

# CHAPTER 1

## GENERAL GOVERNMENT

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GENERAL PROVISIONS AS TO OFFICIALS

- 1.01 ELECTED OFFICIALS. The elected officials of the Village shall be 5 Trustees, one of whom shall be Village President, The Village President and 2 Trustees shall be elected in odd-numbered years, and the other 2 Trustees shall be elected in even-numbered years. All elected officials shall serve 2-year terms.
- 1.02 APPOINTED OFFICIALS. The following shall be the appointed officials of the Village who shall be appointed in the manner and for the term indicated below.

<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
Health Officer	Village Board	2 years
Fire Chief/Fire Inspector	Village Board	2 years
Assistant Fire Chief (s)	Fire Chief	2 years
Board of Appeals	Village Board	2 years in rotation
Appeals Chairman	Village President	2 years

- 1.03 HIRED PERSONNEL. The Village Board is responsible for hiring general personnel over and above those listed above as appointed officials, including a Village Clerk, Treasurer, Administrator/Zoning Administrator, Maintenance or other personnel as necessary. The Wastewater Committee is responsible for hiring personnel for the Wastewater Treatment Plant operations.
- 1.04 OATHS AND BONDS. Elected and appointed officials shall take and file the official oath within 5 days of notice of their election or appointment as provided in 61.21 Wisc. Stats., and shall execute and file the official bond as required by State Statute and this Municipal Code.
- 1.05 REMOVALS. (1) ELECTED OFFICIALS. Elected officials may be removed by the Village Board as provided in 17.13 (2) Wisc. Stats., or by the judge of the circuit court for cause pursuant to 17.13 (3) Wisc. Stats. or as provided by 17.16, Wisc. Stats.
  - (2) APPOINTED OFFICIALS. Appointed officials may be removed as provided in 17.13 (1), 17.13 (3) and 17.16 Wisc. Stats.
- 1.06 VACANCIES. (1) HOW OCCURRING. Vacancies in elective and appointed positions are caused as provided in 17.03 and 17.035, Wisc. Stats.
  - (2) HOW FILLED. (a) Elected officials. A vacancy in any elective office shall be filled by appointment of a majority of members of the Village Board. A trustee may be appointed to fill an unexpired term of a vacating Village President.
  - (b) Appointed officials. A vacancy in appointed office shall be filled in the same manner as the original appointment to such office.
- 1.07 SALARIES. The salaries of all elected and appointed officials, including members of Boards and Commissions, shall be determined by the Village Board from time to time, provided the salary of the President and members of the Board shall not be increased or decreased during their terms of office (see 66.196 Wisc. Stats.).

1.08 RECEIPT OF GIFTS AND GRATUITIES--RESTRICTED. No Village 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:

- (1) Has or is seeking to obtain contractual or other business or financial relationships with the Village or Village Board;
- (2) Conducts operations or activities which are regulated by the Village or Village Board; or
- (3) Have interests which may be substantially affected by the Village or Village Board.

1.09 DEFENSE OF OFFICIALS. The Village board may, by resolution, authorize the Village Attorney to defend actions brought against any officer or employee or any board or commission growing out of acts done in the course of their employment or of any alleged breach of duty as such officer or employee, excepting any actions brought to determine the right of such officer or employee to hold or retain his office or position and excepting also actions brought by the Village against any officer or employee thereof.

1.10 CODE OF ETHICS. (1) APPLICABILITY. This Code of Ethics shall apply to all officials and employees of the Village.

- (2) CONFLICT OF INTEREST. (a) No elected or appointed official of the Village shall sell or tender goods or services to the Village in excess of \$2,500 in any calendar year.
- (b) Exclusive of salary or wages paid for regular employment, no Village employee shall sell or tender goods or services to the Village in excess of \$2,500 in any calendar year.
- (c) No elected or appointed official shall deliberate or vote upon any Village property acquisitions, projects, services, Village ordinance changes, zoning amendments, or any Village matter in which he or she has a direct economic interest. Nor shall they address orally or in writing any Village meeting, sub-committee, or body on any subject in which they have a direct economic interest unless they disclose said interest and emphasize they are speaking as a private citizen.
- (d) SELF-RECUSAL. In the interests of good government, any appointed or elected official shall recuse themselves from any decision-making process if they believe their participation will have the appearance of impropriety. No official need state the reason for self-recusal.
- (e) MANDATORY RECUSAL. Any elected or appointed official wishing to address - in the public hearing portion of a meeting - the body to which he or she is appointed or elected on any matter in which he or she has a direct economic interest shall recuse themselves 48 hours prior to the meeting, by notice to the Chair or if they be the Chair, another presiding officer.
- (f) Elected and appointed officials are expected to live up to the trust placed in them by the citizens of the Village. They are expected to uphold and enforce the ordinances of the Village, as well as county and State law.
- (g) Any alleged violation of this ordinance shall be referred to the Village Attorney, who shall determine whether probable cause exists to proceed.

