

VILLAGE OF GRAFTON

ORDINANCE NO. 001, SERIES 2024

**AN ORDINANCE AMENDING TITLE 2: ADMINISTRATION AND PERSONNEL OF
THE VILLAGE OF GRAFTON MUNICIPAL CODE**

The Village Board of the Village of Grafton does hereby ordain as follows:

Part I. Chapter 2.08.080 Committees; appointment and Chapter 2.08.090 Committees; composition shall hereby be repealed in its entirety

Part II. Chapter 2.10 Public Safety Committee shall hereby be repealed in its entirety and recreated as Chapter 2.10 Boards, Committees and Commissions as attached

Part III. Chapter 2.32 Architectural Review Board shall hereby be repealed and recreated as Chapter 2.10.010 as attached

Part IV. Chapter 13.08 Board of Cemetery Commissioners shall hereby be repealed and recreated as Chapter 2.10.020 as attached

Part V. Chapter 2.33 Board of Public Works shall hereby be repealed and recreated as Chapter 2.10.030 as attached

Part VI. Chapter 2.30 Board of Review shall hereby be repealed and recreated as Chapter 2.10.040 as attached

Part VII. Chapter 2.10.050 Committee of the Whole shall hereby be created as attached

Part VIII. Chapter 2.10.060 Finance and Personnel Committee shall hereby be created as attached

Part IX. Chapter 2.22 Joint Library Board shall hereby be repealed and recreated as Chapter 2.10.070 as attached

Part X. Chapter 2.10.080 Joint Town/Village Ad Hoc Committee shall hereby be created as attached

Part XI. Chapter 2.26 Parks and Recreation Board shall hereby be repealed and recreated as Chapter 2.10.100 as attached

Part XII. Chapter 2.24 Police and Fire Commission shall hereby be repealed and recreated as Chapter 2.10.110 as attached

Part XIII. Chapter 2.10.120 Public Safety Committee shall hereby be created as attached

Part XIV. Chapter 2.10.130 Village/School District Liaison Committee shall hereby be created as attached

Part XV. Chapter 2.34 Board of Appeals and Chapter 21.19.010 Zoning Board of Appeals shall hereby be repealed and recreated as Chapter 2.10.140 Zoning Board of Appeals

Part XVI. Chapter 2.50 Emergency Management shall hereby be repealed in its entirety.

Part XVII. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

This ordinance shall take effect upon passage and posting.

Approved by the Village Board of the Village of Grafton this 5th day of March, 2024.

Daniel Delorit
Village President

Attest:

Kaity Olsen
Village Clerk

Chapter 2.10

Boards, Committees, and Commissions

2.10.001 Intent and Organization

- A. Intent. This Chapter shall set forth the organization and powers of the Boards, Committees, and Commissions of the Village of Grafton.
- B. Wisconsin Open Meetings Laws. All meetings of Village Boards, Committees and Commissions shall be held in compliance with the Wisconsin Open Meetings Law. Board, Committee, and Commission members shall comply with Wisconsin Open Records Law.
- C. Process for Creation of Meeting Agendas.
 - 1. The Chairperson shall establish the agendas for the respective Board, Committee, or Commission meeting in consultation with Village staff. Said agenda shall then be submitted by staff to the Village Clerk's office for publication and/or posting in accord with State Law.
 - 2. A Board, Committee, or Commission member may request, in writing to the Village President, that an item be placed on a Village Board agenda for review and possible referral to the appropriate Board, Committee, or Commission for further review and discussion.
- D. Meetings, Minutes and Quorum.
 - 1. Meetings. Meetings shall be held according to the adopted schedule.
 - 2. Minutes. Minutes shall be kept of all Board, Committee, and Commission meetings, showing all actions taken and shall be a public record.
 - 3. Quorum. Quorum shall be a majority of the members, and, unless otherwise expressly required by law, all actions shall require the concurring vote of a majority of the Board present.
- E. Official oaths. The official oaths shall be taken, according to § 19.01, Wis. Stats., within five days of receiving notice of their appointments.

