

**VILLAGE OF CHENEQUA
ORDINANCE NO. 2020-11-09-01**

**AN ORDINANCE TO REPEAL AND RE-CREATE CHAPTER 1
OF THE VILLAGE CODE**

WHEREAS, the Village Board desires to repeal and re-create Chapter 1 of the Village Code to reorganize the sections, and to make certain substantive changes such as increasing the penalty for Code violations from a maximum of \$1,000 to a maximum of \$2,500 and clarifying that the Village Board, Plan Commission, Board of Appeals, Board of Review and any other board, commission or committee of the Village may engage in virtual meetings via telephone and video conferencing for health and safety reasons subject to the applicable governing body's discretion and as specified in public meeting notices.

NOW, THEREFORE, the Village Board of the Village of Chenequa, Waukesha County, Wisconsin, does hereby ordain and adopt a repealed and re-created Chapter 1 of the Village Code as follows:

SECTION 1.

1.1 VILLAGE OF CHENEQUA CODE.

- (1) **TITLE**. This Code of ordinances constitutes the Village Code.
- (2) **AMENDMENTS**. Any additions or amendments to this Code are incorporated in this Code so that a reference to this Code includes such additions and amendments.
- (3) **NUMBERING OF SECTIONS**. Each Section number of this Code shall consist of two component parts separated by a period, the figure before the period referring to the Chapter number and the figure after the period referring to the position of the Section within the Chapter.
- (4) **NUMBERING ADDITIONS**. The decimal system shall be used for all additions or amendments to this Code. When a Chapter or Section is to be added the new Chapter or Section shall be given a decimal character.
- (5) **DEFINITIONS**.
 - (a) Terms and words used in this Code, unless otherwise specifically defined in this Code, have the meaning prescribed by the Wisconsin Statutes for the same terms and words.
 - (b) For purposes of this Code certain terms and words are hereby defined as follows:
 - (i) Village: Village of Chenequa, Wisconsin.
 - (ii) County: Waukesha County.

- (iii) State: State of Wisconsin.
- (iv) Village Board: The Village Board of the Village.
- (v) Ordinances: The ordinances of the Village and all amendments thereto, including this Code.
- (vi) Police Commission: The Village Board of Police Commissioners.
- (vii) This Code: The Village Code.
- (viii) Wisconsin Statutes: The most currently enacted version of the Wisconsin Statutes.
- (ix) Person: Any individual, firm, partnership, corporation, company, association, club, joint venture, estate, trust or any group or combination acting as a unit and the individuals constituting such group or unit; and the plural as well as the singular number; and the masculine gender includes the feminine and neuter genders, unless the intention to give more limited meaning is disclosed by the context. As applied to partnerships, the word person includes the members of the partnership; as applied to corporations it includes the officers, agents or employees responsible for the act referred to.

(6) **REPEAL OF ORDINANCES.**

- (a) All public and general ordinances or parts thereof not included in this Code are repealed. Charter ordinances are not repealed.
- (b) The provisions of this Code to the extent they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of this repeal is not affected by this repeal, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

(7) **JURISDICTION.** Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the Village to regulate such particular acts outside the corporate limits.

(8) **RESPONSIBILITY FOR ACTS.** Every person concerned in the commission of an act prohibited by this Code, whether such person directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

(9) **PENALTIES.**

- (a) Standard Penalty. Unless another penalty is expressly provided by this Code for any particular provision, Section or Chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof or any provision of any Code, statute, rule, or regulation adopted herein by reference shall, upon conviction, be subject to a forfeiture of not less than Twenty Five Dollars (\$25) or more than Two Thousand Five Hundred Dollars (\$2,500) and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, such imprisonment not to exceed ninety (90) days.
- (b) Each Day a Violation. Each act of violation and every day upon which a violation occurs or exists constitutes a separate offense.
- (c) Amendments. In case of any amendment of or addition to any Section or Chapter of this Code the penalty provided for the violation of such Section or Chapter shall also relate to the amendment or addition, whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed or amended therein.
- (d) Reference to Sections. Reference to any Section of this Code shall be understood also to refer to and include the penalty Section relating thereto, unless otherwise expressly provided.
- (e) Failure of Officers to Perform Duties. The failure of any officer or employee of the Village to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided.

(10) **SEPARABILITY OF PROVISIONS**. Each Section, paragraph, sentence, clause and provision of this Code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof other than that affected by such decision.

(11) **EFFECTIVE DATE OF CODE**. This Code and any amendments hereto shall take effect the day after adoption by the Village Board.

(12) **COPIES ON FILE**. Copies of this Code shall be kept on file and open to public inspection in the office of the Village Clerk-Treasurer.

