in Subsection (b)(3)(a), above. Sec. 66.40, Wis. Stats, shall govern removal of Commissioners.
- c. **Reimbursement/Compensation.** Commissioners shall be reimbursed their actual and necessary expenses including local travel expenses incurred in the discharge of their duties, and may, in the discretion of the Common Council, receive other compensation.

- (4) **Executive Director.** The Executive Director of the Authority Commission shall be the City Administrator, who shall serve the Commission as its secretary and advisor and shall perform all duties required 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.

(c) **Development Authority and Jurisdiction, Power and Duties.**

- (1) **Jurisdiction.** Upon the effective date of this Section, except as provided in Subsection (2), immediately following, the City shall thereafter be precluded from exercising the powers provided in Sec. 66.43(4), Wis. Stats., and the Authority Commission shall have exclusive power to proceed to carry on the economic development, blight elimination, and housing projects in the area(s) of the City as defined in the comprehensive plan of development.
- (2) **Preservation of Rights.** The City shall not be precluded from applying for, accepting and contracting for federal grants, advances or loans when the conditions of said grants, advances or loans require the participation of the City.
- (3) **Legal Status of the Authority.** Upon the effective date of this Section, the City of Delavan Community Development Authority is deemed an independent, separate and distinct public body and a body corporate and politic and shall have no seal.
- (4) **Powers and Duties of Commission.** The Authority Commission is hereby empowered with all of the powers and duties granted to it by Sections 66.1213, 66.1201, 66.1301, 66.1307, 66.1323, 66.1327, 66.1331, 66.1333 and 66.1105, Wis. Stats., and by any other statute, code ordinance, rule or regulation applicable to enable it to carry out its powers and duties under Sec. 66.1011 and 66.1335, 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 a redevelopment authority. The Chairperson, or the assistant Chairperson in the 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.
(Adopted 5/12/09RC-271)

(d) **Governmental Procedures and Operation.**

- (1) Organizational 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 Common Council, be adopted and thereafter shall govern the procedure and organization of the Authority Commission. The by-laws shall not be amended unless approved by the Common Council.
 - c. Contractually retain the services of the City Engineer, or his designate, the City Attorney, or his designate, the City Financial Consultant, and the City Planning Consultant or his designate, to represent, assist and advise the Authority Commission.
- (2) Comprehensive Plan of Redevelopment. Except for such redevelopment projects as may be given to the Authority Commission by the Common Council, 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 Sec. 66.1333, Wis. Stats. (Adopted 5/12/09RC-271)
- (3) Personnel. The Authority Commission may employ such personnel as is required to carry on its duties and responsibilities subject only to budget constraints in Subsection (e) below.

(e) **Budget**. On or before September 1 of each year, the authority Commission shall prepare and submit to the Common Council for approval, a budget prepared in conformity with Sec. 65.90, Wis. Stats. The Common Council shall have the power to alter or modify said budget relating to salaries, office operations or facilities. The Common Council may levy such taxes and assessments as may be necessary to provide funds for the budget.

(f) **Limitation of Powers**. Except as expressly reserved or defined in this Section, the Authority Commission is hereby granted all other powers permitted by law.

SEC. 2-4-13 TERMS ON BOARDS AND COMMISSIONS LIMITED.

Persons appointed or elected to boards and commissions, ~~excepting Water & Sewage Commission members~~ and Council members appointed or elected thereto for Council representation thereon pursuant to ordinance or statute, shall be limited to two (2) consecutive full terms of membership thereon, such persons to be ineligible thereafter for reappointment or re-election to the same boards or commission for a period of one (1) year. It is the intention of this provision that the fulfillment of unexpired term(s) (i.e., less than full terms) by appointment or election shall not be counted in determining the maximum two (2) consecutive terms. Unless elsewhere specified otherwise, terms shall be deemed to commence on May 1st following the Council's organizational meeting. However, appointments and/or elections of Council representatives to boards and commissions shall be effective immediately. (Amended 07/12/16, Ord. RC-369)

SEC. 2-4-14 COMPENSATION FOR MEMBERS OF BOARDS AND COMMISSIONS.

Unless otherwise provided, members of City Boards and Commission shall not be compensated for services but may be reimbursed for individual expenses incurred for official duties, as the Common Council may, from time to time,

direct, or pursuant to specific provisions in this Code of Ordinances.

SEC. 2-4-15 EX OFFICIO MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES.

Ex officio members of boards, commissions, and committees shall not have voting powers and are not counted for purposes of determining a quorum, unless the ordinances governing the respective body specifically state otherwise.

SEC. 2-4-16 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE.

