

## GENERAL GOVERNMENT

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1.01 ELECTED OFFICIALS. The elected officials of the Village shall be as follows:

<u>OFFICIAL</u>	<u>HOW APPOINTED</u>	<u>TERM</u>
(1) Village President	Odd-numbered years	2 years
(2) Four Trustees	1 each year	2 years

1.02 APPOINTED OFFICIALS. The appointed officials of the Village shall be as follows:

<u>OFFICIALS</u>	<u>HOW APPOINTED</u>	<u>TERM</u>
(1) Village Clerk	Village President, subject to confirmation by Village Board	2 years
(2) Deputy Clerk	Village President, subject to confirmation by Village Board	2 years
(3) Village Treasurer	Village President, subject to confirmation by Village Board	2 years
(4) Village Assessor	Village President, subject to confirmation by Village Board	2 years
(5) Building Inspector	Village President, subject to confirmation by Village Board	Indefinite
(6) Weed Commissioner	Village President	One Year
(7) Village Marshal	Village Board	Indefinite
(8) Utility Superintendent	Village Board	Indefinite
(9) Dog Catcher	Village President, subject to confirmation by Village Board	1 year

1.03 ELECTION OFFICIALS.

- (1) TERM AND METHOD OF APPOINTMENT. The Village Board has reduced the number of election officials to three, per Section 7.32, Wisconsin Statutes, by separate resolution. The Village President shall, subject to confirmation by the Village Board, appoint one election inspector, one ballot clerk and one election clerk every odd-numbered year. The political party that receives the largest number of votes for the President of the United States or Governor in non-Presidential election years at the last election shall be entitled to one inspector and one election clerk, and the party receiving the next largest number of votes shall be entitled to one ballot clerk.

- (2) DUTIES. Each election official shall have the authority to perform any necessary duties in connection with a public election. All 3 election officials shall also participate in the canvass of votes.

1.04 **VILLAGE MARSHAL.** (Cr. #28)

- (1) APPOINTMENT. The Village Board shall appoint and fix the salary of the Village Marshal.
- (2) TENURE. The Village Marshal may be removed at any time for cause by a majority vote of the members of the Village Board. Other village police officers shall hold office subject to the power of the President to suspend or remove any officer at his pleasure, subject to the Village Board.
- (3) POWERS AND DUTIES. The Village Marshal shall have the powers and duties provided by §61.28, Wis. Stats., and such further powers as may be delegated to him by the board.
- (4) OFFICIAL BOND. The Village Marshal shall execute and file an official bond covering liability arising out of the performance of his duties as Village Marshal.

1.05 **SALARIES AND COMPENSATION.** (Rep. & recr. #227)

Officers and employees shall be paid such salaries and compensation as shall be determined by the Village Board from time to time, except the salary of an elected official shall not be increased during an elected official's term of office. Effective immediately following the current term of the Village President, the Village President shall be paid a salary of \$4,000 per year, plus \$25.00 per meeting of the Village Plan Commission that the Village President attends as a member of the Plan Commission. Effective immediately following each Village Trustee's expired term, each Village Trustee elected to fill a succeeding term shall be paid a salary of \$2,500.00 plus \$25.00 per meeting per the meeting of the Village Plan Commission that the trustee attends as a member of the Village Plan Commission.

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**1.06 BOARDS AND COMMISSIONS.****(1) BOARD OF REVIEW (Am. #191, 236)**