2.10.010 Architectural Review Board

- A. Establishment. There is hereby established an Architectural Review Board for the Village of Grafton for promoting compatible development, aesthetics, stability or property values, and to prevent impairment or depreciation of existing developments.
- B. Membership and Appointments.
 - 1. The Architectural Review Board shall consist of five regular members as follows: one Village Trustee, one Plan Commissioner not also serving as a Trustee, and three citizen members.

2. Appointment of members.

- a) Village Trustee member. The Village Trustee member of the Architectural Review Board shall be appointed by the Village President and confirmed by the Village Board. Such member shall be confirmed by the Village Board at the second Village Board meeting in April of each year. The Village Trustee member shall serve in one-year term increments, except when the office is or becomes vacant.
- b) Plan Commission member. There shall be one member of the Plan Commission on the Architectural Review Board, who shall be appointed by the Village President and confirmed by the Village Board. Such appointment shall occur no later than the first meeting of the Village Board in May of a given year.
- c) Citizen members. Three citizen members shall be appointed by the Village President and confirmed by the Village Board. Such members shall be confirmed by the Village Board at the first regular meeting of the Village Board in May of each year. Citizen members shall serve staggered three-year terms, except that the initial three citizen appointees shall have one-, two- and three-year terms, respectively, at the discretion of the Village President. Citizen members shall be persons of recognized experience and qualifications and shall include a minimum of two design professionals, if available.
- d) Chairperson. The Village President shall designate a Chairperson of the Architectural Review Board subject to Village Board approval.
- e) Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments for the full term.

C. Powers, Duties, and Appeals. The Architectural Review Board shall have the following powers:

1. Hear and decide applications. Hear and decide applications for permission to erect, move, reconstruct, extend, alter or change the exterior of all structures.
2. Approve, deny or conditionally approve the application. Approve, deny or conditionally approve the application, or in the case of structures also requiring site plan review, recommend approval, denial or conditional approval to the Plan Commission. The Architectural Review Board may request such modifications as it may deem necessary to carry out the purpose of this chapter.
3. Assistance. The Architectural Review Board may request assistance from other Municipal Officers, Departments, Boards, Committees, and Commissions.
4. Additional information. Request applicant to furnish additional information.

5. See Article VI of the Village of Grafton Zoning Ordinance for the appeals process.

D. Application. Applications for approval by the Architectural Review Board shall be made to the Community Development Department and shall be accompanied by information and data as required under Articles VI and IX of the Village of Grafton Zoning Ordinance.

2.10.020 Board of Cemetery Commissioners

A. Establishment. There is hereby established a Board of Cemetery Commissioners, which shall be responsible for the management and operation of all municipal-owned cemeteries.

B. Membership and Appointments.

1. The Board shall consist of five members as follows: the Building Inspector, the Director of Public Works, and three citizens.

2. The citizen members shall be appointed by the Village President, subject to confirmation by a majority of the members of the Village Board, to hold office for a period ending one, two, and three years, respectively, from the succeeding first day of May; and thereafter, annually during April, one such member shall be appointed for a term of three years.

C. Powers, Duties, and Appeals.

1. The Board shall have full control and authority over all Municipal cemeteries and shall, upon approval by the Village Board, issue such rules and regulations as it deems necessary for the proper execution of this chapter.

2. The Community Development Director shall be designated as the Cemetery Superintendent. The Cemetery Superintendent shall be responsible for matters affecting the daily operations of the cemetery, the administration of the provisions of this chapter, and the implementation and enforcement of any supplemental rules and regulations issued by the Board. The Cemetery Superintendent may utilize the services of existing Village officials and employees.

3. Any person or persons aggrieved by any decision of the Board of Cemetery Commissioners may appeal the decision to the Village Board. Such appeal shall be filed with the Community Development Department within 30 days after the filing of the decision.