(13) **REORGANIZATION AND MODERNIZATION OF CHAPTER 66 OF THE WISCONSIN STATUTES**. All Sections of Chapter 66 Wisconsin Statutes enumerated in this Code that are affected by the reorganization and modernization of that Chapter by 1999 Wisconsin Act 150 shall be amended or modified to conform to that Act, effective January 1, 2001. The Village Clerk is authorized to insert statutory references into this Code that conform to that Act.

1.2 BOARD OF TRUSTEES.

(1) **NUMBER.** The Village Board of Trustees shall consist of seven (7) members.

(2) **BY-LAWS.**

- (a) MEETING ATTENDANCE. Each Trustee shall be expected to attend all meetings except as they are prevented by a valid reason.
- (b) REGULAR MEETINGS. Regular meetings of the Village Board shall be held on the second Monday of each month at 6:30 p.m. or immediately following adjournment of the Plan Commission. If such day falls on a holiday, the regular meeting for that month shall be held on the following Monday at the same time. No notice to members of the Village Board shall be required for regular meetings.
- (c) SPECIAL MEETINGS. Special meetings of the Village Board may be called by any two Trustees or by the President by notice in writing filed with the Village Clerk Treasurer, who shall thereupon notify all of the Trustees in the manner herein provided. Notice of special meetings shall be given by the Village Clerk-Treasurer by a letter in writing duly stamped and addressed to the Trustees and placed in the mail at least forty-eight (48) hours before time set for the meeting or by personal service of said notice upon the Trustees at least twenty-four (24) hours before the time set for the meeting. If all of the Trustees are present and consent in writing thereto, waiving such notice, a special meeting may be held forthwith.
- (d) QUORUM. At any and all meetings of the Village Board, four (4) members shall constitute a quorum for the transaction of business.
- (e) OPEN MEETINGS LAW COMPLIANCE. All meetings shall be held in compliance with Wisconsin open meetings laws, as enumerated under Sections 19.81 to 19.98 Wisconsin Statutes.
- (f) PARLIAMENTARY AUTHORITY. The rules contained in Robert's Rules of Order, latest revised edition, shall govern the parliamentary procedure of the meetings, in all cases in which they are not inconsistent with these bylaws and any statutes applicable to the Village Board.
- (g) GENERAL.
 - (i) An affirmative vote of the majority of all members of the Village Board present at the time shall be necessary to approve any action before the Village Board unless otherwise required under applicable law. The President may vote upon and may move or second a proposal before the Village Board.
 - (ii) Any rule or resolution of the Village Board, whether contained in these by-laws or otherwise, may be suspended temporarily in connection with business at hand, but such suspension, to be valid,

may be taken only at a meeting at which two-third (2/3) of the Trustees are present and two-thirds (2/3) of those present so approve.

- (iii) These by-laws may be amended at any regular meeting of the Village Board by majority vote of all Trustees.

1.3 PLAN COMMISSION AND BOARD OF APPEALS.

(1) A Plan Commission is hereby created for the Village in accordance with the provisions of Sections 61.35 and 62.23 Wisconsin Statutes which are hereby adopted for the Village and a Board of Appeals is hereby created for the Village in accordance with the provisions of said Sections.

(2) Pursuant to Section 62.23(1) Wisconsin Statutes, the Village Board provides that the membership of the Plan Commission shall be as provided hereunder. The Plan Commission shall consist of seven (7) residents of the Village, appointed by the Village President and one of which shall be appointed by the Village President as Chairman, which appointments shall be subject to the approval of the Village Board and shall be for a term of one year each. In addition, an alternate Plan Commission member, who shall be a resident, may be appointed for a term of one (1) year, by the Village President, which appointment shall be subject to the approval of the Village Board, and such alternate shall serve on the Plan Commission from time to time in case of absence or conflict of interest of a Plan Commission member. Four (4) members of the Plan Commission shall constitute a quorum. Action shall be by a majority vote of those present at the meeting. The Village Clerk-Treasurer, or the Village Clerk-Treasurer's deputy, shall be Secretary of the Plan Commission.

(3) Except as otherwise provided under this Code, the organization, powers, duties and qualifications of the Plan Commission and Board of Appeals shall be as set forth in the provisions of Sections 61.35 and 62.23 Wisconsin Statutes.

1.4 REGULATING BOARD OF APPEALS.

(1) **MEETINGS.** Meetings of the Board of Appeals shall be held at such times as the Board of Appeals may determine and in accordance with Section 1.6 of this Chapter 1. All meetings shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board of Appeals and the vote of each member upon each question considered. The presence of four members shall be necessary to constitute a quorum.

(2) **DUTIES.** The Board of Appeals shall review any order requiring decision or determination made by an administrative official charged with the enforcement of any zoning ordinance adopted by the Village. The Board of Appeals shall also hear and determine all matters referred to them or upon which they are required to pass under any provisions of this Code. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order requiring decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation of such ordinance.