- (a) Membership. The member of the Board of Review shall consist of the Village President and the Village Board and one or more alternate member(s).
- (b) Clerk. The Village Clerk shall serve as Clerk
- (c) Alternate Members. The Village President shall appoint, subject to confirmation of the Village Board, one alternate member for a term of 5 years. The Village President may appoint, subject to confirmation of the Village Board, additional alternate members, in addition to the one required alternate member. OF more than one alternate member is appointed, the Village President, subject to confirmation of the Village Board shall designate one of the existing or newly appointed alternate members as 1<sup>st</sup> alternate, one as 2<sup>nd</sup> alternate, and do forth to establish the priority of all alternate members. The terms of any additional alternate members shall be for five years, unless that term must be reduced by one or more years at the time of the appointment, to ensure that no two alternate members' terms end in the same year. The first alternate member shall act with full power when three member are absent, refuse or are otherwise unavailable to hear an objection. The second alternate member (if any) shall act with full power when four members (or three members and the first alternate member) are absent, refuse or are otherwise unavailable to hear an objection. Additional alternate members (if any) shall act, in order of their priority, when necessary to provide three members/alternate members to hear an objection.
- (d) Income and Expense Information. Whenever the Assessor, in the performance of the Assessor's duties requests or obtains income and expense information pursuant to § 70.47(7)(af), Wis. Stats. Or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons; in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties): or pursuant to order of a court. Income and expense information provided to the Assessor under § 70.47(af), unless a court determines that it is inaccurate, is per § 70.47(7)(af), not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.
- (e) Filing and Electronic transmission. Filing documents with the Clerk of the Board of Review may be accomplished in-person, by mail, by facsimile transmission or by e-mail transmission. In each case the document is not deemed to be filed until, and it is only deemed to be filed if, it is complete and (i) it is actually received by the Clerk in-hand, in the case of in-person delivery, mail or facsimile; or (ii) it is opened by the Clerk, in the case of email. No

document transmitted by facsimile by facsimile transmission or by email transmission while the Board of Review is in session shall be deemed filed with the Clerk during the session. Any message left orally by telephone voice recording or other electronic means, similarly, is not deemed to be received until such message is actually heard by the Clerk. The party transmitting the document or message is solely responsible for enduring its timely and complete receipt and filing.

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- (2) BOARD OF PUBLIC WORKS. The Board of Public Works shall consist of the Village President, presiding as chairman, and 2 trustees appointed by the President at the beginning of his 2-year term of office.

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(3) PLAN COMMISSION.

- (a) How constituted. The Village Plan Commission shall consist of 7 members as follows: The Village President who shall be presiding officer, one trustee and 5 citizens. Citizen members shall be persons of recognized experience and qualifications.
- (b) Appointment. The trustee member of the Commission shall be elected by a 2/3 vote of the Village Board during each April, for a one-year term commencing the succeeding May 1.
- (c) Citizen Members. Five citizen members shall be appointed by the Village President, subject to confirmation by the Village Board. These 5 members shall hold office for 2 years, from succeeding May 1, and thereafter annually during the month of April.
- (d) Vacancies. All vacancies on the commission shall be filled for the unexpired term in the same manner as appointment for the full term.
- (e) Compensation. No compensation shall be paid for service on the Village Plan Commission. Citizen members shall, in writing, take the official oath as provided in §19.01, Wis, Stats., which shall be filed with the Village Clerk.
- (f) Organization.
  - 1. The Commission may adopt rules for the transaction of its business and shall keep a written record of its proceedings, to include all actions taken. A copy of such record shall be filed with the Village Clerk. Four members shall constitute a quorum, but all action shall require the affirmative approval of a majority of all the members of the Commission.
  - 2. The Commission may employ expert advice and such staff as may be necessary, and pay for their services and other expenses as may be the proper within the limits of the budget established by the Village Board or placed at its disposal through gift, subject to those instructions in 2.15 code.
  - 3. The Commission shall, as far as possible, utilize the services of existing Village officials and employees.
- (g) Powers and duties. The Plan Commission shall perform all of the duties for the physical development of the Village pursuant to §62.23, Wis. Stats., and such further powers as may be granted to it by the State Statutes and Village ordinances.