2.10.030 Board of Public Works

A. Establishment. There is hereby established a Board of Public Works pursuant to §66.0805(6), Wis. Stats.

B. Membership and Appointment.

1. The Board of Public Works shall consist of five members. All members shall be residents of the Village appointed by the Village President, subject to the approval of the Village Board. The membership of the Board of Public Works shall consist of two Village Board members and three citizen members. The Village President shall designate a Chairperson of the Board of Public Works.
2. The Village Board members shall be appointed at the second regular Village Board meeting in April, and the citizen members shall be appointed at the first regular meeting in May of each year. The citizen members shall be appointed as follows: one shall serve for a one-year term, one shall serve for a two-year term, and one shall serve for a three-year term.

C. Powers, Duties, and Appeals.

1. The Board of Public Works shall have review authority over the following: streets, sidewalks, stormwater management facilities, forestry, sanitation, recycling, bridges, public buildings and lands, municipal equipment, and public sewer and water services.

2.10.040 Board of Review

A. Establishment. There is hereby established a Board of Review pursuant to §70.46, Wis. Stats.

B. Membership and Appointments.

1. The Board of Review of the Village of Grafton shall be composed of five members.
2. The members shall be appointed by the Village President, subject to confirmation of the Village Board, for staggered three-year terms.
3. The year of appointment to be as follows: one member for one year, two members for two years and two members for three years.
4. The Village President shall designate one of the members Chairperson subject to Village Board confirmation.
5. The Village Clerk shall serve as the Board of Review clerk in a non-voting capacity and keep an accurate record of all proceedings.

C. Powers Duties. The Board of Review reviews property assessment objections from property owners and certifies the assessment rolls.

2.10.050 Committee of the Whole

A. Establishment. There is hereby established a Committee of the Whole.

B. Membership and Appointments. The Committee of the Whole shall consist of all members of the Village Board. The Committee of the Whole shall have the same quorum and voting requirements as meetings of the Village Board.

- C. Powers Duties. The Committee of the Whole shall be used for informal discussion among members of the Village Board and shall only act as a recommending body to the Village Board. No formal action outside of consensus direction to Village staff may be taken by the Committee of the Whole.

2.10.060 Finance and Personnel Committee

- A. Establishment. There is hereby established a Finance and Personnel Committee.
- B. Membership and Appointment.
 - 1. The Finance and Personnel Committee shall consist of five members. The membership of the Finance and Personnel Committee shall consist of the Village President, two Village Trustees, and two citizen members. The Village President shall serve as the Chairperson of the Committee.
 - 2. Citizen members shall be residents of the Village appointed by the Village President, subject to the approval of the Village Board. The two citizen members shall be appointed at the first regular meeting in May of each year. The citizen members shall be appointed as follows: one shall serve for a two-year term, and one shall serve for a three-year term.
 - 3. The two Village Board members shall be appointed to a one-year term at the second regular Village Board meeting in April subject to the approval of the Village Board.
- C. Powers Duties, and Appeals
 - 1. Except as otherwise specifically delegated by this code or state law, the Finance and Personnel Committee shall consider financial policies, audits, fees charged by the Village, service contracts not subject to the oversight of another standing committee, personnel policies, job description creation, employee wages and benefits, and similar matters.

2.10.070 Joint Library Board

- A. Establishment. There is hereby established a Joint Library Board.
- B. Membership, Composition, and Appointments. The U.S.S. Liberty Memorial Public Library Board of Trustees shall consist of seven members as follows:
 - 1. Four members shall be appointed by the Village President of the Village of Grafton with the approval of the Village Board. Members appointed by the Village of Grafton shall represent the population of the Village of Grafton.
 - 2. Two members shall be appointed by the Chairperson of the Town of Grafton with the approval of the Town Board. Members appointed by the Town of Grafton shall represent the population of the Town of Grafton.

3. A final member of the Board shall be the Administrator of the Grafton Public School District or his or her designee and shall be jointly appointed by the Village President and the Town Chairperson with the approval of their respective boards.
4. Neither the Village nor the Town shall appoint more than one member of their respective governing bodies to the Library Board.

C. Powers and Duties. The Library Board shall have the duties and powers as prescribed in §§ 43.52, 43.53, 43.54, 43.58, 43.60 and 43.72, Wis. Stats and as otherwise set forth in the adopted Board bylaws.

