

VILLAGE OF MAZOMANIE

ORDINANCE 2024-1

AMENDING CHAPTER 94 OF THE CODE OF ORDINANCES TO INCLUDE THE VILLAGE ADMINISTRATOR

WHEREAS, Village Staff recommends amending Chapter 94 of the Code of Ordinances to include the Village Administrator; and

WHEREAS, the Village Board finds the recommended amendments to be in the public interest.

NOW THEREFORE, the Village Board of the Village of Mazomanie, Dane County, Wisconsin, do ordain as follows:

SECTION 1. Chapter 94 of the Code of Ordinances is hereby amended as set forth in Exhibit A.

SECTION 2. All other provisions of the Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION 3. This ordinance shall take effect upon passage and publication as provided by law.

The above foregoing ordinance was duly adopted at a meeting of the Village Board on the 27th day of February, 2024.

BY THE ORDER OF THE VILLAGE BOARD

By: 
Gary Harrop, Village President

2/27/2024
Date

Attest: 
Angie Volkman, Village Clerk/Treasurer

3/6/2024
Date

Incorporated by Reference:

Exhibit A: Chapter 94

EXHIBIT A

CHAPTER 94. Officers and Employees

SEC. 94-1 General provisions.

- A. Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law, and, except as to the Village President, shall perform such duties as shall be required of them by the Village Board. Officers whose powers and duties are not enumerated in Ch. 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- B. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- D. Whenever a Village official in his official capacity proceeded against or obliged to proceed before any court, board or commission to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorney fees.

SEC. 94-2 Administrator.

- A. Appointment; term. The office of Village Administrator shall be an appointive office. The Village Administrator shall be appointed by a majority vote of all of the members of the Village Board and shall hold office for an indefinite term. The acts of the Village Administrator shall be covered by official bond as the Village Board shall direct.
- B. Duties. The Village Administrator shall oversee all Village financial functions and be responsible for monitoring budgeted expenditures. The Village Administrator shall serve the Village Board in the development and implementation of its legislative policies, economic development and business development.

SEC. 94-3 Clerk-Treasurer.

- A. Declaration of exemption from certain statutes. Pursuant to §§ 61.195, 61.197 and 66.0101, Wis. Stats., the Village elects not to be governed by §§ 61.19 and 61.25(2), Wis. Stats., insofar as they relate to the selection and tenure of the Clerk-Treasurer by election, to the extent that such sections are in conflict with this section.

- B.** Creation of consolidated office. The Village hereby elects, pursuant to § 61.195, Wis. Stats., that the offices of Village Clerk and Village Treasurer of the Village shall be combined and that the official to perform the duties of such office after its combination and merger shall be selected as herein provided.
- C.** Appointment; term. The office of Clerk-Treasurer shall be an appointive office. The Clerk-Treasurer shall be appointed by a majority vote of all of the members of the Village Board and shall hold office for an indefinite term, subject to removal as provided in § 17.13(1), Wis. Stats.
- D.** Duties.
 - (1) Such person appointed to perform the duties of the combined offices shall perform all duties required of both offices as provided by law and such other duties as are requested to be executed by such person by the Village Board from time to time, as well as such other and further duties with reference to the operation of and administration of the Village utilities.
 - (2) In addition to the duties enumerated in § 61.25, Wis. Stats., the Village Clerk-Treasurer shall keep such books as shall be deemed necessary by the Public Service Commission of Wisconsin and the Village for the records of the utilities of the Village.

SEC. 94-4 Deputy Clerk-Treasurer.

The office of Deputy Clerk-Treasurer shall be an appointive office. The Deputy Clerk-Treasurer shall be appointed by a majority vote of all of the members of the Village Board and shall hold office for an indefinite term. The Deputy Clerk-Treasurer shall act under the Clerk-Treasurer's direction and during the temporary absence or disability of the Clerk-Treasurer or during a vacancy in such office shall perform the duties of Clerk-Treasurer. The acts of the Deputy shall be covered by official bond as the Village Board shall direct.

SEC. 94-5 Attorney.

- A.** Appointment. The Village Attorney is an appointed position. The Village President shall annually appoint a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney's term shall commence on the first day of January succeeding his appointment and he shall serve at the pleasure of the Board.
- B.** The Village Attorney shall have the following duties:
 - (1) The Attorney shall conduct all of the law business in which the Village is interested.

- (2) He shall, when requested by Village officers, give oral or written legal opinions directed to such Village officials as directed.
 - (3) He shall draft ordinances, bonds and other instruments as may be required by Village officers.
 - (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
- C. The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
- D. The Village Attorney shall perform such other duties as provided by state law and as designated by the Village Board.

SEC. 94-6 Chief of Police.

A. Appointment.

- (1) The Chief of Police shall be appointed by the Police Commission. The Chief of Police shall hold office during good behavior, subject to suspension or removal pursuant to state law. The Chief of Police shall serve a probationary period of one year, unless otherwise approved for a different period by the Police Commission, or if extended for a just cause by the Police Commission. During the probationary period, the Police Commission may, at its option, lay off or terminate, with or without cause, said probationary employee without recourse to any grievance and arbitration procedures.
- (2) The compensation to be paid the Chief of Police for his services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Police Commission from time to time.