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- (4) BOARD OF ZONING APPEALS. (a) Membership. The Board of Zoning Appeals shall consist of 5 citizens appointed by the Village President subject to confirmation by the Village Board.
- (b) Terms. Each member shall serve for a term of 3 years, provided appointments shall be made so no more than 2 members are appointed in any one year, except to fill vacancies. A member's term shall commence in October of the year appointed.
- (c) Alternates. (Am. #210) Three alternate members shall be appointed by the Village President, subject to confirmation by the Village Board, for a term of 3 years. Such members shall act only when a regular member is absent or refuses to vote because of interest.
- (d) Powers and duties. (am.#210) See §17.61(4) of this Code.
- (5) PARK BOARD. (a) Members. The Park Board shall consist of the Village President, presiding as chairman of the Board, and 2 trustees appointed by the President at the beginning of his 2-year term of office.
- (b) Terms. Members shall be appointed for 2-year terms.
- (c) Power and Duties. The Park Board shall have the powers and duties provided by §27.08, Wis. Stats., and such further powers as may be delegated to it by the Village Board.
- (6) JOINT BOARD OF FIRE COMMISSIONERS (Cr. #210)
- (a) Created. There is hereby created a Joint Board of Fire Commissioners for the Dousman Fire Department pursuant to Subsection (b) herein.
- (b) Membership and Terms. The Joint Board of Fire Commissioners shall consist of 6 members, 2 of whom shall be appointed from the Town of Ottawa, 2 from the Town of Summit and 2 from the Village of Dousman, a quorum of which shall be 4 members. The term of office of said commissioners shall be 5 years with the provisions, however, that the Town of Summit shall appoint the first 2 commissioners for a one-year and a 5-year term, respectively; Town of Ottawa shall appoint a commissioner for a 2-year term and another commissioner for a 3-year term, and the Village of Dousman shall appoint a commissioner for a one-year term and another for a 4-year term. Thereafter, each position shall be appointed for full 5-year terms at the expiration of these original terms. All commissioners appointed shall be citizens of the municipality from which they are appointed, and shall not be members of the respective governing bodies, the Fire District or the Department.
- (c) Authority of the Joint Board. The joint Board of Fire Commissioners created herein shall be governed by the procedures outlined in §62.13, Wis. Stats. And the Joint Board shall, at its first meeting, elect from its membership a chairperson and a secretary.

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The Joint Board of Fire Commissioners may utilize the services of the Deputy Secretary of the Fire District as its recording Secretary. The chairperson and secretary shall be reelected every year in the month of July. The joint board shall not be granted the optional powers contained in §62.13(6), Wis. Stats.

- (d) Meetings. The Joint Board of Fire Commissioners shall meet only on a call of the chairperson. However, the chairperson may schedule more frequent meetings if it's deemed necessary at any time.

### **1.07 FIRE DISTRICT.** (Rep. & recr. #257)

- (1) ESTABLISHED. The Village Board, by resolution dated July 10, 1967, approved the Articles of Association and By-laws of the Dousman Fire District, and authorized the Village to enter into an agreement with the Town of Ottawa and the Town of Summit to create and provide for the operation of the Fire District.
- (2) FEES FOR SERVICES. The Village Board hereby establishes a fee for the provision of ambulance and rescue services provided by the Dousman Fire District and by agents and contractors of the Village of Dousman and/or the Dousman Fire District. The fee will be assessed to the responsible individual, corporation, utility, company and/or property owner for whom this service was provided, as determined by the Dousman Fire District Fire Chief. This fee for an ambulance and rescue service shall include but not be limited to technical rescue services, such as trench rescue, confined space rescue, emergency building shoring, and helicopter rescue, along with ordinary ambulance and rescue services. The fees shall be established from time to time by resolution of the Village Board in an amount designed to recover the actual cost of the service performed, which shall include the actual amounts billed to the Village and/or the Dousman Fire District for incidents occurring in the Village of Dousman, by contractors and agents called to the incident.
- (3) FIRE DEPARTMENT FEES
  - a. Establishment of Fire District Department Fees. The Village Board shall establish Fire Department fees, from time to time, by resolution, upon careful consideration of the fees recommended by the Fire District Board, to compensate the Western Lakes Fire District for fire inspection, plan review, field inspection work, and other Fire Department Services. Such fees shall not exceed the limits established by Wisconsin Statutes Section 66.0628 and other applicable laws. Fees are subject to change. No fees shall be charged to the owner-member municipalities of the Western Lakes District, for work conducted in relation to their municipal property.



