

Chapter A1000

CHARTER ORDINANCES

(Included herein for information not as part of the Fox Point Village Code.)

CHARTER ORDINANCE NO. 1

A Charter Ordinance relating to the selection of the Village Administrative Officials.

The Village Board of the Village of Fox Point does ordain as follows:

Section 1. Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of Fox Point hereby elects not to be governed by those portions of Sections 61.19, 61.23 and subsection (2) of Section 61.25 of the Statutes which relate to the selection and tenure of the assessor, clerk and treasurer, and which are in conflict with this ordinance.

Section 2. Hereafter instead of being elected as provided in Section 61.19 of the Statutes, the assessor, clerk and treasurer of the Village of Fox Point shall be appointed by the Village President subject to confirmation by two-thirds of the members elect of the Village Board.

Section 3. Said assessor, clerk and treasurer shall each hold office for an indefinite term, subject to removal as provided by law.

Section 4. This ordinance shall not in any way affect the right of any person holding any of the aforementioned offices, either at the time of the passage of the ordinance or at the time it takes effect, to complete his term of office.

Section 5. This is a charter ordinance and shall take effect sixty days after its passage and publication, unless within such sixty days a referendum petition shall be filed as provided by Section 66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED by the Village Board of the Village of Fox Point, this 27th day of August, 1946.

FOX POINT CODE

CHARTER ORDINANCE NO. 2

A Charter Ordinance relating to the election and tenure of office of the President and Trustees of the Village of Fox Point, and election not to be governed by certain of the provisions of Section 61.19, subsection (1) of Section 61.20 and subsection (1) of Section 61.23 of the Statutes relating to the election and tenure of office of officers.

The Village Board of the Village of Fox Point does ordain as follows:

Section 1. The Village of Fox Point hereby elects not to be governed by those provisions of Section 61.19, subsection (1) of Section 61.20, and subsection (1) of Section 61.23 of the Statutes which relate to the election and tenure of office of the President and Trustees of the village, and which are in conflict with the provisions of Section 2 of this ordinance.

Section 2. The term of office of the President and Trustees of the Village of Fox Point, hereafter elected, shall be three years and until their respective successors are duly elected and qualified, except as follows:

At the 1948 annual election the Trustee receiving the highest number of votes shall be elected for a term of three years and the other two Trustees shall be elected for a term of two years.

At the 1949 annual election the Trustee receiving the lowest number of votes shall be elected for a term of two years, and the other two Trustees shall be elected for a term of three years.

Section 3. This is a charter ordinance and shall take effect sixty days after its passage and publication, unless within such sixty days a referendum petition shall be filed as provided by Section 66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED by the Village Board of the Village of Fox Point, this 22nd day of April, 1947.

CHARTER ORDINANCES

CHARTER ORDINANCE NO. 3

A Charter Ordinance relating to the inclusion of Village Personnel under the Wisconsin Retirement Fund.

The Village Board of the Village of Fox Point does ordain as follows:

Section 1. Pursuant to Section 66.90 of the Wisconsin Statutes, the Village of Fox Point hereby elects to include eligible village personnel under the provisions of the Wisconsin Retirement Fund in accordance with the terms thereof.

Section 2. Election is hereby made to provide prior service credits at rates equal to two times the rates of municipality credits for current service, to be applicable to employees as defined by Section 66.90 of the Wisconsin Statutes who are employed by the Village of Fox Point on the effective date.

Section 3. Upon the final enactment of this ordinance the Village Clerk shall submit a certified notice of the election made hereunder to the Board of Trustees of the Wisconsin Retirement Fund. Such notice of election shall (1) be in writing; (2) indicate the date of such election and the results of any referendum held pursuant to Section 66.01 on such inclusion; (3) include a certification of the prior service contribution rate selected as being applicable to the employees of the village; and (4) be officially certified by the Village Clerk.

Section 4. The effective date of participation shall be January 1, 1950.

Section 5. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition shall be filed as provided by Section 66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED by the Village Board of the Village of Fox Point, this 11th day of October, 1949.

FOX POINT CODE

CHARTER ORDINANCE NO. 4

A charter ordinance relating to the issuance of licenses and permits.

The Village Board of the Village of Fox Point do ordain as follows:

Section 1. Except in those instances where the Wisconsin Statutes require direct action by the Village Board:

- (a) The Village of Fox Point hereby elects not to be governed by those provisions of §61.24, §61.25 and §61.50 of the Wisconsin Statutes which relate to the execution of rules, regulations, licenses and permits by the President and Clerk, and requiring the corporate seal.
- (b) Rules, regulations, licenses and permits issued by the Village of Fox Point shall be promulgated or issued by and executed by such officer or officers or employee or employees, board or committee of the Village as the Village Board shall direct or authorize by ordinance or resolution, and need not bear the corporate seal of the Village unless the resolution or ordinance expressly requires a seal.
- (c) This ordinance shall apply to the promulgation or issuance of rules, regulations, licenses or permits pursuant to any resolution or ordinance heretofore or hereafter adopted by the Village Board of the Village of Fox Point.