2.10.080 Joint Town/Village Ad Hoc Committee

- A. Establishment. There is hereby established a Joint Town/Village Ad Hoc Committee.
- B. Membership, Composition and Appointments.
 1. The Joint Town/Village Ad Hoc Committee shall consist of four members.
 2. The Village representatives shall consist of a Village Trustee and the Village President. The Village President shall appoint the Trustee member annually subject to approval by the Village Board.
- C. Powers and Duties.
 1. The Committee shall be used for informal discussion among the Village, Town, and other stakeholders as determined by the Village and Town.
 2. Pertinent information shall be relayed back to the Village Board for possible consideration.

2.10.100 Parks and Recreation Board

- A. Establishment. There is hereby established a Parks and Recreation Board.
- B. Membership, Composition and Appointments.
 1. The Parks and Recreation Board shall consist of seven members. The membership of the Parks and Recreation Board shall consist of two Village Trustees, a Senior Center representative, and four citizen members.
 2. The two Village Board members shall be appointed to a one-year term at the second regular Village Board meeting in April subject to the approval of the Village Board.
 3. The citizen members shall be appointed at the first regular meeting in May of each year. The citizen members shall be appointed as follows: one shall serve for a two-year term, and one shall serve for a three-year term.

C. Appointment.

1. Trustee members. The Village Trustee members of the Parks and Recreation Board shall be appointed by the Village President and confirmed by the Village Board annually at the second Village Board meeting in April. The Village Trustee members of the Parks and Recreation Board shall serve for one year unless their office becomes vacant.
2. Citizen members. The five citizen members shall be appointed by the Village President and confirmed by the Village Board at the first regular meeting in May of each year. Each citizen term shall be staggered, and each term shall be for a three-year period.
3. The Village President shall designate one of the members as Chairperson subject to approval of the Village Board.

D. Vacancies. Vacancies shall be filled for the unexpired term of members whose terms become vacant in the same manner as originally appointed.

E. Powers and Duties. The Parks and Recreation Board shall act in an advisory capacity to the Village Board regarding matters related to the following:

1. Review planning, scheduling, supervision and staffing of Family Aquatic Center, youth, adult and senior recreation programs, and all other activities as carried out by the Parks and Recreation Director.
2. Review planning, development and maintenance of all public parks, public plazas, greenbelts and grounds, including public recreation buildings and facilities such as public playgrounds, the Multipurpose Senior Center, the Family Aquatic Center, ice rinks, athletic fields, public centers, and other similar public property.
3. Review rules, regulations and policies to govern the Parks and Recreation Department and its responsibilities.

2.10.110 Police and Fire Commission

- A. Composition. The Police and Fire Commission shall consist of five citizens appointed pursuant to § 61.65, Wis. Stats. The Village President shall annually, between the last Monday of April and the first Monday of May, appoint in writing, as necessary, members for a term of five years, subject to confirmation by the Village Board. The Chairperson shall be appointed by majority vote of the Police and Fire Commission membership.
- B. Powers and duties. The Police and Fire Commissioners shall perform such duties in accord with their adopted Police and Fire Commission Rules of Procedure as well as duties imposed by § 62.13, Wis. Stats., except subsection (6) therein.

2.10.120 Public Safety Committee

- A. Membership; organization. The Public Safety Committee of the Village shall consist of five members, two Village Trustees and one citizen member appointed by the Village of Grafton Board and two members appointed by the Town of Grafton Board.
1. Appointment. The Village Trustee members of the Public Safety Committee shall be appointed by the Village President and confirmed by the Village Board annually at the second Village Board meeting in April. A Village Trustee member of the Public Safety Committee shall serve for one year unless his/her office becomes vacant. The Village President shall appoint a Chairperson subject to Village Board confirmation.
 2. Quorum. A quorum of the Public Safety Committee for meetings in which non-Fire Department related items are listed on the meeting agenda shall be two Village Trustee members. A quorum of the Public Safety Committee for meetings on which Fire Department related items are listed on the meeting agenda shall be three members of the Public Safety Committee.
 3. Vacancies. Vacancies shall be filled for the unexpired term of members whose terms become vacant in the same manner as originally appointed.
- B. Powers and Duties. The Public Safety Committee shall act in an advisory capacity to the Village Board regarding matters related to the following:
1. To ensure overall public safety through review of police, fire and inspection operations and recommendations to other pertinent Committees or Boards;
 2. To periodically review and update those ordinances concerned with overall public safety and make recommendations to the Village Board;
 3. To review the regulations of traffic;
 4. To recommend to the Village Board the approval of certain purchases relative to police and fire matters;
 5. To recommend a forum for the public to review various permits and inspection complaints, and make recommendations to the Village Board;
 6. To review the Police and Fire Departments' proposed budgets annually and make recommendations to the Committee of the Whole
 7. To recommend to the Village Board the adoption of such ordinances that will promote safety of our citizens;
 8. To review inspection procedures relating to fire and safety; and