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- b. Administration of Fire Department Fees. Fire inspection fees shall be invoiced to property owners, as a special charge, as soon as practicable following the Fire Department service, and payment shall be due within 30 days. The Western Lakes Fire District shall invoice property owners and collect fees pursuant to this Section, as agent of the municipality. All invoices shall specify that this fee is a fee imposed by the municipality and collected pursuant to this ordinance and shall give notice of appeals rights. If a special charge is not paid within the time required by the invoice, the special charge is delinquent, and the Western Lakes Fire District shall notify the municipal clerk no later than October 1<sup>st</sup> of all delinquencies existing on that date. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of delinquency. The municipal clerk shall include the delinquent special charge in the current or next tax roll for collection and settlement under ch. 74, Wisconsin Statutes. The Western Lakes Fire District shall retain all fees collected as compensation from the municipality for their services provided, except in the case of delinquency. When a special charge is delinquent and is recovered by the municipality through tax collection and settlement procedures, the municipality shall retain \$15 to compensate for administrative costs and shall pay the Western Lakes Fire District the remaining amount collected.
- c. Appeal. Special charges imposed pursuant to this Section may be appealed within 30 days of the original invoice, pursuant to Section 3.11 of this Code.

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### **1.08 VOTER REGISTRATION.** (CR. 7-12/76)

- (1) **REQUIRED.** Commencing with the September 14, 1976, primary election to be held in the Village, a registry of electors shall be made for the Village, applicable to all regular, special or primary elections held thereafter. The provisions of law now existing or hereafter enacted applicable to required registrations of electors shall be in full force and effect in the Village.
- (2) **CLERK TO IMPLEMENT.** The Village Clerk shall forthwith notify the Secretary of State of the action hereby taken; and further certify such action to the Waukesha County Clerk; procure and make available, as promptly as is reasonable practical, blank forms of registration affidavit, any other forms required or authorized by law in connection with such required registration.

**1.09 NON-PARTISAN PRIMARY FOR VILLAGE OFFICERS.** (Cr. #102)

- (1) **APPLICABLE STATUTE.** Candidates for elective Village offices shall be nominated by a non-partisan primary conducted pursuant to §8.05(4) and 8.11(1)(a) and (b), Wis. Stats.
- (2) **NOMINATION PAPERS.**
  - (a) Nomination papers shall be signed by not less than 15 electors. The number of signatures required shall be not less than 3% of the number of electors voting therein for Governor at the last preceding general election, 15 electors. Nomination papers shall be filed with the Village Clerk not less than 20 days before each primary not later than 5:00pm of that day.
  - (b) Each person for whom nomination papers are filed shall submit to the Village Clerk with his nomination papers, or before 2:00pm on the day following the last day for filing papers, a declaration that will qualify for the office if nominated and elected.
- (3) **NO OTHER METHOD ALLOWED.** No additional candidates may be nominated for such offices by the methods provided by §8.05(1), Wis. Stats.
- (4) **DATE AND NOTICE OF PRIMARY.** A Village primary shall be held the third Tuesday in February pursuant to §5.02(2), Wis. Stats. The Village Clerk shall prepare over her name and official seal a notice of the primary, listing the Village offices for which candidates are to be nominated at the primary, specifying the place where the primary will be held and the hours the polls will be opened and closed. This notice shall be published once. Copies on heavy paper shall be posted in 3 public places not more than 20 nor less than 10 days before the primary.

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- (5) **BALLOT.** Section 5.58(1), Wis. Stats., shall be applicable for the Village primary. The names of those for whom nomination papers were properly filed shall be printed on the primary ballot under the designation of the office for which he is named listing his given and surname. Space shall be provided under each office to permit the voter to write in another name for that office.
- (6) **PRIMARY ELECTION MAY BE WAIVED.** Whenever a Village Primary is held and the number of candidates placed in nomination for any Village office does not exceed 2 times the number of persons to be elected to that office, no primary election shall be held for that office. The names of the candidates shall be printed upon the official ballot in April. If the preceding should be true for all offices to be filled in a given election, the Village primary election for that year would be dispensed with and the names of all candidates would be printed upon the official ballot in April.