- (a) **Regular Meetings; Public Notice.** Every board, committee, and commission created by or existing under the ordinances of the City shall:
 - (1) Fix a regular date, time, and place for its meetings, unless otherwise provided.
 - (2) In the case of Council meetings post notice in the Municipal Building Lobby, in advance of each such regular meeting, of the date, time and place for its meeting.
 - (3) In the case of boards, committees and commissions post notice, in advance of each such regular meeting, of the date, time and place for its meeting.
 - (4) Post an agenda of the matters to be taken up at such meeting.
- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with 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 to 19.89, Wis. Stats.
- (c) **Minutes.** The secretary of each board, committee, and commission shall file a copy of the meeting minutes of such Board or Commission with the City Clerk.

SEC. 2-4-17 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS. (Amended 4/16/2019 RC-409)

No person not a resident of and not residing in the City of Delavan shall be appointed to any City board or commission, except as otherwise required by statute or required by Municipal Ordinance if not inconsistent with state statute. Any board or commission member who moves from the City shall be deemed to have vacated his position when residency is required for the position.

SEC. 2-4-18 COMMUNICATIONS COMMISSION (Created 3/10/09 Ord RC-262)

- (a) **Members.** The Communications Commission shall consist of seven (7) members, five of whom shall be qualified electors of the City of Delavan to serve for terms of three (3) years, one of whom shall be an Alderman to serve a term of one (1) year, and one of whom shall be the Delavan-Darien School District Administrator or her/his designee, whose term shall be indefinite. The Mayor shall appoint the Alderman and the citizens, whose terms have expired, each year on the third Tuesday in April. In the case of a vacancy, the Mayor shall appoint a successor to fill the unexpired term. Terms of office shall commence on the first day of May. All appointments by the Mayor shall be subject to confirmation by the Common Council. In the event the Common Council does not confirm the member(s) of the Communications Commission appointed by the Mayor within sixty (60) days of the annual organization meeting set forth in Sec 2-2-10(a), the Common

Council shall appoint the member(s) of the Communications Commission. Except for the Delavan-Darien School District Administrator, the initial terms for the non-aldermanic Commissioners shall be staggered and designated by their appointment with one appointment for (1) year, two appointments for two (2) years and two appointments for (3) years all deemed to commence on May 1. Initial appointments of non-aldermanic Commissioners shall be made as of the effective date of this Section. Each non-aldermanic Commissioner shall hold their office until a successor has been appointed and confirmed. Notwithstanding Section 2-4-17, residency required for service on this Commission shall not be applicable to the Delavan-Darien School District Administrator or her/his designee.

- (b) **Ex-Officio Members.** The City Administrator or her/his designee, the web master, and the cable program coordinator shall be ex-officio, not-voting members of the Commission.
- (c) **Officers.** The Commission shall elect one (1) member as chairman, one (1) member as vice-chairman, and one (1) member as secretary.
- (d) **Meetings.** The Commission shall hold regular bi-monthly meetings in the odd months of the year.
- (e) **Procedure.** Four (4) members shall constitute a quorum. Action shall be by majority of those present and voting. The Commission shall adopt rules of procedure for governing the conduct of its meetings.
- (f) **Powers and Duties.** The Commission shall be responsible for evaluating and making recommendations to the Common Council related to overall communications to the residents of the City of Delavan with the vision of establishing a system of communications for the City government that keeps its residents reasonably well informed about the plans and actions of the City. The Commission in cooperation with the Delavan-Darien School District shall oversee the administration of the City/School District cable PEG channel. The Commission shall oversee the administration of the City website.
- (g) **Record.** The Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
- (h) **Compensation.** The Commission members shall serve without compensation.

SEC. 2-4-19 TOURISM COMMISSION (Adopted 10/11/2016, Ord. RC-373)

- (a) **Members.** The Tourism Commission shall consist of five (5) members, one (1) of the members shall represent the Wisconsin hotel and motel industry, one (1) of the members shall represent the hospitality industry (can, but is not required to represent the Wisconsin hotel and motel industry), one (1) of the members shall be a member of the Delavan Development Corporation (with preference given to members of the Delavan Development Corporation who are residents of the City of Delavan) and two (2) of the members shall represent the Common Council. Per State Statutes, members of the Commission shall be appointed by the Mayor and shall be confirmed by the Common Council. Commissioners shall serve for a one-year term, at the pleasure of the Mayor, and may be reappointed.
- (b) **Ex-Officio Members and Staff Liaison to the Commission.** The City Treasurer and the Executive Director of the organization with whom the Tourism Commission contracts with to perform tourism

promotion functions shall be ex-officio, non-voting members of the Commission. The City Administrator or her/his designee shall serve as the staff liaison to the Commission.

