

CHAPTER 1

GENERAL GOVERNMENT

GENERAL PROVISIONS AS TO OFFICIALS

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GENERAL PROVISIONS AS TO OFFICIALS

1.01 FORM OF GOVERNMENT. The City of Kiel, Wisconsin, shall operate under the Mayor-Council form of government under Chapter 62, Wis. Stats.

1.02 ELECTED OFFICIALS. (1) **CITY COUNCIL.** [#371 8/13/91] The City Council shall consist of a mayor and six alderpersons, one alderperson to be elected from each of the aldermanic districts herein set forth. See also Section 1.31.

(2) **MUNICIPAL JUDGE.** The Municipal Judge shall be elected in even numbered years for a term of 2 years.

1.03 APPOINTED OFFICIALS. The following City officials shall be appointed annually by the Mayor, subject to confirmation of the City Council:

- Administrator [#344 9/8/87]
- Assessor
- Attorney
- Building Inspector
- Chief of Police
- Director of Public Works
- Emergency Government Director
- Fire Chief
- Librarian
- Medical Director of the Ambulance Service
- Superintendent of Sewer Utility
- Treasurer
- EMS Chief

1.04 OATHS AND BONDS. Elected and appointed officials shall take and file the official oath within 10 days after notice of their election or appointment as provided in Section 62.09(4)(a), Wis. Stats., and shall execute and file the official bond as required by State Statutes and this Municipal Code.

1.05 REMOVALS. (1) **ELECTED OFFICIALS.** Elected officials may be removed by the City Council as provided in Section 17.12(1)(a) or as provided by Section 17.16, Wis. Stats.

(2) **APPOINTED OFFICIALS.** Appointed officials may be removed as provided in Section 17.12(1)(c) and Section 17.16, Wis. Stats.

1.06 VACANCIES. (1) **HOW OCCURRING.** Vacancies in elective and appointive positions are caused as provided in Sections 17.03 and 17.035, Wis. Stats.

(2) HOW FILLED. Vacancies in elective and appointive offices shall be filled as provided in Section 17.23, Wis. Stats.

1.07 SALARIES. The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the City Council from time to time, provided the salary of the Mayor and members of the Council shall not be increased during their terms of office. (See Section 66.0505, Wis. Stats.)

1.08 WISCONSIN RETIREMENT SYSTEM. The City elects to include all eligible personnel under the Wisconsin Retirement System.

1.09 RECEIPT OF GIFTS AND GRATUITIES. (1) RESTRICTED. No City employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who:

(a) Has or is seeking to obtain contractual or other business or financial relationships with the City or City Council, or

(b) Conducts operations or activities which are regulated by the City or City Council, or

(c) Has interests which may be substantially affected by the City or City Council.

(2) PENALTY. The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the City and is punishable as provided in Section 946.12, Wis. Stats. Such conduct shall also be punishable under Section 25.04 of this Municipal Code.

OFFICIALS

1.10 ASSESSOR. (1) DUTIES. The Assessor shall perform all of the duties established by the Wisconsin Department of Revenue for the position of Assessor. The Assessor shall obtain State certification before entering upon his duties as City Assessor. The Assessor shall be appointed annually by the Mayor, subject to confirmation of the City Council.

(2) CONFIDENTIALITY. Whenever the Assessor in the performance of his duties requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, such income and expense information as is provided to the Assessor shall be held by him on a confidential basis, with the exception that the information may be revealed to

and used by persons in the discharge of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performing official duties of his office and use by the Board of Review in performance of its official duties); or pursuant to the order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), Wis. Stats., is not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats., unless a court determines that it is inaccurate.

(3) SEVERABILITY. If any section or portion of paragraph (2) above is declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in said decision, and shall not affect the validity of any other provisions, sections or portions thereof.

1.11 BUILDING INSPECTOR. (1) GENERAL DUTIES. The Building inspector shall:

(a) See that all construction within the City conforms with City ordinances and generally with the requirements of the State Building Code, insofar as the same applies to such construction.

(b) Inspect all construction periodically as it progresses and, if any violation is indicated, make any and all necessary complaints so that such violation may be penalized and any such construction in violation of the same can be stopped, if the same is not correct.

(c) Sign such certificates or permits as may be required of him in such duties.