1.11 Disposal of Surplus Municipal Property – *Passed April 11, 2005*

- A. Property which is determined by the department supervisor and, as appropriate, the Wastewater Committee, Coastal Management Committee or Village Board to be of such character or condition as to have a market or commercial value of less than one thousand dollars (\$1,000) and to be surplus, excess or otherwise unsuited for that department or other Village departments' purposes shall be sold on the basis of posting in the three locations used for meeting posting and on the website for a period of two weeks prior to disposal.
- B. Property satisfying the other criteria above but which is determined to have a market or commercial value of one thousand dollars (\$1,000) or more shall be disposed of by the method above and, in addition, publication in the Door County Advocate, Door reminder or appropriate trade paper after approval of the Village Board.
- C. The proceeds of any sale under this section shall be deposited by the Village treasurer to the respective departmental accounts, and notification of sale along with a description of the property, date and method of sale, and consideration received shall be given to the Village Administrator/Clerk for proper accounting.

OFFICIALS

- 1.15 VILLAGE PRESIDENT AND TRUSTEES. (1) VILLAGE BOARD. The Village Board shall consist of 5 Trustees, one of whom shall be the Village President (see 61.20 (4), Wisc. Stats.).
- 1.151 POWERS OF THE VILLAGE PRESIDENT. The President shall be by virtue of his office a Trustee and preside at all meetings of the Board and have a vote as Trustee, sign all ordinances, rules, bylaws, regulations, commissions, licenses and permits adopted or authorized by the Board and all orders drawn on the treasury except as provided by 66.0607 Wisc. Stats. He shall maintain peace and good order, see that the ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity, appoint as many special marshals as he shall deem necessary (61.24 Wisc. Stats). He may not perform any official duty while absent from the Village (State ex rel. Emberson v. Byrne).
- 1.152 POWERS OF THE VILLAGE BOARD. Except as otherwise provided by law, the Village Board shall have the power and authority to manage and control Village property, services and all public functions pertaining to the health, welfare and convenience of its citizens and to that end, it shall be responsible for the enforcement of the laws and regulations of the State and of this Code of Ordinances (see 92.115 Wisc. Stats.). Other Board duties as regards finances, property acquisition, etc. as designated in 92.115 Wisc. Stats. shall be included herein by reference.
- 1.16 ZONING ADMINISTRATOR. See Chapters 14, 17 and 18 of this Code of Ordinances for duties and responsibilities.
- 1.17 EMERGENCY GOVERNMENT DIRECTOR. The Emergency Government Director shall work with the corresponding officers of the County and State. (see Chapter 166, Wisc. Stats.)
- 1.18 HEALTH OFFICER. See Chapter 11 of this code of Ordinances for duties and responsibilities.
- 1.19 ASSESSOR. Pursuant to 61.195, 61.197(1)(F) and 66.01, Wisc. Stats., the Village elects not to be governed by those portions of 61.9 and 61.23, Wis. Stats., relating to selection and tenure of the

Assessor and which are in conflict of this section. Section 61.27, Wisc. Stats. shall control the selection.