(3) **APPEALS**. An appeal may be taken by any person aggrieved, or by any officer, department, board or commission of the Village. Such appeal shall be taken within twenty (20) days of the date of the order or ruling appealed from, by filing with the officer from whom the appeal is taken and with the Board of Appeals, a notice of appeal, specifying the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

Such appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with such officer, that by reason of facts stated in said certificate a stay would in such officer's opinion cause imminent peril to life or property, in which case proceedings shall not be stayed, otherwise than by a restraining order which shall be granted by the Board of Appeals, or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Any party may appear on such hearing in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

- (a) **NOTICE OF PUBLIC HEARINGS**. Written notice by mail of the hearing of the appeal shall be provided to the owners of the property under consideration and owners of property immediately surrounding and within at least 1000 feet thereof, inclusive of roadways, as listed in the Office of the Village Assessor. In addition, notice may be mailed to additional parties at the discretion of the Chair of the Board of Appeals.

(4) **APPEALS TO COURT**. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, may commence an action or present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such action must be commenced or such petition must be presented to such court within thirty days after the filing of the decision in the office of the Board.

Upon commencement of such action or presentation of such petition, said judge or court may allow a writ of certiorari directed to the Board of Appeals to review such decision of the Board of Appeals, which shall prescribe therein the time within which a return thereto must be made and served upon the relator or such relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, upon application, upon notice to the Board of Appeals and on due cause shown, grant a restraining order.

The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as

may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and must be verified.

Said court may take evidence or appoint a referee to take such evidence as it may direct, and report the same to the court with such referee's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. Costs shall not be allowed against the Board of Appeals, unless it shall appear to the court that it acted with gross negligence or in bad faith.

1.5 VILLAGE BOARD OF REVIEW.

(1) The Board of Review shall consist of five (5) regular members; which shall include the Village President, one (1) member of the Village Board appointed by the Village President and three (3) residents appointed by the Village President. In addition, two (2) residents serving as alternate Board of Review members shall be appointed by the Village President and shall serve on the Board of Review in case of absence or conflict of interest on the part of a regular Board of Review member.

(2) The Village President shall serve as a member of the Board of Review so long as said President remains in office. The appointed member from the Village Board shall serve so long as such Board of Review member remains a member of the Village Board. The three (3) residents appointed by the Village President shall serve five (5) year staggered terms. The initial appointees shall serve three (3), four (4) and five (5) year terms, as designated by the Village President. All alternate Board of Review members shall serve for a term of five (5) years or until such alternate Board of Review member's successor has been appointed. The two (2) alternate Board of Review members initially appointed by the Village President shall serve three (3) and five (5) year terms, as designated by the Village President. Board of Review members and alternate Board of Review members may be reappointed to serve consecutive terms as Board of Review members or alternate Board of Review members. In the event of vacancies during a regular term, the Village President shall at the next regular meeting of the Village Board, appoint successors to serve as Board of Review members or alternate Board of Review members for the unexpired balance of the term in question. All appointments by the Village President shall be subject to confirmation by the Village Board. All terms shall expire on the date of the first Village Board meeting in April during the final year of any such term.

(3) Members and alternate members of the Board of Review shall serve without salary or other compensation for services rendered to the Board of Review.

(4) The Board of Review shall meet annually any time during the forty five (45) day period beginning the fourth Monday of April, but no sooner than seven (7) days after the last day on which the assessment roll is open for examination under Section 70.45 Wisconsin Statutes. The Board of Review shall meet at the Village Hall. The first meeting of the Board of Review shall not be fewer than two hours between 8:00 a.m. and midnight.

(5) If the business of the Board of Review is not completed during the first meeting, the Board of Review may adjourn from time to time until its business is completed. Written notice

of the time to which the meeting is adjourned shall be posted on the outer door of the place of meeting.

(6) Subject to the further limitations and requirements stated in Section 70.47(7) Wisconsin Statutes only those taxpayers may appeal to the Board of Review who have filed with the Clerk of the Board of Review prior to adjournment of its public hearings written objection to the amount or valuation of property using forms approved by the Wisconsin Department of Revenue.

(7) In order to facilitate the proper exchange and review of information prior to a hearing on an appeal from a taxpayer, the Village Board hereby adopts as the policy that a taxpayer filing an objection and the Assessor for the Village shall exchange any information intended to be presented at hearing on the taxpayer's objection at least forty-eight (48) hours prior to the commencement of the hearing.

1.6 MEETING LOCATIONS. All meetings of the Village Board, Plan Commission, Board of Appeals, Board of Review and any other board, commission or committee of the Village shall be held at the Village Hall, 31275 W. County Road K, Chenequa, Wisconsin 53209 and at such other locations as specified in public meeting notices, including but not limited to virtual meetings via telephone and video conferencing for health and safety reasons subject to the discretion of such board, commission or committee.