1.10 MUNICIPAL COURT AND MUNICIPAL JUDGE. (cr. #193)

- (1) MUNICIPAL COURT CREATED. There is hereby created and established a Municipal Court under the provisions of Ch. 755, Wis. Stats., to be designated as "Municipal Court for the City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc, lake, Village of Chenequa, Village of Lac LaBelle, Village of Nashotah and the Village of Dousman," or so many of those municipalities which enact an ordinance identical to this section pursuant to §755.01(4), Wis. Stats.

(2) MUNICIPAL JUDGE. Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in the State of Wisconsin and who shall reside in the City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc, lake, Village of Chenequa, Village of Lac LaBelle, Village of Nashotah, Village of Dousman or those municipalities which enact an ordinance identical to this section and enter into an agreement pursuant to §66.30 Wis. Stats., for the joint exercise of the power granted under §755.01, Wis. Stats. The Municipal Judge shall be elected at large in the spring election for a term of 2 years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held provided in §8.11, Wis. Stats. The Village Board of the Village of Dousman shall provide for a primary election whenever 3 or more candidates file nomination papers for the position of Municipal Judge as provided in §8.11(1)(a), Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in §5.02(22), Wis. Stats.

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- (3) ELECTIONS. The municipal clerk of each municipality shall see to the compliance with §5.58(1)(c), 5.60(1)(b), 5.60(2), 7.01(1)(a), 7.60(4)(a) and 8.10(6)(a), Wis. Stats., to provide for the election of a Municipal Judge under §755.01(4) Wis. Stats.
- (4) OATH AND BOND. The Judge shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000. The Judge shall not act until his oath and bond have been filed as required by §19.01(4)(c), Wis. Stats., and the requirements of §757.03(2), Wis. Stats., have been complied with.

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- (5) SALARY. The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his term which such Judge has not executed his official bond of official oath, as required by §755.03, Wis. Stats., and filled pursuant to §19.01(4)(c), Wis. Stats. The municipalities may be separate ordinances, resolutions or through the budget process allocate funds for the administration of the Municipal Court pursuant to §66.30, Wis. Stats.
- (6) JURISDICTION. The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by §755.045 and 755.05. Wis. Stats., and as otherwise provided by State law. The Municipal Judge is authorized to issue inspection warrants under §66.122 and 66.123 Wis. Stats.
- (7) LOCATION AND HOURS. The Municipal Court shall be held in the council chambers of the City of Oconomowoc. All at 174 E. Wisconsin Ave., Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.
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- (8) FINES AND FORFEITURES. The Municipal Judge may impose punishment and sentences as provided by §800.09, Wis. Stats., and as provided in the ordinances of the City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc, lake, Village of Chenequa, Village of Lac LaBelle, Village of Nashotah, and the Village of Dousman. All forfeitures, fees, penalty assessments and costs shall be paid to the treasurer of the municipality within which the case arose within 7 days of receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of forfeiture, fees, penalty assessment and costs, if any.
- (9) STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT. The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of §Ch.800, Wis. Stats., and were applicable, other provisions of the Wisconsin Statutes as referred to in sub. (10) below. The Municipal Judge shall establish in accordance with the §800.03(3), Wis. Stats., a schedule of deposits for violations of city, village and town ordinances, resolutions and bylaws, except traffic regulations which are and shall be governed by §345.27. Wis. Stats., and boating regulations which are and shall be governed by §23.67. Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

(10) PROCEDURE IN MUNICIPAL COURT. The procedure in Municipal Court shall be as provided by this section and State law including, but not excluding because of enumeration, Chs. 66,345,751,757, and 800, Wis. Stats.

(11) CONTEMPT PROCEDURES.

(a) The Municipal Judge may impose a sanction authorized under §800.12(2), Wis. Stats., for contempt of court as defined in §785.01(1) Wis. Stats., in accordance with the procedures under §785.03, Wis. Stats.

(b) The Municipal Judge may impose a forfeiture for contempt under §800.12(1), Wis. Stats., in an amount not to exceed \$50 or, upon nonpayment of the forfeiture and the penalty assessment under §165.87, Wis. Stats., a jail sentence not to exceed 7 days.

(12) MUNICIPAL COURT NOT TO BE ABOLISHED. The Municipal Court hereby established shall not to be abolished while the §755.01(4), Wis. Stats., agreement is in effect.

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