- 1.20 FIRE CHIEF AND FIRE INSPECTOR. (1) APPOINTMENT. The Fire Chief shall be appointed for a 2-year term, subject to removal for cause by a 3/4 vote of the members of the Village Board, unless his services are sooner terminated by resignation, death, or change of residence to outside the Village limits.
- (a) The Fire Chief shall notify his assistant of the time and possible duration of any contemplated absence from the Village.
- 1.21 SPECIAL POLICE OFFICERS. (1) MEMBERS OF THE VILLAGE BOARD. The Village President and Trustees shall have and exercise the powers of peace officers and may summarily suppress any riotous or disorderly conduct in the streets or public places of the Village (per 61.31 (1) Wisc. Stats.)
- (2) CHIEF AND ASSISTANT CHIEFS OF THE FIRE DEPARTMENT. The Chief and Assistant Chiefs of the Fire Department shall have the authority to suppress any tumult or disorder and to order all individuals to leave the neighborhood of any fire and to command from all inhabitants of the Village all needful assistance for the suppression of fire (per 213.095 Wisc. Stats.).

#### BOARDS, COMMITTEES AND COMMISSIONS

\* Note that where "citizens" or "citizen members" are mentioned, this shall be interpreted as property taxpayers and/or registered voters. From time to time as deemed necessary and because of specific expertise, non-citizens may be asked to join a committee or focus group but will act as ad hoc, non-voting members. Wherever possible, the majority of members on each committee shall be registered voters.  
*Added 08/13/07*

#### 1.30 BOARD OF REVIEW.

- (1) HOW CONSTITUTED. The Board of Review shall be composed of 7 members as follows: the Village President, 4 Trustees, Treasurer and Clerk. The Village President, by virtue of his office, shall be chairman of the Board of Review. The Village clerk, by virtue of his/her office, shall be recording secretary.
- (2) ASSESSOR. The Village Assessor shall not be a member of the Board of Review but shall attend its meetings.
- (3) QUORUM. Five members of the Board of Review shall be a quorum of the Board.
- (4) POWERS AND DUTIES. See Section 3.02(3) of this Code.

#### 1.31 PLAN COMMITTEE (*make up is by Wisc. Stats.*)

- (1) COMPOSITION AND TERMS (a) The Plan Committee shall consist of the Village President, who shall be its presiding officer, a trustee and 5 citizens. The Committee at all times shall have at least 7 members. , ~~3 citizens, the president of the Park Board and the Village engineer. If the Village has no engineer or Park Board, additional citizen members shall be appointed so the Committee at all times has at least 7 members.~~ *Adjusted Sept 14, 2009*
- (b) The trustee member shall be elected by a 2/3 vote of the Village Board upon creation of the Committee and each May thereafter.

- (c) Citizen members shall be persons of recognized experience and qualifications. One citizen member shall be appointed by the President in May of each year to a three-year term.
- ~~(d) The additional citizen members, if any, shall be appointed annually in May. Whenever a Park Board is created or a Village Engineer appointed, the President of the Park Board or Village Engineer shall succeed to a place on the Commission when the term of the additional citizen member(s) expires. *Removed July 13, 2009*~~
- (3) **POWERS AND DUTIES.** The Committee shall have the powers and duties prescribed in Wisc. Stats. 62.23, and in this Municipal Code and other such powers and duties as shall be vested in them from time to time by law or the Village Board.

They shall also have the responsibility of affirming the goals of Village-adopted plan, including the Coastal Management Plan of 1985, Comprehensive Plan of 1998, ~~and~~ Mead & Hunt Engineering Plan, and the Smart Growth Plan through appropriate actions within the Plan Committee and in coordination with other Village committees and commissions. *Amended 08/13/07*

1.32 **BOARD OF APPEALS** (make up is by Wisc. Stats.)

- (1) **HOW CONSTITUTED.** The Board of Appeals shall consist of 5 members and 2 alternates. One shall be chairman. All shall be permanent residents of the Village.
- (2) **APPOINTMENT.** At the May session of the Village Board, successors to the members whose terms expire in that year shall be appointed by the Village Board to serve terms beginning the succeeding first day of June.
- (3) **POWERS AND DUTIES.** As described in Wis. Stats. 62.23.

1.33 **LIBRARY COMMITTEE.**

- (1) **HOW CONSTITUTED.** The Library Committee shall consist of *at least* 5 citizen members, one of which shall be the Ephraim Librarian. One shall serve as Chairman. All shall serve a three-year term. *Amended 08/13/07*
- (2) **APPOINTMENT.** At the May session of the Village Board, successors to the members whose terms expire in that year shall be appointed by the Board to serve terms beginning the succeeding first day of June. The Representatives appointed will also serve as the appointees to the Village of Ephraim Library Fund, Inc.
- (3) **POWERS AND DUTIES.** Their powers and duties shall include, in addition to internal Library responsibilities, coordination of the Village's contractual obligations with the Village Physical Properties Committee and making budgetary requests to that Committee by September 1 of each year. The representatives will carry out all duties outlined in the Village of Ephraim Library Fund, Inc. Bylaws.