(2) OTHER DUTIES. The Building Inspector shall perform such other and further duties in connection with such office as shall be delegated to him from time to time by the City Council.

1.12 MUNICIPAL JUDGE AND MUNICIPAL COURT. (1) MUNICIPAL JUDGE. (a) Office Created. Pursuant to Section 755.01, Wis. Stats., there is created the office of Municipal Judge for the City.

(b) Election; Term. The Municipal Judge shall be elected at large at the spring election in even numbered years for a term of 4 years, or until a successor is elected and qualifies, commencing on May 1 next succeeding his election. Midterm vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55 nor more than 70 days after the order of the Council therefor.

(c) Salary. The Municipal Judge shall receive a salary which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath as required by par. (d) of this subsection.

(d) Bond; Oath. The Municipal Judge shall execute and file, with the Clerks of Court for Manitowoc and Calumet Counties, the oath prescribed by Section 757.02, Wis. Stats., and a bond in the penal sum of \$2,000. The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the Administrator and a certified copy of the oath is filed with the office of Director of State Courts as required by Section 755.03, Wis. Stats.

(e) Jurisdiction. The Municipal Judge shall have jurisdiction as provided by law and Section 755.045, Wis. Stats., and exclusive jurisdiction of violations of City ordinances, resolutions and bylaws.

(2) MUNICIPAL COURT. (a) Court Established. The Municipal Court for the City is established pursuant to Chapter 755, Wis. Stats.

(b) Hours. The Municipal Court for the City shall be open as determined by order of the Municipal Judge.

(c) Location. The Municipal Judge shall keep his office and hold court in the City Hall.

(d) Procedure. The procedure in Municipal Court for the City shall be as provided by this section and State law including, without limitation because of enumeration, Section 23.66 to 23.99, 345.20 to 345.53, and Chapters 755, 778 and 800, Wis. Stats.

(e) Collection and Return of Forfeitures. The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before him and shall pay over such moneys to the City Treasurer within 7 days of collection. At such time the Municipal Judge shall also report to the City Treasurer the title, nature of offense and total amount of judgments imposed in actions and proceedings in which such moneys were collected.

(f) Contempt of Court. The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt of Municipal Court persons guilty of either of the following acts and no other:

1. Disorderly, contemptuous and insolent behavior toward the Judge while engaged in any judicial proceeding or other conduct which tends to interrupt the proceedings or to impair the respect due the Judge's authority.

2. Resistance of or disobedience to any lawful order or process

made or issued by the Judge.

(g) Penalty for Contempt of Court. The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than \$50 plus penalty assessment under Section 757.05, Wis. Stats. Upon nonpayment of the forfeiture and penalty, the person found guilty of contempt may be sentenced to the County Jail for not to exceed 7 days.

(3) **STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT.** (a) Deposit Schedule to Be Established. The Municipal Judge shall establish and submit to the City Council for approval in accordance with Section 800.03(3), Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws, except traffic regulations which are governed by Section 345.26, Wis. Stats., and boating violations governed by Section 23.67, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the City Police Department.

(b) Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of City ordinances, resolutions or bylaws, for which a deposit has been established under this subsection, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Sections 800.03, 800.04 and 800.09, Wis. Stats.

(c) Traffic and Boating Deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Section 30.77, Wis. Stats.

(d) When Not Permitted. Stipulations and deposits shall not be permitted in cases of contempt under sub. (2)(f).

BOARDS AND COMMISSIONS

1.19 POLICE AND FIRE COMMITTEE. The City of Kiel does establish a committee of three members, none of whom may be elected or appointed official of the City to be employed by the City, which committee shall act under Section 62.13(5), Wisconsin Statutes in place of the board of police and fire committee. This committee shall be appointed annually at the organizational meeting, subject approval of the City Council. This committee shall act only when it is determined that it is necessary pursuant to Section 62.13, Wisconsin Statutes, concerning disciplinary action.

1.20 BOARD OF REVIEW. The Board of Review shall consist of the Mayor, the Administrator and 3 alderpersons appointed annually by the Mayor,

subject to confirmation by the City Council. If the Mayor appoints the City Administrator as Assessor, then the Mayor shall appoint a second clerk to the Board of Review to serve in place of the Administrator on said body. That second clerk shall be properly certified by the Wisconsin Department of Revenue.