1.7 ELIMINATING DUPLICATE TREASURER'S BOND.

(1) **BOND ELIMINATED.** The Village elects not to give the bond on the Village Clerk-Treasurer provided for by Section 70.67(1), Wisconsin Statutes.

(2) **VILLAGE LIABLE FOR DEFAULT OF TREASURER.** Pursuant to Section 70.67(2) Wisconsin Statutes, the Village shall be obligated to pay, in case the Village Clerk-Treasurer shall fail to do so, all taxes of any kind required by law to be paid by such Village Clerk-Treasurer to the County Treasurer.

1.8 PRESERVING AND DESTROYING PUBLIC RECORDS.

(1) Village officers are empowered to destroy the following records under their jurisdiction after the completion of an audit by the department of state audit or an auditor licensed under Chapter 442 Wisconsin Statutes, but not less than seven (7) years after payment or receipt of the sum involved in the applicable transaction:

- (a) Bank statements, deposit books, slips and stubs;
- (b) Canceled checks, duplicates and check stubs;
- (c) License and permit applications, stubs and duplicates;
- (d) Payrolls and other time and employment records;
- (e) Receipt forms; and

- (f) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(2) Village officers are empowered to destroy the following records, but not less than seven (7) years after the record was effective:

- (a) Assessment rolls and related records, including Board of Review minutes;
- (b) Contracts and papers;
- (c) Correspondence and communications;
- (d) Financial reports other than annual financial reports;
- (e) Insurance policies;
- (f) Justice dockets;
- (g) Oaths of office;
- (h) Reports of boards, commissions, committees, and officials duplicated in the official Village Board minutes; and
- (i) Resolutions and petitions.

(3) Prior to the destruction of any public record described above, at least sixty (60) days notice shall be given the state historical society.

(4) This Section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulations.

1.9 OPENING AND CLOSING OF POLLS.

(1) The polls in the Village shall at all elections be opened at 7:00 a.m. and remain open until 8:00 p.m.

(2) Pursuant to Section 7.03(1) Wisconsin Statutes, the Village will allow two (2) or more sets of officials to work at different times on election day and the Village Clerk-Treasurer, or the Village Clerk-Treasurer's designee, may establish different working hours for different officials assigned at the same polling place.

1.10 MUNICIPAL COURT.

(1) MUNICIPAL COURT CREATED.

There is hereby created and established a Municipal Court under the provisions of Chapter 755 Wisconsin Statutes designated as "Municipal Court for the City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of

Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek (Contract Member), Town of Ixonia (Contract Member), Town of Ottawa (Contract Member) and Town of Sullivan (Contract Member)” or so many of those municipalities which enact an ordinance identical to this ordinance pursuant to Section 755.01(4) Wisconsin Statutes.

(2) **MUNICIPAL JUDGE.**

Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following Municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia, Town of Ottawa or Town of Sullivan or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to Section 66.0301 Wisconsin Statutes for the joint exercise of the power granted under Section 755.01 Wisconsin Statutes Such Municipal Judge shall be elected at large in the spring election for a term of four (4) years commencing May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Section 8.10 Wisconsin Statutes, and selection at a primary election if such is held as provided in Section 8.11 Wisconsin Statutes The Town Board of the Village Board shall provide for a primary election whenever three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in Section 8.11(1)(a) Wisconsin Statutes, and such primary election shall be held on the third Tuesday of February as provided in Section 5.02(22) Wisconsin Statutes.

(3) **ELECTIONS.**

The Municipal Clerk of each municipality shall see to the compliance with Sections 5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(bm) to provide for the election of a Municipal Judge under Section 755.01(4) Wisconsin Statutes.

(4) **OATH AND BOND.**

The Judge shall, after such Judge’s election or appointment to fill a vacancy, take and file the official oath as prescribed in Section 757.02(1) Wisconsin Statutes, and at the same time execute and file an official bond in the amount of Five Thousand Dollars (\$5,000). The Judge shall not act until his oath and bond have been filed as required by Section 190.1(4)(c) Wisconsin Statutes and the requirements of Section 755.02(2) Wisconsin Statutes have been complied with.

(5) **SALARY.**

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established the Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during such Judge’s term during which such Judge has not executed an official bond or official oath, as required by Section 755.03 Wisconsin Statutes, and filed pursuant to Section 19.01(4)(c) Wisconsin Statutes The municipalities may by separate

ordinances, resolutions, or through the budget process, allocated funds for the administration of the Municipal Court pursuant to Wisconsin Statutes Section 66.0301 Wisconsin Statutes.