B. General duties.

- (1) The Chief of Police shall have command of the Police Department. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by laws of the state and the ordinances of the Village and shall obey all lawful written orders of the Village President, Village Board or Police Commission.
- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the

Village engaged in any disturbance of the peace or violating any law of the state or ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.

SEC. 94-7 Fire Chief.

A. Appointment. The Fire Chief shall be selected according to the bylaws of the Fire Department serving the Village.

B. Powers and duties of Chief.

- (1) The Chief shall have general supervision of the Department, subject to this chapter and the bylaws of the Department, and shall be responsible for the personnel and general efficiency of the Department.
- (2) It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this chapter and the bylaws.
- (3) It shall be the duty of the Chief or ranking officer of the Department to be present at all fires, to have complete command of and entire responsibility for all fire-fighting operations, to plan the control of the same, to direct the action of the company when it arrives at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
- (4) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (5) He shall keep a fire record book of every fire to which the Department was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on the building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

SEC. 94-8 Assessor.

A. Pursuant to §§ 61.195, 61.197 and 66.0101, Wis. Stats., the Village hereby elects not to be governed by those portions of §§ 61.19 and 61.23, Wis. Stats., which relate to the selection and tenure of the Village Assessor and which are in conflict with this section.

B. Hereafter, instead of being elected, the Assessor or assessing firm shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of

the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under § 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under § 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under § 73.09, Wis. Stats. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

- C. The Assessor shall have a one-year term of office, subject to removal under § 17.14(1), Wis. Stats.
- D. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor, it shall be held by the Assessor on a confidentiality basis, except, however, that the 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(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per § 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.

SEC. 94-9 Weed Commissioner.

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the Village Clerk-Treasurer, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

SEC. 94-10 Building Inspector.

A. Position created.

- (1) There is hereby created the position of Building Inspector who shall be appointed by the Village President, subject to confirmation by the Village Board. His appointment shall continue during good behavior and satisfactory service. The Building Inspector shall be fully certified by the State of Wisconsin to enforce the One- and Two-Family Building Dwelling Code. There may also be a Deputy Building Inspector.

- (2) During the temporary absence or disability of the Building Inspector, the Deputy Building Inspector shall designate an Acting Building Inspector.
- (3) The manner and amount of compensation to be paid to the Building Inspector shall be fixed by the Village Board.

B. Powers and duties.

- (1) It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to building permits and zoning.
- (2) The Building Inspector shall make all inspections necessary for compliance and enforcement of the Zoning Code.
- (3) The Building Inspector shall have the power to order all work stopped on construction, alteration or repair of buildings in the Village when such work is being done in violation of any Village ordinance. Work shall not be resumed after the issuance of such an order except on written permission of the Inspector.
- (4) The Building Inspector or his designee shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. He shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.

C. Right of entry. The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

SEC. 94-11 Librarian.

The Librarian shall be the chief administrative officer of the Mazomanie Public Library. The Librarian shall be appointed by the Village of Mazomanie Library Board. Such Librarian shall appoint such assistants and employees as authorized by the Library Board.

SEC. 94-12 Eligibility for office.

- A.** No person shall be elected by the people to a Village office who is not at the time of his election a citizen of the United States and of this state and an elector of the Village and, in case of a ward office, of the ward and actually residing therein.
- B.** An appointee of the Village President, required to be confirmed by the Village Board, who shall be rejected by the Board shall be ineligible for appointment to the same office for one year thereafter.

SEC. 94-13 Oaths of office.

- A.** Requirement. Within five days after the election or appointment of any Village officer, the Village Clerk-Treasurer shall notify the person so selected thereof. Every person elected or appointed to the office of Village President, Trustee, Municipal Judge and Clerk-Treasurer shall, within five days after notice thereof, when required, take and file the official oath.
- B.** Form; procedure. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

SEC. 94-14 Vacancies.

- A.** How occurring. Except as provided in Subsection C below, vacancies in elective and appointive positions occur as provided in §§ 17.03 and 17.035, Wis. Stats.
- B.** How filled. Vacancies in elective and appointive offices shall be filled as provided in § 17.24, Wis. Stats.
- C.** Temporary incapacitation. If any officer is absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

SEC. 94-15 Removal from office.

- A.** Elected officials. Elected officials may be removed by the Village Board as provided in §§ 17.13(2) and 17.16, Wis. Stats.
- B.** Appointed officials. Appointed officials may be removed as provided in §§ 17.13(1) and 17.16, Wis. Stats.

SEC. 94-16 Custody of official property.

Village officers must observe the standards of care imposed by § 19.21, Wis. Stats., with respect to the care and custody of official property.

SEC. 94-17 Official bonds.

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official bond for each term of service.