Section 2. This is a charter ordinance and shall take effect 60 days after its passage and publication unless within such 60 days a referendum petition shall be filed as provided by §66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED by the Village Board of the Village of Fox Point this 28th day of March, 1972.

CHARTER ORDINANCES

CHARTER ORDINANCE NO. 5

A charter ordinance relating to residence requirements of non-elected village officers.

The Village Board of the Village of Fox Point do ordain as follows:

Part I.

- (1) The Village of Fox Point hereby elects not to be governed by Wisconsin Statutes §17.03 (4) so far as it applies to non-elected officers of the village.
- (2) The Village Board, by ordinance or resolution duly adopted, may establish territorial boundaries within which a non-elected village officer must reside. Such territorial boundaries may also be established by a labor contract covering village officers, which is approved by the Village Board. Such boundaries may be different for different classes of officers and may be changed from time to time by action of the Village Board, or by a change in a labor contract.
- (3) A non-elected officer's office shall become or be deemed vacant upon his ceasing to be an inhabitant of this state, or to reside within the territorial limits, if any, established as above set forth.
- (4) This charter ordinance applies to non-elected village officers who took office prior to the effective date of this ordinance whether or not still in office. This ordinance also applies to non-elected village officers taking office after the effective date of this ordinance.
- (5) In respect to non-elected village officers, this ordinance takes the place of Wisconsin Statutes §17.03(4), but it does not in any way modify or affect the effect of said subsection (4) in respect to elected village officers.

Part II. This is a charter ordinance and shall take effect 60 days after its passage and publication unless within such sixty (60) days a referendum petition shall be filed as provided by §66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED by the Village Board of the Village of Fox Point this 27th day of February, 1979.

FOX POINT CODE

CHARTER ORDINANCE NO. 7

A charter ordinance relating to the offices of Village Clerk and Village Treasurer.

The Village Board of the Village of Fox Point do ordain as follows:

Section 1. Repeal: Charter Ordinance No. 6 which combined offices of Clerk and Treasurer.

Section 2. This is a charter ordinance and shall take effect sixty (60) days after its passage and publication unless within such sixty (60) days a referendum petition shall be filed as provided by Section 66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED this 9th day of June, 1992.

CHARTER ORDINANCES

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE GRANTING LIMITED CONTRACTING AND
CONTRACT EXECUTION AUTHORITY TO THE VILLAGE MANAGER

WHEREAS, Wisconsin Statutes Section 61.50(1) states, in part, that every contract shall be executed on the part of the village by the president and clerk in pursuance only of authority therefor from the village board; and

WHEREAS, it is often necessary in the administration of the legislative policies adopted by the Village of Fox Point Village Board, and to carry out the budgetary approvals granted by the Village of Fox Point Village Board, for the Village of Fox Point to enter contracts for labor, materials, supplies and equipment; and

WHEREAS, frequently time is of the essence regarding such contracts; and

WHEREAS, in such situations where the dollar amount for such contracts is equal to or less than \$7,500, the Village Board finds that the Village of Fox Point is best served if such contracts are entered in a timely manner, without the additional time and expense of calling a special Village Board meeting, and without the need to obtain the Village President's signature, provided that the contract pursues a legislative policy adopted by the Village Board, and is consistent with the budgetary approvals granted by the Village Board; and

WHEREAS, in addition, in emergency situations where the dollar amount of such contracts is equal to or less than \$25,000, the Village Board finds that the Village of Fox Point is best served if such contracts are entered in a timely manner as described herein; and

WHEREAS, under Article XI, section 3 of the Wisconsin Constitution, and Wisconsin Statute Section 66.0101(4), villages in Wisconsin may elect not to be bound by any State law relating to the local affairs and government of the village, other than laws that are of statewide concern as shall with uniformity affect every village; and

WHEREAS, Wisconsin Statutes Section 61.50(1), to the extent it controls the administration and execution of contracts in the Village of Fox Point that are necessary to pursue the Village Board's legislative directives, is a law affecting the local affairs of government, and is not of statewide concern; and

WHEREAS, the Village of Fox Point, by this ordinance, elects not to be bound by Wisconsin Statute Section 61.50(1) to the extent described herein, in order to best administer and execute all relatively small contracts within the budget, in amounts equal to or less than \$7,500, as are necessary to serve the governmental policies adopted by the Village Board of the Village of Fox Point, and in emergency situations in amounts equal to or less than \$25,000 as described herein.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin, DO ORDAIN as follows:

FOX POINT CODE

SECTION 1: In addition to, and not to the exclusion or prejudice of, the contracting authority described in Wisconsin Statutes Section 61.50(1), the Village of Fox Point may enter contracts as follows:

- (1) The Village Manager shall have the power to approve contracts for the Village of Fox Point for labor, materials, supplies or equipment, subject to the following conditions:
 - (A) Any such contract shall be for less than or equal to \$7,500 in total cost;
 - (B) The contract must further a legislative policy adopted by the Village Board;
 - (C) The contract must be consistent with, and must not exceed, the budgetary approvals granted by the Village Board; and
 - (D) The Village Manager must notify the Village Board of the contract within a reasonable time following approval, not to reconsider the approval, but for purposes of monitoring the Village Manager's activities pursuant to this ordinance. Separate notification is not required if the contract is for purchase of materials, supplies or equipment and the Village Board approves the payment.