9. To review parking, traffic or pedestrian complaints and make recommendations to the Village Board.

2.10.130 Village/School District Liaison Committee

- A. Composition. The Village/School District Liaison Committee consists of four (4) members. Two members from the School District and two (2) members from the Village. The Village of Grafton Committee representatives shall consist of a Village Trustee and the Village President. The Village President shall appoint the Trustee member annually subject to approval by the Village Board.
- B. Powers and Duties. The Committee shall be used for informal discussion between the Village and the School District. Pertinent information being relayed back to the Village Board for possible consideration.

2.10.140 Zoning Board of Appeals

- A. Creation of the Zoning Board of Appeals. The Board of Appeals, created under § 62.23(7)(e). Wis. Stats., for Cities or Villages, is hereby authorized and shall be appointed to act for the purposes of this title. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of its business. The Zoning Administrator shall not be the secretary of the Board.
- B. Membership. The Zoning Board of Appeals shall consist of five members appointed by the Village President, subject to confirmation of the Village Board, for terms of three years; except that, of those first appointed one shall serve for one year, two for two years and two for three years. The members of the Board shall be removable by the Village President for cause upon written charges and after public hearing. The Village President shall designate one of the members Chairperson. The Board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Village President may appoint, for staggered terms of three years, two alternate members of such Board, in addition to the five members provided in this section. Annually, the Village President shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The provisions of this section with regard to removal and the filling of vacancies shall apply to such alternates.
- C. Powers and Duties. The Zoning Board of Appeals shall:
 1. Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this title;
 2. Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

3. Variances. Hear and decide, upon appeal, variances from the ordinance standards.
- D. Appeals to the Board. Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
- E. Notice and hearing for appeals including variances.
1. Notice. The Board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - c. Assure that notice shall be mailed to the parties in interest and the WDNR Regional office at least 10 days in advance of the hearing.
 2. Hearing. Any party may appear in person or by agent. The Board shall:
 - a. Resolve boundary disputes according to § 21.19.010C;
 - b. Decide variance applications according to § 21.19.010D; and
 - c. Decide appeals of permit denials according to Ch. 21.20.
 3. Decision. The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be sent to the Department Regional office within 10 days of the decision;
 - c. Be a written determination signed by the chairperson or secretary of the Board;
 - d. State the specific facts which are the basis for the Board's decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

F. Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations of profiles shall prevail in locating the boundary;
2. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Ch. 21.23, Amendments.

G. Variance.

1. The Board may, upon appeal, grant a variance from the standards of this title if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the ordinance will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises; in such case the ordinance or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the Statement of purpose in Ch. 21.03.
2. In addition to the criteria in Subsection D.1, to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - a. The variance shall not cause any increase in the regional flood elevation;
 - b. The applicant has shown good and sufficient cause for issuance of the variance;
 - c. Failure to grant the variance would result in exceptional hardship;
 - d. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - e. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
3. A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district;

- b. Be granted for a hardship based solely on an economic gain or loss;
 - c. Be granted for a hardship which is self-created;
 - d. Damage the rights or property values of other persons in the area;
 - e. Allow actions without the amendments to this title or map(s) required in Ch. 21.23, Amendments; and
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
4. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25 per \$100 of coverage. A copy shall be maintained with the variance record.