1.34 **AIRPORT COMMITTEE**

- (1) **HOW CONSTITUTED.** The Ephraim-Gibraltar Airport is administered-jointly by the Ephraim and Gibraltar Boards, there also being an Ephraim-Gibraltar Commission consisting of four members appointed for three years each, each municipality being represented by 2 members.
- (2) **APPOINTMENT.** At the May session of the Village and Town Boards, successors to the members whose terms expire in that year shall be appointed to serve terms beginning the succeeding first day of June.

- (3) POWERS AND DUTIES. Their powers and duties shall include, among other responsibilities, making budgetary recommendations to the Ephraim and Gibraltar Boards by September 1 of each year.

1.35 MARINAS & MOORINGS (renamed from Coastal Management).

- (1) HOW CONSTITUTED. The Marinas & Moorings Committee shall consist of **5 members**, the chairman and one other member of which may be a Village Trustee. The remaining members shall be citizens. Citizen members shall serve a three-year term; for continuity, Trustee members may serve up to the term limits as noted below.
- (2) APPOINTMENT. At the May session of the Village Board, successors to the members whose terms expire in that year shall be appointed by the Village Board to serve terms beginning the succeeding first day of June.
- (3) POWERS AND DUTIES. The Committee shall have responsibility for marina operations at Firehouse and Anderson Dock slips, the Village mooring area, dredging and water ways. Their duties shall also include recommendation and implementation regarding observance of Village or National celebrations, including cooperation with other Village organizations. Their powers and duties shall include making budgetary recommendations to the Village Board by September 1 of each year.

1.36 PHYSICAL FACILITIES AND UTILITIES

- (1) HOW CONSTITUTED. The Physical Facilities and Services Committee shall consist of 5 members, the chairman and one other member of which shall be Village Trustees. The remaining members shall be ~~permanent~~ citizens. Citizen members shall serve a three-year term; for continuity, Trustee members may serve up to the term limits as noted below. *Removed 08/13/07*
- (2) APPOINTMENT. At the May session of the Village Board, successors to the members whose terms expire in that year shall be appointed by the Village Board to serve terms beginning the succeeding first day of June.
- (3) POWERS AND DUTIES. The Committee shall have responsibility for *Village Park and recreation properties and facilities, including but not limited to the Wetland preserve, the Village beach, Village Hall Park, Olson Park, Village owned tennis courts and playground areas, Visitor's center beach area, bicycle and walking paths and waysides*. Village-owned buildings as to maintenance, repair and upkeep, as well as direction of road upkeep and repair, brush and snow removal, reconstruction of roads and bridges, and street signage. *Added September 14, 2009*
- They shall also have the responsibility of overseeing dump and recycling services and recommendation regarding utilities owned by others but operating within the Village (cable service, cell phone service, phone and electric) as it may apply to contracts, underground facilities, and location of pedestals, towers or other service facilities. Their powers and duties also include making budgetary recommendations to the Village Board by September 1 of each year.

1.37 COMMUNITY PROTECTION COMMITTEE

- (1) HOW CONSTITUTED. The Community Protection Committee shall consist of 5 members, including the Fire Chief. The chairman of the committee shall be a Village Trustee.
- (2) APPOINTMENT. At the May session of the Village Board, successors to the members whose terms expire in that year shall be appointed by the Village Board to serve terms beginning the succeeding first day of June.
- (3) POWERS AND DUTIES. The Community Protection Committee shall have under its responsibility the Volunteer Fire Department, any public or Village safety concerns, and shall make budgetary recommendations to the Village Board by September 1 of each year. This committee shall have the responsibility of overseeing the Water Rescue program within the Village. It shall make recommendations to them for allocation of Fire Funds for financing and maintaining the program.