1.21 PARK BOARD. The Park Board shall consist of 5 residents appointed by the Mayor, subject to confirmation by the City Council, for 5-year terms, which shall be staggered so that one appointment is made annually.

1.22 PLAN COMMISSION. (1) **COMPOSITION.** The Plan Commission shall consist of the Mayor, one alderperson elected by a 2/3 vote of the City Council annually, one member of the Park Board appointed by the Mayor, subject to confirmation by the City Council, for a 3-year term and 4 residents appointed by the Mayor, subject to confirmation by the City Council, for 3-year staggered terms so that no more than 2 resident members shall be appointed in one year.

(2) **FUNCTIONS.** The Commission shall have all powers and duties specified in the Wisconsin Statutes.

(3) **MATTERS REFERRED TO THE CITY PLAN COMMISSION.** The City Council, or other public body or officer of the City having final authority thereon, shall refer to the City Plan Commission for its consideration and report the matters listed below before final action is taken. Unless such report is made within 30 days or such longer period as may be stipulated by the City Council, the Council or other public body or officer may take final action without it.

(a) The location and architectural design of any public building.

(b) The location of any statue or other memorial.

(c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for, or leases 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.

(d) All plats of land 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.

(e) The amendment or repeal of any ordinance adopted pursuant to this section.

(4) **SPECIAL MATTERS REFERRED TO THE CITY PLAN COMMISSION.** The City Council may refer to the Commission the construction or carrying out of any public work not expressly within the province of other boards or Commissions of the City, and may delegate to the Commission all powers which the Council deems necessary to complete such work in all details.

(5) **EMPLOYMENT OF EXPERTS.** The City Plan Commission may employ experts and a staff and pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made for the Commission by the City Council or placed at its disposal through gift or grant and subject to any ordinance or resolution enacted by the Council.

1.23 HOUSING AUTHORITY. The Housing Authority shall consist of 5 persons, each appointed for a 5-year term, with one person appointed each year by the Mayor, subject to confirmation by the City Council.

1.24 LIBRARY BOARD. The Library Board shall consist of 7 persons, each serving for a 3-year term, with the Mayor to name 2 persons to the Library Board the first year, 2 persons the second year and 3 persons the third year. Appointment of members of the Library Board shall be made by the Mayor subject to confirmation by the City Council.

1.25 BOARD OF APPEALS. The Board of Appeals shall consist of 5 persons, each serving a 3-year term, with appointments to be made by the Mayor of 2 persons the first year, 2 persons the second year and one person the third year. The appointments by the Mayor are subject to confirmation by the City Council.

1.26 ECONOMIC DEVELOPMENT COMMITTEE. The Economic Development Committee shall consist of 6 persons appointed annually by the Mayor subject to confirmation by the City Council.

ELECTIONS

1.27 POLLS. (1) **HOURS.** The polls shall be open for voting on election days from 7 a.m. to 8 p.m.

(2) **CENTRAL POLLING PLACE.** (a) Community Center. The place of holding elections within the City for all special, primary and general elections shall be the Community Center.

(b) Election Tabulation. The City shall use a system of electronic tabulation approved by the State Elections Board.

(c) Election Officials. One set of election officials as provided in Section 7.30, Wis. Stats., shall perform all of the duties at the centrally located polling place for all of the Aldermanic districts and wards within the City.

1.28 ALDERMANIC DISTRICTS. [#371 8/13/91, #399 10/10/95] (1) ELECTION OF ALDERPERSONS. Alderpersons from the First (1), Third (3), and Fifth (5) Aldermanic Districts shall be elected in the odd numbered years. Alderpersons from the Second (2), Fourth (4), and Sixth (6) Aldermanic Districts shall be elected in the even numbered years.

(2) DISTRICTS DESCRIBED. The wards and aldermanic districts of the City are hereby created, numbered and shown on map as follows:

- (a) Ward 1 - Aldermanic District 1
- (b) Ward 2 and 8 - Aldermanic District 2
- (c) Ward 3 and 9 - Aldermanic District 3
- (d) Ward 4 - Aldermanic District 4
- (e) Ward 5 - Aldermanic District 5
- (f) Ward 6 and 7 - Aldermanic District 6