- (c) **Officers.** The Commission shall elect, from among its Members a chairperson, a vice chairperson and a secretary.
- (d) **Meetings.** The Commission shall hold regular quarterly meetings.
- (e) **Procedure.** Three (3) members shall constitute a quorum. Action shall be by majority of those present and voting. The Commission shall adopt rules of procedure for governing the conduct of its meetings.
- (f) **Powers and Duties.** The Commission shall be responsible for the coordination of tourism promotion and tourism development within the City and for ensuring that all room tax dollars it receives from the City, per State Statutes, is spent on tourism promotion and development. Allocation of dollars between tourism promotion and tourism development shall be per the direction of the Common Council. The Commission shall contract with a Tourism Entity as defined in 66.0615 of the Wisconsin State Statutes for tourism promotion services. Services contracted through the Tourism Entity shall include, at minimum, (1) development, implementation and administration of a marketing plan approved by the Commission; (2) oversight of a marketing agency, selected in conjunction with the Tourism Commission, for the development of the “creative work” for the marketing program and the development and maintenance of a separate tourism related website for the City, which site shall be available, free of charge, to any business within the City who would be subject to the Premier Resort Tax if located in a Premier Resort Tax Area. Similar businesses within a commutable area (with the exception of lodging facilities) that have a potential to generate overnight stays shall also eligible to be listed on the site; (3) awards, per the direction of the Tourism Commission, of grants to third party organizations for the marketing and enhancing of events and programs that have the potential of generating overnight stays; (4) a part-time staff member that is assigned to coordinate City tourism promotion and events on average 12 hours a week with an addition 150 hours per year allocated for event coverage; (5) appointment of one of the elected representatives on the Tourism Commission to the Board of Directors of the Tourism Entity; and (6) the timely filing of all reports as required under the statute and/or by the City . The dollar amount and/or the percent of total revenues to be allocated to each program area shall be recommended by the Tourism Commission and approved by the Common Council. In no case shall more that 5% of total tourism dollars allocated to Tourism Promotion be allowed to cover administrative and overhead expenses of the Tourism Entity. The Tourism Commission, with input from the Common Council, shall develop and maintain a list of potential Tourism development projects. Prioritization of projects and the allocation of funds to ensure the timely completion of these projects shall also be the responsibility of the Commission with input from the Common Council, the authority ultimately responsible for the on-going operation and maintenance of these projects once completed. Project design and construction shall be the responsibility of the City and all contracts relating to capital improvements must be reviewed by the Finance Committee and approved by the Common Council. The Tourism Commission shall also be responsible for preparing any and all reports required by Statute or by the Common Council.
- (g) **Record.** The Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
- (h) **Reports.** The Commission shall prepare and timely file all reports as required under the statute and/or by the City.

- (i) **Compensation.** The Commission members shall serve without compensation.
- (j) **Confidentiality of Information Provided by Lodging Facilities.** Pursuant to Wis. Stat. Sec. 66.0615(3), any information provided by City of Delavan regarding room tax payment shall be confidential except for persons using the information in the discharge of their duties imposed by law or of the duties of their office or by order of a court.

CHAPTER 5

Personnel Policies

- 2-5-1 Personnel Policies; Purposes
- 2-5-2 Equal Employment Opportunities (Amended 820/19, Ord. 414)
- 2-5-3 False Statement in Application

SEC. 2-5-1 PERSONNEL POLICIES; PURPOSES.

The purpose of City personnel policies is to define and standardize policies and regulations pertaining to public officials, employees and other personnel of the City of Delavan.

SEC. 2-5-2 EQUAL EMPLOYMENT OPPORTUNITIES. (Revised 8/20/19 Ord 414)

- (a) **General Policy.** It shall be the policy of the City of Delavan to recruit and select the most qualified persons for positions in the City government, including full time, part time, and limited term employments. Recruitment and selection shall be conducted in an affirmative manner to ensure open competition, provide equal opportunity, prohibit discrimination or preferential treatment because of race, color, creed, religion, sex (including pregnancy), national origin, ancestry, marital status, sexual orientation (including by definition, gender identity including transgender status), disability, age, genetic information or history, participation in the military reserve and veteran status, arrest and conviction record, use of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious or political matters, or any other category protected by law. Goals of this policy are that persons be fairly represented by the City's work force and that promotional opportunities are provided for qualified employees.
- (b) **Discrimination Prohibited.** The Common Council, as the duly elected legislative authority, and the Mayor, as the duly elected executive authority, of the City of Delavan reaffirm, endorse, support, and are committed to the concept of equal opportunity employment as defined and/or implied under Title VII of the Civil Rights Act of 1964 and Equal Employment Opportunity Act of 1972. Equal employment opportunity will be assured in the municipal personnel systems and affirmative action provided in their administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, separation, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations, or because of race, national origin, sexual preference, citizenship, family or marital status, or other nonmerit factors is prohibited.