(6) **JURISDICTION.**

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by Section 755.045 Wisconsin Statutes and Section 755.05 Wisconsin Statutes, and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under Section 66.0119 Wisconsin Statutes

(7) **LOCATION AND HOURS.**

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 174 E. Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

(8) **FINES AND FORFEITURES.**

The Municipal Judge may impose punishment and sentences as provided by Section 800.09 Wisconsin Statutes, and as provided in the ordinances of the following municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia, Town of Sullivan or Town of Ottawa. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within seven (7) days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty 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 Chapter 800 Wisconsin Statutes, and, where applicable, other provisions of the Wisconsin Statutes as referred to in subsection (10) below. The Municipal Judge shall establish in accordance with Section 800.037 Wisconsin Statutes, a schedule of deposits for violations of City, Village and Town ordinances, resolutions and by-laws, except traffic regulations which are and shall be governed by Section 345.26 Wisconsin Statutes, and boating violations which are, and shall be governed by Section 23.66 and 23.67 Wisconsin Statutes 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 Ordinance and State Law including, but not excluding because of enumeration Chapters 66, 345, 751, 757 and 800 Wisconsin Statutes.

(11) **CONTEMPT PROCEDURES.**

- (a) The Municipal Judge may impose a sanction authorized under Section 800.12(2) Wisconsin Statutes for contempt of court, as defined in Section 785.01(1) Wisconsin Statutes, in accordance with the procedures under Section 785.03 Wisconsin Statutes.
- (b) The Municipal Judge may impose a forfeiture for contempt under Section 800.12(1) Wisconsin Statutes, in an amount not to exceed Fifty Dollars (\$50) or, upon nonpayment of the forfeiture and the penalty assessment under Section 757.05 Wisconsin Statutes, a jail sentence not to exceed seven (7) days.

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

(13) **CONFLICTING PROVISIONS OF THIS CODE.**

In the event the provisions of this Section shall be inconsistent with the provisions of any other Section of this Code, the provisions of this Section shall take precedence and the inconsistent provisions shall be deemed modified to be consistent herewith.

(14) **SEVERABILITY.**

The several provisions of this Section are declared to be severable. If any provision or portion of this Section shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific provision or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions or portions of this Section. The remainder of this Section shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Section are hereby repealed as to those terms that conflict.

1.11 VILLAGE ADMINISTRATOR.

(1) There is hereby created the office of Village Administrator of the Village.

(2) The Village Administrator shall be appointed by the Village President, subject to the confirmation of the Village Board. The term of the appointment shall be for indefinite duration, but may be terminated at the discretion of the Village, by its President or the Village Administrator for any reason upon thirty (30) days written notice to the other.

(3) The Village Administrator shall be responsible to the Village President and the Village Board and shall have such duties and powers as may be prescribed by the Village Board from time to time.

1.12 VILLAGE FORESTER.

(1) The Village Forester shall direct, control, and regulate the planting, removal, trimming, spraying and otherwise maintain and protect all trees and shrubs in or upon all public areas, public rights of way, tree planting easements, and such areas as may be designated a part of a Village approved forestry program.

(2) The Village Forester shall oversee all trees, plants and shrubs within the Village to prevent the spread of disease, insects or pests. The Village Forester or the Village Forester's authorized representative shall conduct inspections of trees located on private property upon request of the property owner or occupant, upon complaint or if the Village Forester has reasonable cause to believe that diseased trees, pestiferous trees, or trees otherwise injurious to the general tree population or some portion thereof, may exist. The Village Forester or the Village Forester's authorized representative may take necessary samples for examination to determine necessary and/or advisable tree care measures to be taken by the property owner at the property owner's expense; except that the cost of the inspection and examination shall be at the Village's expense.

1.13 CHIEF OF POLICE.

(1) There is hereby created the office of Village Chief of Police.

(2) The Chief of Police shall be appointed by the Village President, subject to the confirmation of the Village Board. The term of the appointment shall be for indefinite duration, but may be terminated at the discretion of the Village by the Village Board or by the Chief of Police, for any reason, upon ninety (90) days written notice to the other.

(3) The Chief of Police shall report to the Village Board, primarily through the Village President and shall have such duties and powers as are set forth in the Rules and Regulations of the Village Police Department adopted by the Village Board and such other duties and powers as may be prescribed by the Village Board from time to time.

(4) The Chief of Police shall cooperate with and work with the Police Commission as directed by the Village Board or by ordinance or otherwise.

1.14 POLICE COMMISSION.

(1) SCOPE OF AUTHORITY.

(a) Pursuant to the powers vested in the Village Board and Sections 61.65(1)(b)(2) Wisconsin Statutes, the Police Commission shall have jurisdiction of the Police Department only as set forth herein.