- (2) In the case of an emergency, as an alternative to the power granted by Subsection 1, above, the Village Manager shall have the power to approve contracts for the Village of Fox Point for labor, materials, supplies or equipment necessary to address such emergency, subject to the following conditions:
 - (A) Any such contract shall be for less than or equal to \$25,000 in total cost;
 - (B) For purposes of this Subsection, an emergency exists when the Village Manager finds that it would be impossible or impractical for the Village Board to convene to approve the contract, and in addition:
 - (i) The contract will address damage, or threat of impending damage, to public facilities; or
 - (ii) The contract will address severe injury, or threat of impending severe injury, to health, safety or welfare within the Village.
 - (C) The Village Manager must notify the Village Board of the contract within a reasonable time following approval, not to reconsider the approval, but for purposes of monitoring the Village Manager's activities pursuant to this ordinance.

- (3) The contracts described in Subsections 1 and 2, above, may be executed in the name of the Village of Fox Point by the Village Manager and the Village Clerk.

SECTION 2: The several sections and portions 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

CHARTER ORDINANCES

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: This charter ordinance shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a referendum petition shall be filed as provided by Section 66.0101 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of electors voting thereon as provided by Section 66.0101 of the Wisconsin Statutes.

(Adopted 8/8/06)

FOX POINT CODE

CHARTER ORDINANCE NO. 9

A Charter Ordinance relating to the selection of the Village Administrative Officials.

A charter ordinance relating to the Office of Village Clerk/Treasurer.

WHEREAS, pursuant to Article XI, section 3 of the Wisconsin Constitution, and Wisconsin Statutes Section 66.0101(4), villages in Wisconsin may elect not to be bound by any State law relating to the local affairs of government of the village, other than laws that are of statewide concern as shall with uniformity affect every village; and

WHEREAS, pursuant to Section 61.195 of the Wisconsin Statutes, villages may proceed pursuant to Section 66.0101 to consolidate any village offices other than members of the village board; and

WHEREAS, Village of Fox Point Charter Ordinance No. 1 provides, in Section 2, that the offices of clerk and treasurer are appointed, rather than elected, which is unchanged for the consolidated office created by this Charter Ordinance No. 9; and

WHEREAS, Village of Fox Point Charter Ordinance No. 1 provides, in Section 2, that the appointment process for offices of clerk and treasurer are by appointment by the Village President subject to confirmation by two-thirds of the members elect of the Village Board, which is unchanged for the consolidated office created by this Charter Ordinance No. 9; and

WHEREAS, Village of Fox Point Charter Ordinance No. 1 provides, in Section 3, that the clerk and treasurer shall hold office for an indefinite term, subject to removal as provided by law, which is unchanged for the consolidated office by this Charter Ordinance No. 9; and

WHEREAS, the Village of Fox Point, by this ordinance, elects to consolidate the offices of Village Clerk and Village Treasurer.

Now, therefore, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin, do ordain as follows:

Section 1. The Village of Fox Point elects not to be governed by the provisions of Sections 61.19, 61.23 and 61.25 (2) of the Wisconsin Statutes which relate to the Village Clerk and Village Treasurer and which are in conflict with the provisions of this Charter Ordinance.

Section 2. Pursuant to Section 61.195 and 61.197, Wisconsin Statutes, the office of the Village Clerk and of Village Treasurer shall be held by one officer who shall be designated Village Clerk/Treasurer. Such Village Clerk/Treasurer shall be appointed by the Village President subject to confirmation by two-thirds of the members elect of the Village Board. Such Village Clerk/Treasurer shall hold office for an indefinite term, subject to removal as provided by law.

Section 3. Said Clerk/Treasurer shall exercise the same power and perform the same duties required by law and shall be conferred upon and required of Village Clerks and Village Treasurers, and in particular the Clerk and Treasurer of the Village of Fox Point, and be subject

CHARTER ORDINANCES

to the same penalties and liabilities; and shall receive such compensation as the Village Board shall determine.

Section 4. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

Section 5. This is a charter ordinance and shall take effect sixty (60) days after its passage and publication unless within such sixty (60) days a referendum petition shall be filed as provided by Section 66.0101 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon as provided in Section 66.0101 Wisconsin Statutes.

PASSED AND ADOPTED by the Village Board of the Village of Fox Point this 11th day of February 2014.