SEC. 2-5-3 FALSE STATEMENT IN APPLICATION.

Any false statement knowingly made by any applicant in his or her employment application or made at his or her request or with his or her knowledge in any certificate which may accompany his or her application or any other fraudulent conduct shall be regarded as good cause for excluding him or her from any employment examination or for removing his or her name from any register or eligible list for consideration for employment.

CHAPTER 6

Ethical Standards

- 2-6-1 Ethical Standards of Public Officials; Declaration of Policy
- 2-6-2 Responsibilities of Public Office
- 2-6-3 Dedicated Service
- 2-6-4 Use of Public Property; Obligations of Citizens
- 2-6-5 Conflict of Interest
- 2-6-6 Specific Conflicts of Interest
- 2-6-7 Advisory Opinion
- 2-6-8 Sanctions

SEC. 2-6-1 ETHICAL STANDARDS OF PUBLIC OFFICIALS; 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 structures; that public office not be used for personal gain; and that the public have confidence in the integrity of the government. In recognition these goals, there is hereby established a code of ethics for all City officials and employees, whether elected or appointed, paid, or unpaid, including members of boards, committees, and commissions of the City. The purpose of this Chapter is to establish guidelines of 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 City and by directing disclosure by such officials and employees or private financial or other interest in matters affecting the City. The provisions and purpose of this Chapter and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Delavan.

SEC. 2-6-2 RESPONSIBILITIES OF PUBLIC OFFICE.

- (a) Public officials and employees are bound 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 primary concern. Their conduct in both their official and private affairs shall be above reproach.
- (b) Public officials are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the law of the nation, state, and municipality.

SEC. 2-6-3 DEDICATED SERVICE.

- (a) All officials and employees of the City 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.
- (b) Public officials and employees shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

SEC. 2-6-4 USE OF PUBLIC PROPERTY; OBLIGATIONS OF CITIZENS.

(a) **Use of Public Property.** No public official or employee shall request, use, or permit the use of City-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 in the personnel policies in Section 2-5-1.

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

SEC. 2-6-5 CONFLICT OF INTEREST.

No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public Judgment or which will tend to impair his independence or judgment or action in the performance of his official duties.

SEC. 2-6-6 SPECIFIC CONFLICTS OF INTEREST.

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive:

(a) **Incompatible Employment.** No Alderman or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of this official duties or tends to impair his independence of judgment or action if the performance of his official duties. In the event an Alderman, official, or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such interest to the Common Council for the records of that authority.

(b) **Disclosure of Confidential Information.** No Alderman, other public official, or employee shall, without proper legal authorization, disclosure confidential information concerning the property, government, or affairs of the City, nor shall he use such information to advance the financial or other private interest of himself or others.

(c) **Gifts and Favors.** No Alderman, or other public official or employee shall accept any gift, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; 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 for his duties any improper favor, service, or thing of value. Any Alderman or other public official or employee who accepts any gift, favor, or thing of value shall, in the case of an Alderman, disclose the matter in the minutes of the next Council meeting and, in the case of other official or employees, report the matter.

(d) **Representing Private Interests Before City Agencies or Courts.** No Alderman or other public official or employee, firm, or partner whose salary is paid in whole or in part by the City shall appear in behalf of private interests before any agency of the City. He shall not represent private interests in any action or proceeding adverse to the interest of the City in any litigation to which the City is a party.

(e) **Contracts with the City.** No City employee or officer 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 of his part, shall enter into any contract with the City unless within the exceptions set forth in Sec. 946.13 of Wisconsin Statutes. The provisions of this Section shall not apply to the designation of a public depository of public funds, nor to contracts for the purchase of commodities in any one (1) year under Three Hundred Dollars (\$300.00).

(f) Disclosure of Interest in Legislation.

(1) An Alderman who has a financial or other private interest in any legislation shall disclose on the records of the Council the nature and extent of such interest. This provision shall not apply if the Alderman disqualifies himself from voting.

(2) Any other public official or employee who has a financial or other private interest and who participates in discussion with or gives an official opinion to the Council shall disclose on the record of the Council the nature and extent of such interest.

SEC. 2-6-7 ADVISORY OPINION.

Any questions as to the interpretation of any provision of the Code of Ethics Chapter may be referred to the City Attorney for an advisory opinion, and such opinion shall be given to the General Operations Committee for its recommendation, if any.

SEC. 2-6-8 SANCTIONS.

Violation of any provision of this Section should raise conscientious questions for the Aldermen or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the City. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.