(b) The Police Commission shall exercise the powers specified in Section 62.13 Wisconsin Statutes, but it does not exercise the "optional powers" specified in Section 62.13(6) Wisconsin Statutes. In addition, the Police Commission shall not have the power to hire or replace the Police Chief as that power is reserved for the Village Board.

- (c) The Police Commission shall establish its own operating rules and hearing procedures, which may be amended at any time.
- (d) All rules and regulations adopted, except as otherwise provided by law, shall be subject to modification or repeal by the Police Commission at any time.
- (e) The rules shall apply to all sworn positions in the Village Police Department, which shall be under the jurisdiction of the Police Commission.

(2) **OFFICERS OF THE POLICE COMMISSION.**

- (a) The Police Commission shall consist of a five (5) member Board appointed by the Village President and confirmed by the Village Board. The Village President shall appoint a Police Commission Chairperson.
- (b) The Police Commission Chairperson as appointed by the Village President, shall hold the office until such Chairperson's replacement is duly appointed by the Village President.
- (c) The Chairperson shall have the responsibility to set the agenda for Police Commission meetings, to preside over Police Commission meetings and disciplinary hearings, to serve as the public spokesperson for the Police Commission, and to take such other action as is necessary to ensure that the duties of the Police Commission are discharged as provided by law.
- (d) The Ex Officio Recording Secretary of the Police Commission shall be the Village Administrator or a designee of the Village Administrator. The Secretary shall legally notice and attend meetings, prepare the minutes, maintain official copies of the minutes after they are approved, and serve as the Police Commission's agent to receive legal process required by law to be filed with the Commission.
- (e) The Police Commission shall elect a Vice Chairperson who shall hold the office until his or her replacement is duly elected by the Police Commission.
- (f) The Vice Chairperson shall preside at Police Commission meetings when the Chairperson is absent.

(3) **MEETINGS OF THE POLICE COMMISSION.**

- (a) The Chairperson shall set the agenda for each meeting and cause it to be included in the notice of meeting. In setting the agenda, the Chairperson shall include any item requested by any member of the Police Commission.
- (b) Public notice of every meeting shall be given pursuant to Section 19.84 Wisconsin Statutes. The notice shall set forth the time, date, place, and

subject matter of the meeting, including that intended for consideration at any contemplated closed session.

- (c) Meetings of the Police Commission are open to the public and all business of the Police Commission shall be conducted in open session, except that the Police Commission may meet in closed session when authorized to do so pursuant to Section 19.85(1) Wisconsin Statutes. The Police Commission may convene in closed session only after approval by majority vote of a motion that specifies the subject matter of the closed session.
- (d) Only duly appointed members of the Police Commission may vote on matters at a Police Commission meeting. Proxy voting is not permitted at meetings of the Police Commission.
- (e) Members of the Commission can meet by telephone conference during deliberations of the Board, pursuant to Section 19.83 Wisconsin Statutes and Section 19.85 Wisconsin Statutes.

(4) **PROMOTIONS.**

The Police Chief shall appoint subordinates subject to approval by the Police Commission. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approved by the Police Commission.

(5) **DISCHARGE, SUSPENSION AND OTHER DISCIPLINE.**

The Police Commission may suspend, reduce in rank, suspend and reduce in rank, or remove a member of the Police Department, pursuant to Section 62.13(5) Wisconsin Statutes, and the rules as adopted by the Police Commission.

(6) **HEARING PROCEDURES.**

The Police Commission will conduct a public hearing pursuant to Section 62.13(5)(d) Wisconsin Statutes and the hearing procedures as adopted by the Police Commission.

1.15 NON-REGULATION OF EMPLOYEE WAGES OR BENEFITS FOR PRIVATE BUSINESSES.

(1) No ordinance of the Village nor any other municipal ordinance, rule, or regulation shall mandate that any business entity, other than the Village itself, shall provide certain wages or benefits to its employees or set forth the amount or type of any employee wages or benefits provided by an employer located within the Village limits.

(2) All ordinances or parts of ordinances contravening the terms and provisions of this Section are hereby repealed.

(3) The terms and provisions of this Section are severable. If any term or provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

1.16 CODE OF ETHICS.

(1) DECLARATION OF FINDINGS.

The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established this Code of Ethics for Village officials. The purpose of this Section is to establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the Village and its residents. The Village Board finds that this Section will help avoid conflicts, will improve standards of public service, and will promote and strengthen the confidence of Village residents in their public officials. This Section is enacted pursuant to the authority set forth in Section 19.59 Wisconsin Statutes.

(2) DEFINITIONS.