*Passed 8/10/09*

1.38 ~~WATER RESCUE COMMITTEE.~~

- ~~(1) HOW CONSTITUTED. The Water Rescue Committee shall consist of four members, including the Fire Chief and Village Harbormaster.~~
- ~~(2) APPOINTMENT. At the May session of the Village Board, successors to the members whose terms expire in that year shall be appointed by the Village Board to serve terms beginning the succeeding first day of June.~~
- ~~(3) POWERS AND DUTIES. This committee shall have the responsibility of overseeing the Water Rescue program within the Village. It shall coordinate its activities with the Community Protection Committee and make recommendations to them for allocation of Fire Funds for financing and maintaining the program.~~ *Removed from Ordinance August 10<sup>th</sup>, 2009*

1.39 FINANCE COMMITTEE.

- (1) HOW CONSTITUTED. The Finance Committee shall consist of the members of the Village Board. Ad hoc members of the Committee shall be the Village Treasurer and Village Clerk by virtue of their statutorial responsibilities.
- (2) POWERS AND DUTIES. The Finance Committee/Board shall discuss on a quarterly basis the overseeing of Village investments, indebtedness and general financial direction of Village funds. They shall receive by September 15 of each year proposed budgets for the upcoming year, and after consultation with Village committee chairs responsible for said recommendations, with overall recommendation by October 30 of each year. See Chapter 3, Finance and Taxation, for further delineation of their duties.

1.40 HISTORIC PRESERVATION COMMITTEE

- (1) HOW CONSTITUTED. The Historic Preservation Committee shall consist of 5 *citizen* members, one of which shall be a member of the Plan Committee. Other members shall be as described in Chapter 13, 17.15(13)(d)(2)(b) Historic Preservation Committee. *Added 08/13/07*
- (2) APPOINTMENT. At the May session of the Village Board, successors to the members whose terms expire in that year shall be appointed by the Village Board to serve terms beginning the succeeding first day of June.



(3) POWERS AND DUTIES. As delineated in Chapter 13, 17.26(13)(d)(3), HPC Powers and Duties.

1.41 PERSONNEL COMMITTEE.

(1) HOW CONSTITUTED. The Committee shall consist of the five members of the Ephraim Village Board.

(2) POWERS AND DUTIES. The Personnel Committee has the responsibility of overseeing the administration of the Personnel Handbook as it relates to policies, procedures, employee discipline and grievances. Their duties shall also include changes in personnel policy and benefits, salary ranges, and other Village personnel related issues. (6/03)

1.42 WASTEWATER COMMITTEE

See Municipal Utilities, 13.03 Wastewater Utility Committee.

1.43 SPECIAL COMMITTEES. Special committees or shorter-term focus groups may be appointed from time to time to investigate study and report on any matter in which the Village Board is interested. They may include property owners who are not electors in the Village in cases where they may be specially qualified in the subject under investigation. The terms of office shall be determined by the Village Board at the time of the creation of each such committee.

1.44 TERM LIMITS. ~~In order to sustain the vitality and a fresh perspective of committees, †~~ The service of any one individual shall be limited to ~~six consecutive years~~ *two terms* on any given committee; ~~under extraordinary circumstances, a committee member may be reappointed for one additional term~~ *only by ¾ vote of the Village Board Amended 08/13/07*

## ELECTIONS

1.45 QUALIFICATION. The qualifications for voting in the Village shall be those set forth in 6.02-~~6.22~~, 6.25, Wis. Stats., and those sections are hereby adopted by reference as part of this Code of Ordinances. A copy of such sections of the Wisconsin Statutes shall be posted in the polling place. *Amended 09/11/06*

1.46 ELECTION OFFICIALS. Election officials shall familiarize themselves with the statutory provisions in ~~1.30~~ Wisc Stats. 6.30 *Amended 09/11/06*

1.47 REGISTRATION. (1) The Village Board elects to require registration of qualified electors for all primaries and elections.

(2) Electors shall register by mail no later than the 2<sup>nd</sup> Wednesday 20<sup>th</sup> day preceding an election if they are registering for the first time. New electors may register in person at the office of the Village Clerk or at the polling place through closing of the polls at 8 p.m. on the day of the election ~~or at any other location designated by him not later than 5 p.m.~~ *Amended 09/11/06*

1.48 VIOLATIONS AND PENALTIES. See 12.60, Wisc. Stats.