The terms used herein shall be defined as follows:

ANYTHING OF VALUE – Any money or property, favor, service, payment, advance, forbearance, loan or promise of future payment, but does not include compensation and expenses paid by the Village, fees and expenses which are permitted and reported under Section 19.56 Wisconsin Statutes, political contributions which are recorded under Chapter 11 Wisconsin Statutes, or hospitality extended for a purpose unrelated to Village business by a person other than an organization.

ASSOCIATED – When used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, severally or in aggregate, at least 10% of the outstanding equity, or of which an individual or a member of his or her immediate family is an authorized representative or agent.

GIFT – The payment or receipt of anything of value without valuable consideration.

IMMEDIATE FAMILY – A local public official's spouse, son, daughter, mother, father, sister, brother, mother-in-law, father-in-law, stepmother, stepfather, stepson, stepdaughter, stepsister, stepbrother, son-in-law or daughter-in-law.

LOCAL PUBLIC OFFICE – Any of the following offices:

A. An elective office of the Village or its government.

B. The Village Administrator.

C. An appointive office or position of the Village government which is filled by the Village Board or the Village President and in which the incumbent serves at the pleasure of the appointing authority, including the Village Forester, Village Clerk-Treasurer, and local building inspectors, but excepting other clerical positions, positions limited to the exercise of ministerial action or positions filled by an independent contractor.

D. An appointive office or position of the Village government in which an individual serves for a specified term, except for a position limited to the exercise of ministerial action or a position filled by an independent contractor.

E. A position of department head for the Village, which includes all program directors and administrators who supervise and implement their respective programs and report directly to the Village Board.

LOCAL PUBLIC OFFICIAL – An individual holding a local public office.

(3) **STANDARDS OF CONDUCT.**

(a) The Village Board recognizes that:

- (i) In a representative democracy its leaders are drawn from the very society that they serve; therefore, they cannot and should not be expected to be without any personal or economic interest in the decisions and policies of government;
- (ii) Citizens who serve as local public officials retain their rights as citizens to interests of a personal and economic nature;
- (iii) The standards of ethical conduct for local public officials need to distinguish between minor and inconsequential conflicts that are unavoidable in a free society and those conflicts which are substantial and material; and
- (iv) Local public officials may need to engage in employment, professional or business activities other than official public duties in order to support themselves or their families and to maintain a continuity of professional business activity or may need to maintain investments; however, such activities or investments must not conflict with the specific provisions of this Section.

(b) This Section does not prevent a local public official from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge of his or her duties as a local public official.

(4) **OFFER OR ACCEPTANCE OF GIFTS; OVERNIGHT TRAVEL WITH
VENDOR.**

No person may offer to give a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. An item offered or received with a fair market value greater than \$10 shall give rise to a rebuttable presumption that the item could reasonably be expected to influence the local public official or be considered a reward. Any overnight trip, regardless of its purpose, taken by a local public official with a vendor doing business with the Village is prohibited unless prior approval by the Village Board of the local public official is received.

(5) **EXAMPLES OF PROHIBITED GIFTS.**

By way of illustration and not limitation, the following gratuities shall be considered anything of value, the receipt of which by a public official may be in violation of subsection 4 above. These are examples only, and receipt of any other gratuities of like value are also prohibited. Examples are food and/or drink offered in connection with meetings concerning Village government, bottles of liquor, turkeys and meals.

(6) **EXAMPLES OF PERMISSIBLE GIFTS.**

For the purpose of illustration and not limitation, the following items shall not be deemed to be anything of value for purposes of subsection 4 above. These are examples only, and other gratuities of like value may also be acceptable. Examples are promotional items of small value with advertising prominently displayed, such as baseball caps, calendars, pens, pencils and ash trays.

(7) **CONFIDENTIAL INFORMATION.**

No local public official shall use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person if such information has not been communicated to the public or is not public information.

(8) **USE OF VILLAGE PROPERTY.**

No local public official shall use or permit the use of any Village property for personal convenience, use or profit.

(9) **EQUAL TREATMENT.**

No local public official shall grant special consideration, treatment or advantage to any person.

(10) **CONFLICT OF INTEREST; EXCEPTION.**

- (a) Except as otherwise provided in subsection 4 above, no local public official may:

- (i) Take an official action affecting a matter in which the official, a member of his or her immediate family or an organization with which the official is associated has a substantial financial interest.
 - (ii) Use his or her office or position in a way that produces or assists in the production of financial gain or a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family, whether separately or together, or an organization with which the official is associated.
 - (iii) Use or attempt to use his or her public position to influence or gain unlawful advantage or privileges for himself or herself or others.
- (b) This Section does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses nor does it prohibit a local public official from taking official action with respect to any proposal to modify Village law so long as the requirements of subsection 12 below are observed. This Section does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Chapter 11 Wisconsin Statutes.

(11) **PUBLIC CONTRACTS.**

No local public official shall violate Section 946.13 Wisconsin Statutes, titled "Private interest in public contract prohibited."

(12) **DISCLOSURE OF INTEREST IN LEGISLATION.**

Any local public official who has a financial interest or personal interest in any proposed legislation before the Village Board or a constituent committee shall disclose on the record of the Village Board or the constituent committee the nature and extent of such interest.

(13) **ETHICS DECISIONS.**

The Village Board shall review and decide upon the ethics issues regulated under this Section in the manner set forth in subsection 14 below. In the event a Village Board Trustee is involved in an ethical issue that is before the Village Board for review and decision, such individual shall be excluded from voting and deciding on the matter.

(14) **ENFORCEMENT; VIOLATIONS AND PENALTIES.**

- (a) Complaint. Anyone desiring to report an alleged violation of this Section shall submit a verified complaint to the Village Board.
- (b) Investigation. Investigation of an alleged violation of this Section following submission of a verified complaint shall be conducted by the Village Board if the Village Board first finds that the complaint sets forth a probable

violation. Once the Village Board determines that the complaint sets forth a probable violation, it shall continue to investigate the complaint as necessary and:

- (i) Cause notice to be given to the subject of the complaint. Such notice shall specify the charges against the subject as well as a notice that the subject may file a written statement of his or her response to the complaint.
- (ii) Schedule and hold hearings on the complaint, if and as necessary.
- (iii) Hear the subject's position and the testimony of witnesses, if any.
- (iv) Permit the subject and the complainant to call such witnesses as either desires and to cross-examine the witnesses of the other.
- (v) Consider the evidence presented and make findings thereon.
- (vi) By the Village Board President, make rulings on motions and objections made by any party in such a manner as to assure due process protection to the parties.
- (vii) Based upon the evidence presented to it, determine whether or not to seek imposition of a forfeiture.
 - (a) If a forfeiture is deemed advisable, the Village Board may direct the Village Attorney to start action in the name of the Village against the violator. When deciding to seek imposition of a forfeiture, the Village Board shall, at the time of notifying the Village Attorney, serve notice by mail upon the subject to the effect that a forfeiture will be sought against the subject, specifying the amount and that court action may be avoided if the amount specified is paid within thirty (30) days of the date of the notice. If a person against whom the Village Board decides to seek imposition of a forfeiture fails to pay the amount specified by the Village Board within thirty (30) days of the date of the notice, the Village Attorney shall initiate an action for the collection of the forfeiture in Circuit Court.
 - (b) If the Village Board determines that a violation of this Section occurred but it does not desire to seek a forfeiture, the Village Board may take other appropriate action as it sees fit. Other appropriate action may include issuing a written warning setting forth the specified violation. A violation of any provision of this Section may constitute a cause for suspension or removal from office or employment. Any Village Board member who is found to have violated any

provision of this Section, in addition to any other penalties as prescribed herein by law, may be required to forfeit any per diem payments otherwise due and owing if the violation occurred during an event or meeting at which that member conducted or engaged in official Village business.

- (c) Penalty. For each violation of a provision of this Section for which no penalty is specified, the violator shall forfeit not less than \$100 nor more than \$1,000 for each offense.
- (d) Executive session. Pursuant to Section 19.85(1)(a), (b) and (f) Wisconsin Statutes, the Village Board shall conduct its hearing in executive session unless the subject requests an open hearing.
- (e) Records. All records of the Village Board relating to enforcement of this Section shall be closed to public investigation until a determination has been made by the Village Board, pursuant to this Section, that a violation of this Section has occurred. If the recommended discipline is a written warning, the Village Board shall further determine whether or not said warning shall be a public or private reprimand. All determinations by the Village Board as to public reprimands or warnings, or requests for forfeiture actions against a Village official or employee, shall be open records and accessible to the public.

(15) **ADVISORY OPINIONS.**

Any person subject to the provisions of this Section may at any time request the Village Board to issue an advisory opinion as to the applicability of this Section to any given set of facts. Such request shall be as detailed as possible and shall be in writing. The Village Board may request legal assistance from the Village Attorney, if necessary. Advisory requests and opinions shall be kept confidential, except where disclosure is authorized by the subject of the inquiry, in which case the request and opinion may be made public.

SECTION 2. SEVERABILITY

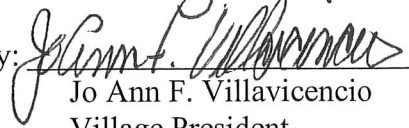
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Dated: November 9, 2020.

VILLAGE OF CHENEQUA

By: 
Jo Ann F. Villavicencio
Village President

Attest:


Pamela Ann Little
Village Clerk-Treasurer

Date Adopted: November 9, 2020

Date Published: November 18, 2020

Effective Date: November 19, 2020